

**AFRICA AND MIDDLE EAST: IRAN, NIGERIA, TURKEY**

**Anti-Muslim hatred and discrimination and the right to freedom of thought, conscience religion or belief – a submission from Christian Solidarity Worldwide (CSW)**

**Iran**

Since the 1979 revolution Iran’s religious and ethnic minorities have suffered human rights violations at the hands of successive governments. Although Iran is party to several international covenants protecting the right to freedom of religion or belief (FoRB), religious minorities are viewed with suspicion and treated as a threat to a theocratic system that imposes a strict interpretation of Ja’fari Shi’a Islam, the state religion.

Article 12 of the Iranian Constitution affords ‘total respect to other Islamic schools” such as “such as the Hanafi, Shafi‘i, Maliki, Hanbali, and Zaydi.” It also states that adherents of these schools are “free to perform their own religious practices, religious education, and personal matters. They may practice their religious education, personal status, (marriage, divorce, inheritance, and bequest), in accordance with their own jurisprudence.”[[1]](#footnote-1)

The constitution goes on to restrict recognition of non-Muslim religious practices to Zoroastrianism, Judaism and Christianity, whose adherents, within the limits of the law, are free to perform their religious rites and ceremonies in personal affairs and religious education. Although the constitution says that “The investigation of individuals' beliefs is forbidden, and no one may be molested or taken to task simply for holding a certain belief,”[[2]](#footnote-2) ongoing harassment of members of minority faiths is evidence that the government consistently fails to uphold this provision.

Christians (particularly those who have converted from Islam), Baha’is, Gonabadi (Sufi) Dervishes and Sunni Muslims have been executed judicially and extra-judicially, tortured, imprisoned or generally harassed on account of their religious beliefs. Children from minority religion or belief communities also suffer discrimination on the basis of their religious beliefs in educational settings.

**Violations against the minority Sunni Muslim community**

The Iranian authorities regularly charge minority religious views and expressions of political dissent or the questioning the official interpretation of the state religion with blasphemy. Those arrested for blasphemy are generally charged with *Mofsed-efilarz,* ‘spreading corruption on earth,’ or *Moharebeh*, ‘enmity against God’. Both are vaguely defined crimes that can encompass anything deemed undesirable by the state. There is no set penalty, and punishments can range from a few months in jail to execution. In addition to suppressing political dissent and calls for reform within the established tradition of Shi’a Islam, blasphemy charges are also used to persecute minority (Sunni) Muslims.[[3]](#footnote-3)

The religious curriculum promotes Shi’a Islam and is determined by the Ministry of National Education, whose self-professed aim is ‘strengthening and stabilising student’s spiritual and religious fundamental beliefs by explaining religious teaching, Islamic and Shiite principles and culture on the basis of the Holy Quran, the Prophet’s tradition and his 13 innocent family members’ actions (PBUT)’.[[4]](#footnote-4) All school curricula must include a course on Shi’a Islamic teachings. Textbooks of every kind are geared towards discussing topics from a Shi’a perspective; thus ‘social studies, history, Farsi and science textbooks discuss religious, Islamic, and political-ideological issues either directly, by insinuation, or by using metaphors.’[[5]](#footnote-5)

Consequently, and despite constitutional recognition, while children from the large Sunni religious minority community can access religious instruction consistent with their denomination, the de-secularisation and Islamisation of education after the 1979 Revolution means these children and those from other recognised religious minority communities are still exposed to the teachings of the majority religion in textbooks, lessons, and extra-curricular activities due to ‘the extensive Shi’ite presence of religious topics in non-religious textbooks (e.g. Persian language, history and social studies)’.[[6]](#footnote-6) Sunni leaders have also reported that the authorities have banned Sunni religious literature and teachings from religion courses in public schools, even in predominantly Sunni areas.[[7]](#footnote-7)

In an indication of the pressures, Sunni cleric Molavi Abdolhamid Ismaeelzahi wrote a letter to the Supreme Leader calling for greater attention to the rights of religious minorities. The Supreme Leader responded by urging citizens not to discriminate between different ethnic or religious backgrounds.[[8]](#footnote-8)

**Recommendations:**

* Ensure that the right to freedom of religion or belief is fully upheld and protected for all citizens, in line with Article 18 of the International Covenant on Civil and Political Rights to which Iran is a party.
* Immediately and unconditionally release all individuals detained on account of their religion or belief or in relation to the defence of human rights.
* Refrain from targeting members of religious minorities with excessive national security related charges, and end the criminalisation of peaceful expression of minority faiths.
* End the use of vaguely worded, catch-all charges such as *Moharebeh* and *Mofsed-efilarz* to target, sentence and even execute members of minority religious communities, political dissidents and Shi’a adherents who question the accepted dogma*.*
* Ensure due process in cases involving religious minorities, and that judges found responsible for violations of human rights do not preside over trials, and are brought to justice accordingly.
* Bring an end to all forms of religious discrimination, including harassment, torture and hate speech.
* Ensure that children from minority faith communities can access education without fear of discrimination, abuse, harassment or expulsion.
* Respect constitutional and international obligations upholding freedom of religion or belief and the right of children from ethnic and religious minorities to education
* Ensure that children from all minority faith communities are able to study their faith, and are not coerced into studying Shi’a Islam

**Nigeria**

Nigeria’s Federal Constitution prohibits discrimination on the basis of ethnicity, place of origin, gender, religion or political opinion, “either expressly by, or in the practical application of, any law … or any such executive or administrative action,” and guarantees freedom of thought, conscience, religion or belief to all citizens, including the right to change religion or belief (Article 38). It allows for the freedoms of movement, expression, assembly and association. Nigeria is also party to a number of international agreements that guarantee the right to freedom of religion or belief (FoRB) and non-discrimination, including the African Charter on Human and Peoples Rights (ACHPR) and the International Covenant on Civil and Political Rights (ICCPR). However, FoRB violations targeting religious minorities in the northern and central states have occurred for many decades.

Blasphemy is prohibited under Section 204 of the country’s Criminal Code. In addition, 12 of Nigeria’s 36 states have enacted the Shari’a penal code since 1999, effectively rendering Islam the official state religion in defiance of the federal constitution, and empowering Shari’a courts to hand down such sentences as amputation for theft and execution for crimes such as blasphemy and adultery. As well as contravening constitutional stipulations prohibiting the adoption of state religion, this action effectively endued a systematic marginalisation that has existed for decades with a quasi-legality.

Minority Muslim communities in Nigeria are among the religion or belief minority groups to experience violations of the right to FoRB, as illustrated by the following cases.

**The Islamic Movement of Nigeria, and the case against its founder, Sheikh Ibrahim el Zakzaky**

In October 2016, and in possible violation of Article 22 of the (ICCPR, the Kaduna State Government declared the Islamic Movement of Nigeria (IMN) – a group consisting of members of the Shi’a minority - an illegal society and set penalties for IMN activities, including fines and/or imprisonment for up to seven years for membership. The governors of Kano, Katsina, Plateau, and Sokoto states, all members of the ruling All Peoples Congress (APC), also prohibited IMN religious processions, including during Ashura festivities. This action was preceded by targeted and deadly attacks.

From 12-14 December 2015, attacks by the army in Zaria, Kaduna State on several IMN properties were destroyed, including the Husainiyyah Baqiyyatullah Centre and the IMN founder leader Sheikh Ibrahim el Zakzaky’s mother’s grave and the Sheikh’s own home left around 700 adherents dead, including women and children, and many detained incommunicado without charge. These attacks occurred a little over a year after 34 IMN members were killed in two attacks, one of them also on the Husainiyyah Baqiyyatullah Centre.

The army admitted before a Kaduna State Judicial Commission of Inquiry to the mass burial of 347 Shi’a following the violence, and in September 2016 the Commission recommended the prosecution of soldiers involved. State prosecutors ignored the recommendation and instead charged 177 IMN members with the murder of the only military officer who died during the violence.

Among those detained in the 2015 attacks were Sheikh Zakzaky and his wife Zeenah, both of whom sustained injuries in the assault on their home in which three of their sons died. Around 50 Shi’a girls and women allegedly abducted by the army following the attack on Zakzaky’s residence were also reportedly held incommunicado.

Sheikh and Mrs Zakzaky remain detained in defiance of a court order issued by the Federal High Court in Abuja on 2 December 2016 that gave the government 45 days to ensure their release on bail, citing their detention as unlawful and unconstitutional.

Following rumours in January 2018 of the Sheikh’s declining health and imminent death, the government allowed him to make his first public appearance in two years. During a controlled question and answer session with the press, Sheikh Zakzaky confirmed he had been ill but was improving since being allowed to see his own doctors.

Possibly in response to local protests and external calls for the release of Sheikh Zakzaky and his wife, on 15 May 2018 the government transported the couple from the Department of State Security (DSS) detention centre in Abuja to the Kaduna High Court, where they were arraigned on eight charges, including abetting in culpable homicide, unlawful assembly and disturbance of the peace.

In November 2018, Sheikh Zakzaky was denied bail once again, days after around 40 unarmed Shi’a men had been killed in Abuja by security forces as they protested for his release.

In August 2019, President Buhari allegedly overruled conditions imposed by the Kaduna State government regarding Zakzaky’s travel restrictions and the Sheikh and his wife travelled to India to receive medical attention. The Sheikh’s daughter, Suhaila Zakzaky, revealed that tests conducted in India showed he was suffering from lead and cadmium poisoning, possibly from the shrapnel that remained in his body after he was shot in 2015. However, the conditions under which they were held in India were so stringent that they decided it was better to return without receiving any treatment. A statement from IMN said the Sheikh had decided to leave India because he did not feel in control of the situation and there was an "imposition of medical treatment by the Nigerian security forces in collaboration with their Indian colleagues".

On 5 December 2019, a Kaduna High Court Judge ordered that Sheikh Zakzaky and his wife be moved from their place of detention to Kaduna Central Prison, despite their poor state of health.

In February 2020, Sheikh Zakzaky and his wife appeared before Justice Gideon Kurada of the Kaduna High Court, who ordered that they should be seen by their private doctors while in prison. Both were visibly in poor health, and Mrs Zakzaky was reportedly vomiting blood.

On 29 September 2020, Sheikh Zakzaky and his wife appeared in court again, and their lawyers requested that the court should quash the case for lack of evidence. However, the judge declined to rule on the matter. During the hearing the couple pleaded not guilty to eight counts including alleged culpable homicide, unlawful assembly and disruption of the public peace, charges which had been levelled against them by the Kaduna State Government. The judge also agreed that due to health and security concerns, the couple should only appear in court when absolutely necessary.

When the trial resumed at the Kaduna State High Court on 18 November 2020, the State presented two witnesses, a Major General and a Colonel, who gave testimony in closed court to Justice Kurada about how events had unfolded in Zaria in 2015.[[9]](#footnote-9)

On 19 November, following testimony from three witnesses who were the defendants’ neighbours in Zaria and a Director of the State Security Service (SSS) in Kaduna State, Justice Kurada adjourned the trial until 25 and 26 January 2021.

Kaduna State authorities, who appear to be at the centre of these violations, must urgently comply with the Federal High Court ruling by ordering the release of the Zakzakys, on reasonable bail if necessary, and to ensure they receive adequate medical attention from those they trust, including their personal physicians. Given their precarious state of health, they are unlikely to be a flight risk. It is more destabilising for intra-religious relations to keep them in prison than to release them and ensure due process is followed and justice is done – both in their case and in the cases of all those detained during and since the Zaria massacre of 2015.

**Violent responses to the Islamic Movement of Nigeria’s peaceful protests**

In July 2019 at least 20 IMN members were killed during a series of protests in Abuja by members of the Nigerian Armed forces, who fired live ammunition on the unarmed crowd. A journalist and a senior police officer were also killed. Additionally, according to the IMN at least 15 people suffering from bullet wounds of differing degrees of severity were detained, including women and a 10-year-old boy.

In October 2020, IMN members resumed their protests for the release Sheikh Zakzaky and his wife with a procession in Abuja.

On 5 November 2020, a combined force consisting of police officers, members of the Federal Road Safety Corps (FRSC) and Vehicle Inspection Officers (VIO) surrounded and dispersed a peaceful IMN protest in Abuja that included women and children. Undeterred, another Free Zakzaky Protest was organised and took place in Abuja on 16 November.

**Blasphemy allegations can result in targeted violence**

On 10 August 2020, a Shari’a court in the Hausawa Filin Hockey area of Kano City in Kano state, northern Nigeria, sentenced Umar Farouk, a minor aged 13, to 10 years in prison with menial labour for blasphemy. Farouk was found guilty of using foul language against God during an argument with a friend and was given a month to appeal the charges.

On the same day, 22-year-old singer Yahaya Sharif-Aminu, who belongs to the Tijjaniyya Sufi order was sentenced to death by hanging, by presiding Khadi (Judge) Aliyu Muhammad Kani, after being found guilty of committing blasphemy in a song he shared on WhatsApp in March, which his accusers claimed elevated Sheikh Ibrahim Nyass, a renowned Tijjaniyya scholar, above the Prophet Mohammed.

Mr Sharif-Aminu, who did not deny the charges, was also given a month to appeal the sentence. In a statement delivered in Abuja, the Jam’iyyatu Ansariddeen Attijaniyya organisation reportedly disowned him, described his song as blasphemous, and asserted that contrary to reports, the Tijjaniyya and Sheikh Ibrahim Nyass revered the prophet.

In response to the verdict the United States Commission on International Religious Freedom (USCIRF) condemned the sentencing. USCIRF Commissioner Frederick A. Davie stated: “It is unconscionable that Sharif-Aminu is facing a death sentence merely for expressing his beliefs artistically through music.”[[10]](#footnote-10)

A group of 10 UN human rights experts also called on the Nigerian government to overturn Mr Sharif-Aminu’s death sentence: “Artistic expression of opinion and beliefs, through songs or other media – including those seen to offend religious sensibilities – is protected in accordance with international law. The criminalization of these expressions is unlawful.” They urged Nigeria to “take effective measures to protect Mr. Sharif-Aminu, in detention as well as after his release.”[[11]](#footnote-11)

While Kano State has long been a flashpoint of inter-religious and intra-religious tensions and violence, allegations of blasphemy regularly result in members of the public in Nigeria’s Shari’a states taking matters into their own hands. For example, as Mr Sharif-Aminu’s song went viral, angry youth attempted to burn down his family home as they demanded his arrest. His trial was subsequently held behind closed doors.

In an earlier high-profile case involving Tijjaniyya adherents, on 25 June 2015 the Upper Shari’a Court in Kano State sentenced cleric Abdul Nyass and eight of his followers to death for blasphemy, after he too was accused of stating that Sheikh Ibrahim Nyass was greater than the Prophet Mohammed. In the aftermath of the allegation, thousands of youth burned down the court in the Rijiyar Lemo neighbourhood where the cleric and his followers were due to appear, while others burned down his house in Kano. The convicts were later transported to Abuja.

**Apostasy - right to change religion**

In September 2020 Commissioner Davie adopted Mr Sharif-Aminu and detained humanist Mubarak Bala as part of USCIRF’s Religious Prisoners of Conscience Project.[[12]](#footnote-12)

Mr Bala’s case is emblematic of the hostility experienced by Nigeria’s atheist community, where those who leave Islam are liable to face accusations of blasphemy. After posting comments on 25 April Mr Bala began to receive death threats, including from police officers based in Kano State, and on 26 April an online petition was launched to close his Facebook account.

On 28 April, Mr Bala was arrested at his home in Kaduna State, following a complaint to the Kano State Police Commissioner on 27 April by a Kano State law firm, which alleged his Facebook posts were “provocative and annoying to Muslims,” and violated Section 26(1)(c) of the Cybercrimes Act 2015 (‘insult’) and Section 210 of the Kano State Penal Code (‘causing a public disturbance).

After being held overnight at Gbabasawa Police Station in Kaduna State, Mr Bala was transferred to Kano State 29 April, where he is thought to have been held for some time at Kano State Police. On 6 May Mr Bala was formally detained under the Cybercrimes Act and Section 210 of the Kano State Penal Code; however, he is yet to be formally charged.

This is not the first time Mr Bala has experienced severe mistreatment for peacefully expressing his humanist beliefs. In 2014 he was forcibly committed to a psychiatric unit in Kano State by his family on account of his apostasy from Islam, where he was administered drugs normally reserved for psychotic and schizophrenic patients. Mr Bala was eventually released due to a doctors' strike but was obliged to go into hiding after receiving death threats.

In a 2018 interview Mr Bala described how he had lost his job twice and had “lost a lot of property from home and salaries skipped, but fought back to get it, at least some of it, helped by rational people even from the Muslim community, due to the obviousness of the nature of victimization.” He also told of a friend whom he did not identify whose wife exposed him as an apostate. “We pleaded with him to leave the city to our side, [but] his job would not allow [it]. A few months later, he died from [a] ‘motorcycle accident’ and before we could organize anything, investigation or reports, he had been buried, as according to Islamic rites. There is most probably foul play.” [[13]](#footnote-13)

**Recommendations:**

* Recognise and promote equality of citizenship, and consider the creation of an Equity Commission with a mandate to promote FoRB and respect for differing religious beliefs. Nigeria should also consider initiating civic education programmes promoting FoRB, unity, and pluralism, and beginning mandatory human rights and equality training for local officials.
* Repeal Section 204 of the country’s Criminal Code on blasphemy
* Formulate a definition of the crime of hate speech and introduce Hate Speech legislation that truly protects minorities and is consonant with the Rabat Plan of Action and UN Human Rights Council (HRC) Resolution 16/18.
* Ratify the Second Optional Protocol to the ICCPR on the abolition of the death penalty.
* Ensure that individual states respect FoRB in its entirety, including the right to adopt a religion or belief of one’s choice.
* Fully compensate religious groups that have been deprived of places of worship through destruction during outbreaks of targeted violence or seizure of land for development purposes and facilitate reconstruction and/or access to viable alternative land.
* Respect rule of law by releasing Sheikh Zakzaky and his wife on bail in line with the judicial ruling, and ensuring due process during ensuing legal proceedings.
* Facilitate the immediate and unconditional release of Yahaya Sharif-Aminu, Umar Farouk and Mubarak Bala dropping all charges against them and allowing them to return to their families.

**Turkey**

Although officially a secular state, Turkey is caught between its secular and Islamic identities. The constitution provides for freedom of belief, worship and the private expression of religious ideas, prohibits discrimination on religious grounds, and in recent years the government has taken some positive steps to address the concerns of religious minorities and to uphold FoRB.

Since winning his first general election in 2002, President Erdogan has maintained a pronounced pro-Sunni position in the rising sectarian tension between Sunnis and Shia in the Muslim world. The sectarian conflicts in Iraq and Syria and the heavy involvement of the Turkish government in giving full support to Sunni groups, especially in Syria, raised anxiety amongst Turkish Alevis, who overwhelmingly oppose their government’s support for Sunni rebels in their struggle to overthrow the Alwite-dominated Assad’s regime in Syria. President Erdogan’s behaviour renewed fears amongst Turkey’s Alevis that a new era of repression could be underway.

However, the significant overall deterioration in human rights in the country has increasingly conflated religious and national identities. The government’s bias towards Sunni Islam within the policy of the Diyanet (the Presidency/Directorate of Religious Affairs), together with the promotion of ultra-nationalism has contributed to a rise in discrimination and in hate speech that encourages violence towards non-Sunni religious communities. Such incitement is visible in a variety of sectors, including in education, the workplace, religious practice, and day-to-day administrative procedures.

Alevi Muslims, Bahai’s and Christians, particularly those who have converted from Islam, face daily societal pressures. Hate speech and occasional hate crimes targeting religious minorities continue to occur, including attacks on places of worship, with perpetrators generally enjoying impunity.

While plans for new mosques are authorised by officials, religious minorities – particularly Alevis, Jehovah’s Witnesses and Christians – continue to face restrictions on the construction of new houses of worship. The Orthodox Halki Seminary, which was forcibly closed by the government in 1971, remains shut, despite promises that it would be reopened. The reopening of the seminary faces strong opposition from Islamist and nationalist parties.

Identity cards used to be problematic for religious minorities. The Baha’i, Alevi and Yazidi communities are unable to state their religious affiliation on identity cards, with the only option being to leave the section blank. Given the ensuing discrimination faced by religious minorities, particularly in areas such as employment and education, the religion section on identity cards was removed in 2016.

**Recommendations:**

* Respect, protect and fulfil the provisions for freedom of belief, worship and the private expression of religious ideas articulated in the national constitution.
* Proactively address the increasing polarisation of society and halt the erosion of fundamental freedoms.
* End arbitrary detention and ensure due process for all current detainees.
* Address hate speech and discrimination against religious minorities, thereby discouraging impunity.
* Return all property confiscated from religious minority communities.
* Conduct detailed investigations into all instances of violence against individuals on account of their religion or belief, bringing perpetrators to justice.
1. Iran (Islamic Republic of)'s Constitution of 1979 with Amendments through 1989, Article 12 <https://www.constituteproject.org/constitution/Iran_1989.pdf?lang=en> [↑](#footnote-ref-1)
2. Iran (Islamic Republic of)'s Constitution of 1979 with Amendments through 1989, Article 13 <https://www.constituteproject.org/constitution/Iran_1989.pdf?lang=en> [↑](#footnote-ref-2)
3. Berkley Center, ‘National Laws on Blasphemy: Iran,’ <https://berkleycenter.georgetown.edu/essays/national-lawson-blasphemy-iran> [↑](#footnote-ref-3)
4. University of Gdansk (2007), Cited in ‘Education at the juncture of cultures,: ‘The Education of Minorities in Iran’, Magdalena Prusinowska [www.academia.edu/423519/Education\_at\_the\_Junction\_of\_Cultures](http://www.academia.edu/423519/Education_at_the_Junction_of_Cultures), University of Gdansk, 2007 [↑](#footnote-ref-4)
5. Freedom House (2008), Discrimination and Intolerance in Iran’s Textbooks <https://freedomhouse.org/report/special-reports/discrimination-and-intolerance-irans-textbooks> [↑](#footnote-ref-5)
6. Legatum Institute (2012), ‘Education in the Islamic Republic of Iran and Perspectives on Democratic Reforms’, Professor Saeed Paivandi, November 2012, The Future of Iran: Educational Reform, <http://www.li.com/docs/default-source/future-of-iran/iran_ed_paivandi.pdf> [↑](#footnote-ref-6)
7. United States Department of State, International Religious Freedom Report for 2016 [www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm#wrapper](http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm#wrapper) [↑](#footnote-ref-7)
8. Mehr News Agency, ‘Leader urges all to avoid discrimination between Iranians’, 6 September 2017 <http://en.mehrnews.com/print/127593/Leader-urges-all-to-avoid-discrimination-between-Iranians> [↑](#footnote-ref-8)
9. The International Criminal Court at The Hague is now investigating the 2015 events in Zaria. [↑](#footnote-ref-9)
10. <https://www.uscirf.gov/religious-prisoners-conscience/yahaya-sharif-aminu> [↑](#footnote-ref-10)
11. <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26302&LangID=E> [↑](#footnote-ref-11)
12. <https://www.uscirf.gov/news-room/releases-statements/uscirf-commissioner-frederick-davie-adopts-mubarak-bala-and-yahaya> [↑](#footnote-ref-12)
13. Interview with Muhammad Mubarak Bala— Nigerian Humanist, 28 October 2018, <https://medium.com/humanist-voices/interview-with-muhammad-mubarak-bala-nigerian-humanist-38291f0d790> [↑](#footnote-ref-13)