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2011 Report on International Religious Freedom - Nigeria

Bureau of Democracy, Human Rights, and Labor
July 30, 2012

[Covers calendar year from 1 January 2011 to 31 December 2011]

Executive Summary

The constitution and other laws and policies protect religious freedom and, in practice, the government generally respected religious freedom. Selected state governments, individuals, and groups outside of the national government occasionally committed abuses.

The government did not demonstrate a trend toward either improvement or deterioration in respect for and protection of the right to religious freedom. Overall, the government did not act swiftly or effectively to quell communal violence or to investigate and prosecute those responsible for such violence. Federal, state, and local authorities have not effectively addressed underlying political, ethnic, and religious grievances leading to violence. A climate of impunity exists, as authorities rarely prosecute and punish those responsible for violent attacks. The main targets of such violence include political and ethnic rivals, businesses, homes, churches, mosques, and rural villages.

There were reports of societal abuses or discrimination based on religious affiliation, belief, or practice. Attacks by elements of the extremist sect Boko Haram, which purportedly aimed to implement a stricter form of Sharia throughout the country, claimed the lives of both Christians and Muslims. The sect claimed responsibility for such acts of violence as the United Nations headquarters suicide bombing in Abuja on August 26 and the Christmas Day bombing in front of a church in Madalla on December 25. 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 fierce competition between herdsmen and farmers over use of land.

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

The U.S. mission staff, as well as visiting U.S. delegations from several different agencies and organizations, routinely discussed such issues with state and federal government officials.

Section I. Religious Demography

Many groups estimate the population to be 50 percent Muslim, 45 percent Christian, and 5 percent practitioners of indigenous religious beliefs.

The predominant sect of Islam is Sunni, which includes various groups, such as Tijaniyah, Qadiriyyah and Sufi; however, growing Shia and Izala (Salafist) minorities exist. 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 about equal numbers in the "Middle Belt," including the Federal Capital Territory, and the southwest, where the Yoruba ethnic group predominates. While most Yorubas practice either Christianity or Islam, the practice of traditional Yoruba religious beliefs continues. 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 form the majority; only an estimated 1 percent of the population is Muslim. Pentecostal Christianity is also growing rapidly in the Middle Belt and southern parts of the country. Ahmadi Muslims maintain a small presence in Lagos and Abuja and suffer no apparent discrimination.

Section II. Status of Government Respect for Religious Freedom

Legal/Policy Framework

The constitution and other laws and policies generally protect religious freedom. The constitution mandates that the government "shall not adopt any religion as State Religion."

The country has 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. Some state governments occasionally placed limits on religious activity, including registration of imams, to address security and public safety concerns.

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. Non-Muslims had the option to try their cases in the Sharia courts if involved in disputes with Muslims. If non-Muslims did not agree to go to Sharia courts, common law courts would hear their cases. While Sharia courts could not compel participation by non-Muslims, some non-Muslims occasionally chose to have cases heard in Sharia courts, citing their speed and low expense.

While the constitution specifically recognizes Sharia courts for civil matters, it does not allow courts interpreting only religious laws to have and exercise criminal jurisdiction. Aggrieved parties can appeal judgments of Sharia courts to three levels of Sharia appellate courts. Decisions by the Sharia court of appeal (the highest level of the Sharia courts) can theoretically undergo appeal to the Federal Court of Appeal and then to the

Supreme Court. Although the constitution does not explicitly allow Sharia courts to hear criminal cases, they have done so in the past. To date, however, no case involving the Sharia criminal code has reached the Federal Court of Appeal. There were no reports of Sharia courts trying criminal cases during the past year.

In Zamfara State, the first state to adopt Sharia, a Sharia court must hear all criminal cases involving Muslims. The state also established a Commission for Religious Affairs in January 2000. The ministry regulates religious affairs and preaching, distributes licenses to imams, and attempts to resolve religious disputes in the state.

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 preferential access to political positions, government employment, and lower school fees. To receive such privileges, a person must produce a certificate of indigeneship, granted by local government authorities.

The law requires Christian and Muslim groups planning to build new churches or mosques to register with the Corporate Affairs Commission.

The federal government approved the use of air carriers for religious pilgrimages to Mecca for Muslims and to Jerusalem or Rome for Christians; it established airfares and negotiated bilateral air service agreements with Saudi Arabia and Israel to support these services. The National Hajj Commission provided logistical arrangements for approximately 80,000 annual pilgrims to Mecca. Likewise, the Nigerian Christian Pilgrims Commission provided logistical arrangements for approximately 15,000 annual pilgrims to Jerusalem and Rome.

Both federal and state governments regulate mandatory religious instruction in public schools; however, the constitution mandates that students do not receive religious instruction in any religion other than their own. State officials claimed 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. Contrary to the constitutional mandate, 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: Eid-El-Maulud, Good Friday, Easter Monday, Eid-El-Fitr, Eid El-Adha, and Christmas.

Government Practices

There were no credible reports of abuses of religious freedom by the federal government. There were, however, reports of abuses of religious freedom by certain state governments and local political actors who stoked communal and sectarian violence with impunity. Moreover, the government did not act swiftly or effectively to quell communal violence nor to investigate and prosecute those responsible for such violence. Federal, state, and local authorities have not effectively addressed underlying political, ethnic, and religious grievances that lead to violence. The Plateau State and federal governments have established numerous panels and submitted a series of reports intended to investigate and resolve the ethno-religious disputes in the state since 2008. Recommendations included establishment of truth and reconciliation committees, redistricting of Jos, community sensitization, and ending the indigene-settler dichotomy. However, the state and federal government have yet to implement recommendations.

An air of impunity exists, as authorities rarely prosecute and punish those responsible for violent attacks. For example, in August indigenous Christian youths from local communities in Jos attempted to prevent a Muslim sect, the Izala, considered settlers, from using prayer grounds during the Muslim holiday of Eid-El-Fitr. The resulting violent confrontation led to the death of between 40 and 100 Christians and Muslims, and the destruction of property in Jos. Authorities did not convict any perpetrators by year's end.

Although the constitution provides for separation of church and state, 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, contended that Zamfara State promoted Islam as a state religion through its establishment of a Commission for Religious Affairs. This Commission, while technically secular, tended to favor Muslims. For example, the Commission made recommendations for the state government to fund the construction of mosques but did not recommend the use of state funds for the construction of churches.

In contrast to previous years, there were reports of perpetrators of violence arraigned by the legal system. On July 19, a federal high court in Abuja arraigned five police officers for the extra-judicial murder of Boko Haram leader Mohammed Yusuf. The court granted bail to four of the officers, while one remained in custody. The case remained ongoing at year's end, with resumption scheduled for February 13, 2012.

In October, the Katsina State legislature passed a law that many opponents believed inhibited the freedom of Muslim imams to preach openly against the government. The government's stance was that the law more rigidly defined Islamic education, preaching, knowledge, and research and development. At the end of the year, government officials had not arrested anyone for breaking this law.

In February, Niger State authorities reportedly dislodged a small Islamic group called Islahuddeen, which had allegedly spoken out against the state government, from the Mashegu, Mariga, and Kontagora Local Government Areas. Armed police 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 year.

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. In Gusau, Zamfara State, multiple observers commented that the state government denied issuing such permits to rebuild churches previously demolished or burned down.

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 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. Many non-Muslims perceived that they lived under the rule of a Muslim government and often feared reprisals for their religious affiliation.

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.

The Hisbah – 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 groups' primary focus; however, they continued to serve primarily as traffic wardens and marketplace regulators. There were several reports that Hisbah groups smashed beer bottles in restaurants offering alcoholic beverages to their clientele and violently attacked women choosing to ride on motorcycle taxis, which the Hisbah board did not allow.

Kano State maintained steep fines and prison sentences for the public consumption and distribution of alcohol, in compliance with Sharia statutes. Some non-indigene 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.

Section III. Status of Societal Respect for Religious Freedom

There were reports of societal abuses or discrimination based on religious affiliation, belief, or practice.

There were unconfirmed reports of Christians forced to convert to Islam, particularly by members of Boko Haram. Jama'atu Ahlis Sunna Lidda'awati Wal-Jihad, or People Committed to the Propagation of the Prophet's Teachings and Jihad (more commonly referred to as Boko Haram, which is Hausa for "Western education is forbidden"), is an extremist sect with aims to overthrow the Nigerian government and impose a stricter form of Sharia throughout the country. Boko Haram has not appeared on the U.S. list of foreign terrorist organizations.

In February 2011, Boko Haram issued a statement calling for continued violence until the country embraced Islam, dropped its constitution, and adopted the laws in the Qur'an. Since its violent reemergence in 2009, the group has murdered hundreds of people using assault rifles, bombs, and more recently, suicide car-bombings. Boko Haram murdered hundreds of Muslims and Christians during the year. Members of Boko Haram specifically targeted many of those murdered, while they indiscriminately killed many others in large-scale attacks and bombings throughout the country. Boko Haram spokespersons claimed responsibility for such acts of violence as the United Nations headquarters suicide bombing in Abuja on August 26, which resulted in the deaths of 25 people, and the Christmas Day bombing in front of a church in Madalla on December 25, which resulted in the deaths of over 50 people.

Boko Haram has likely killed more Muslims than Christians, since its primary bases of operation have existed in the predominately Muslim North. In one example, Abba Anas Umar, the younger brother of the Shehu of Borno, the leader of one of West Africa's oldest Islamic communities, died May 30 in front of his house in the Gangamari district at the hands of alleged members of Boko Haram. Boko Haram has also claimed responsibility for several church bombings that killed scores of Christians while they were worshipping.

Numerous incidents of violence involving Fulani herdsmen and Christian farmers occurred in villages around Jos, Plateau State. Most Nigerian observers attributed the violence to multiple factors, including disputes between ranchers and farmers, "indigene" and settlers, and ethnic groups, among other factors. While religion has not served as the main area of grievance between certain groups, many people believed political elites have manipulated religion to incite violence. They claimed, however, that religion served mainly as a convenient way to describe the violence, but not as the cause of underlying problems. Fulani herdsmen, predominately Muslim, attacked and killed several villages surrounding Jos. In retaliation, Christian farmers attacked and killed the herdsmen.

While the law prohibited religious discrimination in employment and other activities, some businesses continued to discriminate based on 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). There are no legal restrictions concerning hijabs.

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. Similar procedures did not exist for those converting to Christianity, other than church procedures, such as religious studies and baptism.

The Nigerian Inter-Religious Council (NIREC), an independent organization comprised of 25 Muslim and 25 Christian leaders, advised the government on ways to mitigate violence between religious communities. NIREC met only once in 2011. Although NIREC functioned as an independent association, the federal government continued to support its efforts publicly and reportedly provided funding for meeting expenses.

Section IV. U.S. Government Policy

U.S. officials discussed religious freedom with the government as part of its overall policy to promote human rights. The U.S. government encouraged the Nigerian government to address sectarian violence in a sensitive manner. The main message involved encouraging authorities to bring the perpetrators of violence to justice while respecting human rights and to modify its record of impunity to deter future acts of violence.

The ambassador and other U.S. embassy and consulate personnel met regularly with religious leaders and scholars throughout the year and continued to promote inter-religious 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. Christian leaders openly denounced violence during meetings with the visiting ambassador at large for international religious freedom. Embassy volunteers, including the ambassador and deputy chief of mission, also served meals at an event near Abuja at which Muslims broke their fast during Ramadan.

The embassy continued implementation of a program to enhance the capacity of the Inter-faith Mediation Center (IMC) in Kaduna. The IMC addressed ethnic and religious violence across the country by engaging in activities supporting interfaith dialogue, interethnic relations, trauma healing for women and youth, early warning and response, media sensitization, and special election monitoring.

The embassy hosted several group discussions on the situation in Jos and sponsored events, such as "Basketball for Peace," to bring Christian and Muslim youth together on neutral territory to interact closely with one another.

The U.S. embassy and consulate general 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.