**Report to the United Nations General Assembly on Eliminating Intolerance and Discrimination Based on Religion or Belief and the Achievement of Sustainable Development Goal 16 (SDG 16): NGO Submission on Religion in the Federal Republic of Nigeria.**

1. **Background**

Jubilee Campaign, in special consultative status with ECOSOC, submits this analysis of discrimination against religious minorities and communal violence in Nigeria as a response to the request by the Special Rapporteur on Freedom of Religion or Belief for submissions related to Article 2 of the 1981 Declaration on the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief.

1. **Discrimination in Law and Practice**
2. *Laws and Policies Restricting the right to manifest freedom of religion or belief of minority religious communities*

At the surface, the legal framework in Nigeria appears to protect and even encourage religious freedom according to article 38 of the constitution.[[1]](#footnote-1) The Constitution includes provisions stipulating the freedom of religion, belief, or conscience and even includes a provision that religious discrimination is strictly prohibited. Despite such provisions, however, there exists in Nigeria’s Criminal Code a very controversial legislation, stating “anyone who does an act which any class of persons consider as a public insult to their religion, with the intention that they should consider the act such an insult, and any person who does an unlawful act with the knowledge that any class of persons will consider it such an insult, is guilty of a misdemeanor and is liable to imprisonment for two years.”[[2]](#footnote-2) Such law provisions, which the international community regards as blasphemy laws, are extremely dangerous in that they allow any individual to accuse another person with insulting their religion even if this did not occur. Thus, the accused experiences a situation of ‘guilty until proven innocent,’ as often it is the accused religious minority’s word against a religious majority member. In July 2019 for example, local Sharia police arrested four men in the northern Nigerian city of Kano for allegedly carrying out a false marriage on Facebook, which the Islamic enforcement agency said had mocked Islam.[[3]](#footnote-3)

1. *Laws that impose a uniform understanding of national identity around one dominant religion*

The Constitution allows for the establishment of courts that operate and receive jurisdiction from the Qur’an, and allows for Sharia law to be incorporated into criminal codes of 12 predominantly Muslim states, however, there is much legal uncertainty on the application of these laws regarding when they can be applied and their scope.[[4]](#footnote-4) While there are many common law courts in Nigeria which do not issue sentences in accordance with religious text, that some courts are allowed to apply Sharia law - which often supports the severe and superfluous punishments of stoning, amputation, caning, and death for non-violent crimes such as theft, alcohol consumption, extra-marital sex, and gambling - is reprehensible and should be subject to removal in accordance with international understandings of law and human rights.[[5]](#footnote-5) Moreover, according to the United States State Department, “certain social mores inspired by Shariah, such as the separation of sexes in public schools, health care, voting and transportation services, affected non-Muslims 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.”[[6]](#footnote-6)

1. *Laws and Policies Restricting Civil and Political Rights*

According to the United States Department of State’s 2018 report on International Religious Freedom, multiple members of the Nigerian Christian and minority religious group members reported that local governments in northern states repeatedly rejected applications for building permits for new religious buildings, reconstruction of destroyed houses of worship, and renovation and expansion projects.[[7]](#footnote-7) In Kano State, one Christian leader explained that his request to build new churches had been rejected for “decades.”[[8]](#footnote-8) In Zamfara State, when a Christian community tried to register its recent legal purchase of land, the government refused to allow the purchase to be completed for fear that the land would be used for construction of a new church. In Rivers State, Muslim students of Rivers State University of Science and Technology reported that since 2012, the university board has refused their request to build a campus mosque, despite the students winning a suit against the university.

In the United States Department of State’s 2019 report on Human Rights Practices, it is revealed that religious communities’ freedom of assembly has been infringed upon: “open-air religious services held away from places of worship remained prohibited in many states, due to fear they may heighten interreligious tensions.”[[9]](#footnote-9) For three months in 2019, a Shia Muslim organization made many attempts to hold protests and demonstrations calling for the release of their leader Sheikh Ibrahim El-Zakzaky, but these events were repeatedly interrupted and shut down by police, which angered protestors to the point of violence against the police, who returned the violence with tear gas.

Finally, “No laws limit participation of women or members of minorities in the political process, and they did participate.” However, “observers attributed fewer leadership opportunities for women in major parties and government, particularly in the North, to religious and cultural barriers.”[[10]](#footnote-10)

1. *Laws and Policies Restricting Economic, Social, Cultural Rights*

In regards to discrimination against religious minorities in the education sector, “Christian and Muslim groups continued to report that individual administrators of government-run universities and technical schools in several states refused to admit certain individuals or delayed the issuance of their degrees and licenses because of religion or ethnicity. A Christian pastor in Yobe said while Christians could gain entry into universities dominated by Muslims, they were relegated to the ‘lower’ subjects and found it difficult to study for degrees in more desirable areas such as engineering, medicine, science, and law.”

1. **Gender-Based Discrimination**

The Constitution of Nigeria expressly prohibits all forms of discrimination based on sex; however, there are certain areas in which improvement needs to occur: according to Nigerian professor Ngozi Odiaka, the Gender Parity and Prohibition of Violence Against Women bill which would have provided Nigerian women with equal rights and opportunities within the realms of education, employment, marriage, and custody was eventually downvoted. [[11]](#footnote-11) Despite such a tremendous setback, according to Odiaka, “there has been improvement in terms of gender equality in education: Girls’ school enrollment has steadily increased, particularly in the north of the country, which in the past has seen a high rate of neglect and discrimination toward women.”[[12]](#footnote-12)

However, the intersection of many girls’ identities as a woman and as a religious minority has prevented Christian schoolgirls from being able to attend their school safely. In early 2014, Islamic militant group Boko Haram kidnapped some 276 predominantly Christian schoolgirls from Chibok’s secondary school while they sitting school examinations.; over 100 of these girls remain missing.[[13]](#footnote-13) And four years later, an almost identical incident occurred in which Boko Haram kidnapped over 100 young schoolgirls from the Government Girls’ Science and Technial College in Dapchi; though the majority of these girls were eventually returned, one young girl named Leah Sharibu remains in captivity over two years later because she refused to renounce Christianity and return to Islam at her captors’ request.[[14]](#footnote-14)

1. **Effects of Discrimination**
2. *Instances of communal violence against religious minorities, and incitement to such violence, and the adequacy of state responses.*

Geographically, much of the population of the northern half of Nigeria are predominantly Muslim Fulani herdsmen and the lower half of Nigeria being home mainly to Christians. Nigeria’s Middle Belt, consisting of such states as Benue State, Kaduna State, and Plateau State, is the location where Fulani militant groups ambush and attack Christian communities, aimlessly slaughtering men, women, children, and the elderly.

In May 2020, Nigerian civil society organization released a report in which they reveal that 620 Christians have already been killed in 2020 as a result of attacks launched by Boko Haram or Fulani militants.[[15]](#footnote-15) Moreover, the Armed Conflict Location and Event Data Project reveals that of the 99 incidents involving the Fulani militants in 2019, 69 of the incidents were classified as ‘attacks,’ all of which were provoked by Fulani militants; only 18 incidents were classified as ‘armed clashes,’ 11 of which were initiated by the Fulani militants.[[16]](#footnote-16)

These attacks are especially brutal: victims- including young children- are often slashed to death with machetes, shot in the head, or burned to death.

The Adara community, people groups from predominantly Christian backgrounds in southern Kaduna, have been one of the most affected communities by the attacks from Fulani-herdsmen. The minority groups of the Adara community have faced discrimination at various levels from the local government, and the lack of action on the federal government level has strengthened the chronic discrimination.[[17]](#footnote-17) Historically, the Adara people were discriminated against by the Hausa-Fulani people as the Fulanis tried to dominate Kaduna at the expense of minority ethnic groups.

Despite the prevalence of these attacks, the security forces of Nigeria has repeatedly turned a blind eye to the mass murder of Nigerian Christians. More often than not, Fulani militant perpetrators are neither prosecuted nor held accountable for their crimes. Human Rights Watch reported how Nigerian authorities treated mass killings “as a political problem,” rather than address them as a criminal matter. They have set up commissions of inquiry, which are good in theory, but in practice have become a way to reinforce impunity, as authorities then abdicate their responsibility for investigating and prosecuting the crimes.”[[18]](#footnote-18)

Despite Nigerian Presidennt Muhammadu Buhari’s statement in early 2018 condemning and calling for an end to the “wicked and callous” attacks by Fulani militants in the Middle Belt, the massacres continue to occur on a daily, weekly, monthly basis with no government intervention.[[19]](#footnote-19)

Moreover, it is important to note that accusations of blasphemy have caused situations of mob violence directed towards accused individuals. In 2016, the murder of a Nigerian Christian man was likely in response to the allegations raised against him that he posted blasphemous messages on social media, and in the same year a Christian woman was killed after preventing a stranger from engaging in a ritual outside of her storefront and another Christian was killed for ignoring the rules of fasting for Ramadan, despite not subscribing to Islam.[[20]](#footnote-20) And in the same year, a Muslim student’s home was burnt down after he was accused of being in cahoots with a Christian student who had supposedly made a blasphemous remark.[[21]](#footnote-21)

1. *Displacement and forced migration of religious or belief communities owing to discrimination, exclusion, or land rights violations.*

Although forced migration and displacement in Nigeria is not a new situation, there has been a massive spike in recent years of displacement of host communities in the Middle Belt of Nigeria due to violence caused by Hausa-Fulani-militant actions.[[22]](#footnote-22) According to the UNHCR, in 2019 alone, there have been over two million internally displaced persons and about 244,000 Nigerian refugees in neighboring countries,[[23]](#footnote-23) and this year, about 300,000 refugees who fled because of the violence journeyed to neighboring countries like Niger, Chad, and Cameroon.[[24]](#footnote-24)

As a result of nomadic Fulani militant attacks, communities in Benue have been robbed and deprived of their ancestral home and farmlands. These indigenes are now displaced when they have homes and own land in Benue state because of the continuous violence they are facing from the Fulani militant attacks.[[25]](#footnote-25) The internally displaced people (IDP) camps are in poor, unhygienic, and sickness prone environments, which make the IDPs vulnerable to diseases, natural disasters, and possible violent attacks.

The size of the IDP camps creates various challenges for the people and the IDP management agencies. There is lack of funding for IDP camps expenses, due to corruption, funding provided for the IDP camps are used for personal expenditures by management officials, and when IDPs leave the camp to find jobs in the camp host communities, it creates friction that could lead to conflict.[[26]](#footnote-26)

1. **Good Practices**

Jubilee Campaign urges the Special Rapporteur to recommend the following best practices:

* The Nigerian government should ensure that laws punishing apostasy and perceived blasphemy should not be enforced by any courts with civil or criminal penalties, and the government should push these states to repeal those laws as they are in violation with the Nigerian Constitution’s guarantee of freedom of religion or belief under article 38.
* One key threat to freedom of religion is the violence and terrorism in Nigeria targeting civilians, places of worship, health facilities and schools run by faith groups. Local states in Nigeria have expressed the need to have local community police who live in the areas, this follows Natasha Leite de Moura - project adviser of United Nations public security programme in Lima, Peru’s advice where local efforts were key.[[27]](#footnote-27) The Federal government has so far only paid lip service in addressing the violence, disregarding that while the North is majority Muslim, the Christians are disproportionately targeted, there needs to be a concerted effort to “investigate, prosecute, punish and redress human rights violations,” this extends to those committed by private persons.[[28]](#footnote-28)
* It is also essential for the international community to monitor the distribution of humanitarian aid to ensure no one is left behind. In the case of the Adara community in southern Kaduna for example, who have been one of the most affected communities by the attacks from Fulani militants and have faced discrimination at various levels from the local government, they will not be helped by aid distributed by the local government.[[29]](#footnote-29) As shown in Bishop of Truro's independent report, there was criticism of “religion-blind” aid in regards to Iraq, with no special regard for the genocide towards Christians and Yazidis and their unique needs. Lord David Alton shared, “A policy of “religion-blind” aid has meant that the UK is unwilling to rebuild a Christian town, or a Yazidi village, unable to grasp that the Nineveh Plains were always a patchwork of settlements belonging to different religious groups – who lived in harmony with their near neighbours of another creed.”[[30]](#footnote-30) The aid towards persecuted Rohingya Muslims for example, was targeted, with the Department of State’s Bureau for Population, Refugees and Migration providing $32 million in emergency humanitarian assistance.[[31]](#footnote-31) Aid following genocidal violence needs to take into account the persecuted and alleviate their unique suffering, to ensure their presence and identity is not wiped out.
* In the case of impunity for human rights violations in Guatemala, the Committee against Torture recommended the State party to strengthen the autonomy and independence of the judiciary and the Public Prosecutor’s Office and the prohibition of involvement of the army in public security and crime preventions.[[32]](#footnote-32) Human rights training and ensuring the independence of judiciary, especially in countries which have the common law system, allows for creative solutions in favour of Article 18 of the Universal Declaration of Human Rights, for example, denying the application of Sharia law on procedural or constitutional grounds when it conflicts with international human rights norms.
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