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July-December, 2010 International Religious Freedom Report - Nigeria

Bureau of Democracy, Human Rights, and Labor
September 13, 2011

[Covers six-month period from 1 July 2010 to 31 December 2010 (USDOS is shifting to a calendar year reporting period)]

The constitution and other laws and policies protect religious freedom and, in practice, the government generally enforced these protections.

There was no change in the status of respect for religious freedom by the government during the reporting period. The government generally respected religious freedom in law and in practice, although some local political actors stoked communal and sectarian violence with impunity. The government often cited religious sensitivity as a reason for caution in taking a stance on international issues with religious implications.

Violence, tension, and hostility between Christians and Muslims increased, particularly in the Middle Belt, exacerbated by "indigene" (native) and settler laws, discriminatory employment practices, and resource competition.

The U.S. government discusses religious freedom with the government as part of its overall policy to promote human rights and improve interreligious relations. The U.S. mission staff assumed an active role in discussing and advocating these issues with government, religious, civil society, and traditional leaders.

Section I. Religious Demography

The country has an area of 356,700 square miles and a population of 152.2 million. While some groups estimate the population to be 50 percent Muslim, 40 percent Christian, and 10 percent practitioners of indigenous religious beliefs, many observers generally assume the numbers of Muslims and Christians to be approximately equal.

The predominant sect of Islam is Sunni; however, a small but growing Shia minority exists. Christians include Roman Catholics, Anglicans, Baptists, Methodists, Presbyterians, nontraditional evangelical and Pentecostal Christians, and adherents of The Church of Jesus Christ of Latter-day Saints (Mormons).

The north is dominated by the Hausa-Fulani and Kanuri ethnic groups and is predominantly Muslim. Significant Christian communities have resided and intermarried with Muslims in the north for more than 50 years. Both Muslims and Christians reside in approximately equal numbers in the Middle Belt, including the Federal Capital Territory, and also in the southwest, where the Yoruba ethnic group predominates. While most Yorubas practice either Christianity or Islam, the practice of traditional Yoruba religious beliefs continues. Southeastern ethnic groups are predominantly Christian. In the southeast, where the Igbo ethnic group is dominant, Catholics, Anglicans, and Methodists constitute the majority, although many Igbos continue to observe traditional rites, such as marriage rites, ceremonies, and other cultural forms in tandem with Christianity. In the Niger Delta Region, where the Ogoni and Ijaw ethnic groups are most numerous, Christians are the majority and only an estimated 1 percent of the population is Muslim. Pentecostal Christianity is also growing rapidly in the southern part of the country. Members of the Ahmadiyya movement maintain a small presence in Lagos and Abuja.

Section II. Status of Government Respect for Religious Freedom

Legal/Policy Framework

Please refer to Appendix C in the *Country Reports on Human Rights Practices* for the status of the government's acceptance of international legal standards
<http://www.state.gov/g/drl/rls/hrrpt/2010/appendices/index.htm>.

The constitution and other laws and policies protect religious freedom and, in practice, the government generally enforced these protections. The constitution mandates that the government "shall not adopt any religion as State Religion." The government occasionally placed limits on religious activity to address security and public safety concerns.

There are 36 states and a Federal Capital Territory. State governors and state legislatures enjoy significant autonomy in decision making; however, the constitution prohibits state and local governments from adopting a state religion or giving preferential treatment to any religious or ethnic community.

The constitution provides that states may establish courts based on the common law or customary law systems. Twelve northern states – Sokoto, Kebbi, Niger, Kano, Katsina, Kaduna, Jigawa, Yobe, Bauchi, Borno, Zamfara, and Gombe – maintained Sharia courts, which adjudicated both criminal and civil matters, along with common law and customary law courts. Many Christians alleged that widespread use of Sharia courts amounted to the adoption of Islam as a state religion. In addition the Civil Liberties Organization, a prominent nongovernmental organization (NGO), contended that Zamfara State promoted Islam as a state religion through its establishment of a Commission for Religious Affairs.

While the constitution specifically recognizes Sharia courts for civil matters, it does not address the application of Sharia to criminal matters. Aggrieved parties can appeal judgments of Sharia courts in three levels of Sharia appellate courts. Cases that reach the Sharia Court of Appeal (the highest level of the Sharia courts) can theoretically be appealed to the Federal Court of Appeal and then to the Supreme Court. To date no case involving the Sharia criminal code has reached the Federal Court of Appeal.

The constitution does not permit non-Muslims to consent to Sharia legal jurisdiction, but in practice non-Muslims occasionally choose to have cases heard in Sharia courts, citing their speed and low expense.

In Zamfara State a Sharia court must hear all criminal cases involving Muslims. Other states that use the Sharia legal system, including Niger and Kano, permitted Muslims to choose common law courts for criminal cases. Civil society groups alleged that some Qadis (Sharia court judges) applied harsher penalties in adultery and fornication cases against women than against men and required stronger evidence to convict men than to

convict women.

No laws barred women or any groups from testifying in common law courts or gave less weight to their testimony; however, Sharia courts usually accorded less weight to the testimony of women and non-Muslims.

A legal distinction exists between "indigenes," persons whose ethnic group is considered native to a location, and "settlers," persons who have ethnic roots in another part of the country. Throughout the country authorities granted "indigenes" certain privileges, including political positions, access to government employment, and lower school fees. To receive such privileges, a person must produce a certificate of indigeneship, granted by local government authorities. Authorities and residents sometimes exploited the concept of "indigeneship" to discriminate against minority ethnic and religious groups, according to human rights observers.

The federal government approved the use of air carriers for religious pilgrimages to Mecca for Muslims and Jerusalem or Rome for Christians; it established airfares and negotiated bilateral air service agreements with Saudi Arabia and Israel to support these services. During the year President Goodluck Jonathan increased the allowances for both Christian and Muslim pilgrims. The National Hajj Commission provided logistical arrangements for approximately 75,000 annual pilgrims to Mecca. Likewise, the Nigerian Christian Pilgrims Commission provided logistical arrangements for approximately 20,000 annual pilgrims to Jerusalem and Rome.

The Nigerian Inter-Religious Council (NIREC) advised the government on ways to mitigate violence among religious communities. NIREC met quarterly, rotating its meetings throughout the country. Although NIREC functions as an independent association, the federal government continued to support its efforts publicly and reportedly provided funding for meeting expenses.

The law requires Christian and Muslim groups planning to build new churches or mosques to register with the Corporate Affairs Commission. In some northern states, authorities reportedly denied building permits for construction of Christian churches and for expansion and renovation of existing ones. Churches occasionally applied for residential permits as an alternative. Officials closed or demolished churches and mosques that ignored registration requirements or violated other zoning laws.

Both federal and state governments regulated mandatory religious instruction in public schools; however, as mandated by the constitution, students do not receive religious instruction in any religion other than their own. State officials claimed that students could request a teacher of their own religious beliefs to provide alternative instruction. Nonetheless, there often were no teachers capable of teaching Christianity in northern schools or Islam in southern schools. Moreover, according to government officials in the southern part of the country, Christian religious education is mandatory for all students in many states.

The government observes the following religious holidays as national holidays: Maulid al-Nabi, Good Friday, Easter Monday, Eid al-Fitr, Eid al-Adha, and Christmas.

Restrictions on Religious Freedom

There was no change in the status of respect for religious freedom by the government during the reporting period. The government generally respected religious freedom in law and in practice, although some local political actors stoked communal and sectarian violence with impunity. The government often cited religious sensitivity as a reason for caution in taking a stance on international issues with religious implications.

Christians in the predominantly Muslim northern states continued to allege that local government officials used zoning regulations to stop or slow the establishment of new churches and, in some cases, demolished churches that had existed for as long as a

decade. Muslims in the predominantly Christian southern part of Kaduna State alleged that local government officials prevented the construction of mosques and Islamic schools. Officials denied discrimination, attributing application denials to zoning regulations in residential neighborhoods and a large backlog of applications.

Although the expanded jurisdiction of Sharia technically does not apply to non-Muslims in civil and criminal proceedings, certain social mores inspired by Sharia, such as the separation of the sexes in public schools, health care, voting, and transportation services, affected non-Muslim minorities in the north.

Hisbah (vigilante Sharia enforcement groups funded by state governments in Bauchi, Zamfara, Niger, Kaduna, and Kano) enforced some Sharia statutes. In Kano Hisbah leaders cited enforcing prohibitions on alcohol and prostitution as the group's primary focus; however, they continued to serve primarily as traffic wardens and marketplace regulators.

During March and August, the Kano Hisbah destroyed 114,000 bottles of confiscated alcohol. Kano State maintained steep fines and prison sentences for the public consumption and distribution of alcohol, in compliance with Sharia statutes. Some nonindigene and non-Muslim Kano State residents accused the Hisbah of injuring travelers passing through the state over alcohol use and impounding alcoholic beverages transported on federal roads through Kano. Some hotels and restaurants catering to foreign residents and international business travelers served alcohol.

Abuses of Religious Freedom

There were reports of abuses of religious freedom in the country.

In February Niger State authorities reportedly dislodged a small Islamic group called Islahuddeen from the Mashegu, Mariga, and Kontagora Local Government Areas. Armed policemen allegedly bulldozed the group's central mosque and other buildings and took members into custody for an indeterminate amount of time. No further information was available at the end of the reporting period.

At the end of the reporting period, there were no developments in the July 2009 killings of Boko Haram ("Western Education Is Forbidden") Islamic sect leader Muhammad Yusuf and others who were killed by Boko Haram members.

There were no reports of religious prisoners or detainees in the country.

There were unconfirmed reports of Christians forced to convert to Islam, particularly by members of Boko Haram.

Section III. Status of Societal Respect for Religious Freedom

Violence between Christian and Muslim communities increased in several regions arising from complex factors, including economic disparity, ethnic identity, and seasonal migration patterns. Acute communal violence in the Middle Belt heightened tensions between religious groups. In the Middle Belt, identity is simultaneously molded along both ethnic and religious lines. Even in areas outside the Middle Belt that did not otherwise experience violence, tensions remained between Christians and Muslims. In most cases competition for scarce resources, combined with livelihood differences and discriminatory employment practices, often underlay the violence. Minor incidents involving only a few individuals could escalate to engage entire communities in conflict. Local politicians and others continued to use religion on occasion to aggravate hostility among groups.

On October 27, machete-wielding men suspected to be Fulani herdsmen attacked a Christian village outside Jos. Two women and four children died, while 10 others sustained injuries during the assault. Authorities made no arrests.

On December 21, suspected Muslim Fulani herdsmen attacked the majority Christian village of Gongohong near Jos. Authorities confirmed one death, while villagers claimed at least three dead and numerous others wounded. Police arrested 19 men carrying an assortment of weapons such as hand-made revolvers, swords, machetes, and sharp iron rods.

Boko Haram members continued to attack and kill numerous religious leaders, police and military officials, government officials, and civilians that the group perceived to be assisting the government in their persecution. More than 50 individuals were killed by alleged Boko Haram members; subsequently, more than 150 Boko Haram members were arrested and detained.

On September 7, Boko Haram members attacked the Bauchi State Prison; more than 700 inmates escaped, including an estimated 150 Boko Haram members. Most of the prisoners returned to serve their sentences while approximately 20 prisoners were either killed or wounded. At year's end there were approximately 25 prisoners whose whereabouts were unknown.

On October 19, Boko Haram was allegedly involved in multiple drive-by motorcycle assassinations in Maiduguri, in the northern part of the country. Their victims during the reporting period include police and politicians, as well as a locally respected Islamic cleric known to have criticized the sect's activities, who was among those killed on October 19. The government deployed soldiers to the area and imposed a curfew.

On October 21, Boko Haram released posters at key road intersections in the northern part of the country warning the local public against assisting police in apprehending the sects' members. Each poster bore the signature of the AQIM (Al-Qaeda in the Islamic Maghreb) and warned, "Any Muslim that goes against the establishment of Sharia law will be attacked and killed." It has not been established that the two groups have any operational links.

On October 25, six suspected Boko Haram members attacked a police station in the northern part of the country. One member was killed in the ensuing exchange of gunfire with police, and the other five Boko Haram members escaped.

On December 24, Boko Haram members used petrol bombs to gain entry through the main gate of a Baptist church in Maiduguri, where they killed six Christians including the pastor. No arrests had been made at the end of the reporting period. However, the military and police patrolled areas near churches in the city to increase security after the incident. On the same day, Boko Haram members reportedly attacked some Christian villages near Jos using gasoline bombs.

While the law prohibits religious discrimination in employment and other activities, some businesses continued to discriminate on the basis of religion or ethnicity in hiring. In nearly all states, rivalries between "indigenes" and "settlers" led to societal discrimination against minority groups. Muslim women in the south allegedly faced job discrimination in the private sector, especially in banking, if they wore a hijab (head covering traditionally worn by Muslim women). In April and August, the Christian Association of Nigeria in the 13 northern states and the Federal Capital Territory alleged gross discrimination against Christians in federal appointments.

In many communities Muslims or Christians who converted to another religion reportedly faced ostracism by adherents of their former religion. In some northern states, those wishing to convert to Islam applied to the Sharia council for a letter of conversion to be sent to their families, which served to dissolve marriages to Christians, and to request Hisbah protection from reprisals by relatives.

Authorities reportedly arraigned nearly 700 suspects in Maiduguri for violent crimes. At least three of the 77 suspected Boko Haram members standing trial for homicide gained release on bail, and one died of illness. In June another suspect gained release after the prosecution withdrew the charges. The government did not make any public statements

on the progress of the trials at the end of the reporting period.

The lack of justice and reconciliation in Plateau State after the 2008 violence facilitated the eruption of new communal killings there beginning in January. The violence caused hundreds of deaths, extensive property damage, and the displacement of thousands of residents. NGOs and traditional leaders led conflict resolution efforts to reduce sectarian violence in their communities with only limited success. The government prosecuted few suspects. With little fear of reprisal from the judicial system, the violence continued in the state. Some months experienced more violence than others, but violence has remained at an elevated level since 2008.

Section IV. U.S. Government Policy

The U.S. government discusses religious freedom with the government as part of its overall policy to promote human rights.

The ambassador and other U.S. mission personnel met regularly with religious leaders and scholars throughout the reporting period and continued to promote interreligious respect at programs and events. The consul general in Lagos hosted an iftar (evening meal during Ramadan) to promote religious pluralism. The dinner guests, who included both Muslims and Christians, heard from guest speakers who focused on the fundamentally tolerant and peaceful nature of Islam and openly denounced religious violence.

The embassy continued implementation of a program to enhance the capacity of the Interfaith Mediation Center (IMC) in Kaduna and to build capacity to implement further U.S. government programs. The IMC addressed ethnic and religious violence across the country by engaging in activities that support interfaith dialogue, interethnic relations, trauma healing for women and youth, early warning and response, media sensitization, and special election monitoring.

The U.S. mission regularly distributed information throughout the country on human rights topics, including religious freedom, to journalists, academics, businesspersons, civic organizations, teachers, students, government officials, the armed forces, clergy, and traditional rulers through Information Resource Centers and American Corners.
