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RELIGIOUS FREEDOM IN NIGERIA

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Introduction

1. The European Centre for Law and Justice (ECLJ) is an international, non-governmental organisation dedicated to promoting and protecting human rights around the world. The ECLJ also holds Special Consultative Status before the United Nations Economic and Social Council. The purpose of this report is to highlight religious freedom abuses in Nigeria for the 2013 Universal Periodic Review (UPR). These abuses primarily result from the government's failure to enforce religious freedom guarantees and the prevalence of religiously motivated violence. Although Nigeria is still recovering from the effects of many years of oppressive military dictatorship, it must protect the religious freedom of all of its citizens, Muslim, Christian, or otherwise.

Nigerian Government's Failure to Enforce and Promote Religious Freedom

2. The 2009 UPR expressed concerns regarding the protection and promotion of religious freedom.¹ This admonition assumed two primary forms. First, the 2009 UPR repeatedly encouraged the promotion of inter-religious co-operation by governmental entities and personnel, non-governmental organisations, and religious leaders.² Second, the 2009 UPR encouraged Nigeria to better protect its citizens from religiously motivated violence.³ Since 2009, Nigeria has neglected to adequately address these concerns, and, as a result, conditions have continued unabated or worsened. Rather than encourage inter-religious dialogue and co-operation, the Nigerian Government and various state governments have been apathetic at best and, at worst, propagated religious discrimination.⁴ Further, religiously motivated violence has increased, both in quantity and severity, since the 2009 UPR. Rather than ensuring religious freedom, the Nigerian Government stands idly by while terrorist organizations, primarily Boko Haram, perpetrate acts of genocide against Nigerian Christians. The Nigerian Government's failure to protect against religious discrimination and religiously motivated violence explicitly violates the prescriptions of the Constitution of Nigeria, which provides "[e]very person shall be entitled to freedom of . . . religion, including freedom . . . to manifest and propagate his religion or belief in worship, teaching, practice and observance"⁵; the African Charter on Human and Peoples' Rights (African Charter), which provides "[e]very individual shall be entitled to the enjoyment of the rights and freedoms recognized and guaranteed in the present Charter without distinction of any kind such as . . . religion"⁶; and the International Covenant on Civil and

¹Rep. of the Working Group on the Universal Periodic Review, Human Rights Council, 11th sess., 5 Oct. 2009, paras. 11, 18, 20, 31, U.N. Doc. A/HRC/11/26* [hereinafter UPR].

²*Id.*

³*Id.* para. 20.

⁴*See, e.g.*, U.S. DEP'T OF STATE, *International Religious Freedom Report for 2011 – Nigeria: Executive Summary*, 5 (30 July 2011), <http://www.state.gov/documents/organization/192957.pdf> [hereinafter *2011 Int'l Religious Freedom Report*] (the Nigerian Commission for Religious Affairs, "while technically secular, tended to favor Muslims. . . . [by] ma[king] recommendations for the state government to fund the construction of mosques but did not recommend the use of state funds for the construction of [Christian] churches.").

⁵CONSTITUTION OF NIGERIA (1999), § 38; *see also* CONSTITUTION OF NIGERIA (1999), §§ 10, 15, 42.

⁶African Charter on Human and Peoples' Rights (Banjul Convention), art. 2, 27 June 1981, 21 I.L.M. 58 [hereinafter African Charter]; *see also* African Charter, art. 8 ("Freedom of conscience, the profession and free practice of

Political Rights (ICCPR), which provides “[e]ach State Party to the present Convention undertakes to respect and to ensure all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as . . . religion”⁷

Rather than Encouraging Inter-religious Dialogue and Cooperation, the Nigerian Government Frequently Discriminates against Christians.

3. It is commonplace in the northern states for state authorities to effectively ban Christian churches. State authorities frequently deny building permits for the construction or renovation of Christian churches.⁸ When these churches began applying for residential permits in an attempt to avoid the religious discrimination associated with corporate building permits, state officials continued to deny these alternative applications.⁹ Often, years or decades of inaction on building permits forces Christians to build without authorization.¹⁰ Such “unlawful” churches are subject to demolition at any time.¹¹ Even more egregiously, the state governments often provide pastors and congregants with little or no notice and no rationale for the demolition.¹² Some forms of religious discrimination are even more explicit, although no less flagrant. Certain state governments have announced land-use policies directly aimed at prohibiting Christian churches; including church construction with other prohibited uses such as brothels and taverns.¹³ Not only are Nigerian authorities discriminating against Christians, they are favoring similarly situated Muslims. Organisations such as the Commission for Religious Affairs (CRA) favor Muslims while denying Christians equal opportunities. Although supposedly secular, CRA recommended state funding for the construction of mosques, but not for Christian churches.¹⁴

4. In November 2012, a state government destroyed the Celestial Church of Christ in defiance of an injunction issued by the Ibadan High Court.¹⁵ With a demolition notice dated 16 November 2012, the state government gave the Celestial Church of Christ only three days to remove the structure and vacate the site before demolition would commence.¹⁶ Despite the injunction and impassioned pleas of the pastor, Kolawole Olakanmi, the government proceeded with the demolition and arrested Pastor Olakanmi and nine other church members for their opposition.¹⁷

religion shall be guaranteed. No one may, . . . be submitted to measures restricting the exercise of these freedoms”.); African Charter, art. 27.

⁷International Covenant on Civil and Political Rights, art. 2, 16 Dec. 1966, 999 U.N.T.S. 171 [hereinafter ICCPR].

⁸2011 *Int’l Religious Freedom Report*, *supra* note 4, at 6.

⁹*Id.*

¹⁰U.S. COMM’N ON INT’L RELIGIOUS FREEDOM, USCIRF ANNUAL REPORT 2012 – COUNTRIES OF PARTICULAR CONCERN: NIGERIA (20 Mar. 2012) [hereinafter USCIRF ANNUAL REPORT 2012].

¹¹*Id.*

¹²*Id.*

¹³*Id.*

¹⁴*See 2011 Int’l Religious Freedom Report*, *supra* note 4, at 5.

¹⁵Ibadan Akinwale Aboluwade, *Drama over Church Demolition in Ibadan*, PUNCH (1 Dec. 2012), <http://www.punchng.com/news/drama-over-church-demolition-in-ibadan/>.

¹⁶*Id.*

¹⁷Ibada Sola Adeyemo, *Ajimobi Defies Court, Demolishes Celestial Church in Ibadan*, NIGERIAN COMPASS (2 Dec. 2012), <http://www.compassnewspaper.org/index.php/section-table/35-headlines/10416-ajimobi-defies-court-demolishes-celestial-church-in-ibadan>.

5. In January 2012, the Ogun Government revoked the certificate of occupancy from Abraham Tabernacle and demolished a portion of the property without warning or justification.¹⁸ Prior to the arrival of the letter cancelling the certificate of occupancy, a contingent of fully armed mobile policemen arrived at Abraham Tabernacle; invaded church premises; and with the aid of a bulldozer, demolished the gatehouse, security post, and part of the church's fence.¹⁹ Abraham Tabernacle's pastor, Reverend Dele Kolade, expressed shock at the brazen behaviour of the government agents, who carried out the demolition without "showing any legal document or prior service of notice of abatement."²⁰ Most disconcerting, perhaps, were Reverend Kolade's statements expressing his hope that this government action was not the beginning of a round of blackmail and propaganda by the Ogun Government.²¹

6. The actions of the state governments in these two instances are the tip of the iceberg with regard to the religious discrimination permitted and propagated by the Nigerian Government and various state governments. Not only has the government failed to ensure the religious freedoms guaranteed by the Constitution of Nigeria,²² the African Charter,²³ and the ICCPR,²⁴ in the above cases, the government has been the source of religious discrimination.

Nigerian Institutions have been Apathetic in their Promotion of Inter-religious Dialogue and Cooperation.

7. The failure of the Nigerian Government to promote inter-religious dialogue and co-operation is best exemplified by the track record of the Nigerian Inter-Religious Council (NIREC). NIREC is specifically mentioned in the 2009 UPR as one of the conduits through which Nigeria was to promote inter-religious harmony.²⁵ NIREC is an independent organisation, founded in 1999 by the Nigerian Government, whose sole purpose is to mitigate violence between Christian and Muslim communities through promoting dialogue and co-operation.²⁶ The Nigerian Government funds and supports NIREC and its efforts.²⁷ Until 2010, NIREC held quarterly meetings.²⁸ Since then, NIREC has held only one meeting per year.²⁹ Not only have

¹⁸Kayode Obisanya, *Nigeria: We Did Not Demolish Gbenga Daniel's Church - -Amosun*, ALLAFRICA (15 Feb. 2012), <http://allafrica.com/stories/201202150838.html>.

¹⁹*Id.*

²⁰*Id.*

²¹*Id.*

²²See 2009 Working Group Report, *supra* note 10.

²³See African Charter, *supra* note 6.

²⁴See ICCPR, *supra* note 7.

²⁵UPR, *supra* note 1, para. 20 ("Within the framework of its national Inter-Religious Council and the Institute for Peace and Conflict, continue its commendable efforts in promoting the inter-ethnic, inter-communal and inter-religious harmony; . . . [e]xpand programmes of education on religious tolerance in schools and monitor and protect the rights of religious minorities . . .").

²⁶2011 *Int'l Religious Freedom Report*, *supra* note 4, at 8; see also *Objectives and Functions*, NIGERIAN INTER-RELIGIOUS COUNCIL (2010), <http://nirecng.org/objectives.html>.

²⁷*Id.*

²⁸See, e.g., Muideen Olaniyi, Sultan: Muslims, Christians Must Work Together, CIMER.ORG 1 (July 2010), <http://www.cimer.org.au/documents/Nigeriapeacemaking.pdf>.

²⁹2011 *Int'l Religious Freedom Report*, *supra* note 4, at 8; see also *Documents*, NIGERIAN INTER-RELIGIOUS COUNCIL (2010), <http://nirecng.org/documents.html>.

NIREC efforts diminished, but it has been criticised for its ineffective co-operation.³⁰ Even more concerning are accusations that NIREC is to blame for the perennial religious violence in Nigeria. The Leader of the Muslim Congress, Sheik Zikirullahi Sha’afi stated that the “leadership of NIREC should be blamed for the perennial religious violence in the country. It is a minus for them and it is an indication that we are not being well led.”³¹

Religiously Motivated Violence

8. Preventing religiously motivated violence is one of the primary concerns of the 2009 UPR. The 2009 UPR emphatically urged Nigeria to address this issue with urgency.³² Due to the flagrancy of such violations of Nigerians’ fundamental rights to life and religious freedom, these issues should be addressed quickly and forcefully. Instead, the Nigerian Government and state governments have exhibited an apathetic attitude toward flagrant violations of constitutional rights. Violent extremist groups, such as Boko Haram, perpetrate genocide against Christians and other minority ethnic and religious groups with virtual impunity.

9. During the weekend of 30 June – 1 July 2012, members of the Islamic Fulani ethnic group murdered over fifty Christians and declared that “Christians in Nigeria should accept Islam, that is true religion, or they will never have peace.”³³ This attack began with the senseless destruction of forty-three Christian-owned farms.³⁴ No arrests were made in connection with the destruction of the farms.³⁵ Later, a genocidal group systematically proceeded through nine villages around the city of Jos, murdering Christian residents in every village.³⁶ Despite the murder of two politicians and the fact that two groups³⁷ publicly claimed responsibility for the massacres, little was done to investigate the matter or prosecute the perpetrators.³⁸ Moreover, when those mourning the deaths of their loved ones gathered to grieve, gunmen opened fire on the mourners.³⁹ Perhaps most concerning about this massacre is the potential government involvement. Officials noted that some of the gunmen were wearing police uniforms and were protected by bulletproof vests.⁴⁰

³⁰See *Report on the Inter-Religious Tensions and Crisis in Nigeria*, WORLD COUNCIL OF CHURCHES 9 (May 2012), http://www.oikoumene.org/fileadmin/files/wcc-main/2012pdfs/Report_of_Nigeria_delegation.pdf.

³¹Cornelius Omonokhua, *Where is Nigeria’s Inter-Religious Council?*, THE GUARDIAN NIGERIA (5 Dec. 2012), http://www.ngrguardiannews.com/index.php?option=com_content&view=article&id=106672:-omonokhua-where-is-nigerias-inter-religious-council-&catid=38:columnists&Itemid=615.

³²2009 Working Group Report, *supra* note 1, para. 20 (“Take *urgent* steps to prevent politically motivated and sectarian and religious-based violence”) (emphasis added).

³³Gerard Bennett, *Islamic Terrorists in Nigeria Demand That Christians Convert*, CI NEWS (13 July 2012), <http://www.cinews.ie/article.php?artid=10474>.

³⁴Raymond Ibrahim, *Muslim Persecution of Christians: July, 2012*, GATESTONE INST. INT’L POLICY COUNCIL (31 Aug. 2012), <http://www.gatestoneinstitute.org/3318/muslim-persecution-of-christians-july-2012>.

³⁵*Id.*

³⁶*Id.*

³⁷One of which was Boko Haram.

³⁸Ibrahim, *supra* note 33; see also *Nigeria: “This is Becoming Genocide”*, OPENDOORS (11 July 2012), <http://www.opendoorsusa.org/pray/prayer-updates/2012/7-July/Nigeria-is-becoming-genocide>.

³⁹*Nigeria: “This is Becoming Genocide”*, *supra* note 37.

⁴⁰Ibrahim, *supra* note 33.

10. On Christmas Day of 2011, church bombings occurred in five separate cities located across Nigeria and caused hundreds of casualties.⁴¹ One of the attacks alone killed twenty-seven people.⁴² These coordinated attacks were the work of Boko Haram, the notorious Islamist group.⁴³ On Christmas Day of 2012, Boko Haram terrorists continued a three-year trend of Christmas day bombings at churches across Nigeria.⁴⁴ Many of those killed were small children.⁴⁵ Unfortunately, instances such as these are not uncommon. In 2011, Human Rights Watch reported that Boko Haram perpetrated 115 separate attacks throughout Nigeria.⁴⁶ Boko Haram alone was responsible for the murder of 250 Nigerians in an eighteen-month period between July 2010 and December 2011.⁴⁷ Since 2009, the year that United Nations last published Nigeria's UPR, Human Rights Watch estimates that Boko Haram has murdered at least 935 people.⁴⁸

11. In some instances, Sharia law is constructively enforced through violence against non-Muslims. On 22 January 2013, in northern Nigeria, Boko Haram assailants gunned down eighteen people at a local market for selling monkey and pork products, which is proscribed by Sharia law.⁴⁹ On the same day, in a separate attack in Kano, Boko Haram terrorists murdered five individuals in a drive-by shooting for playing a board game, which violated Sharia law's prohibition of gambling.⁵⁰

12. Nigeria's response to Boko Haram and other religiously motivated violence has been ineffective at best,⁵¹ falling far short of the goals set forth in the 2009 UPR. In fact, according to the 2012 United States Commission on International Freedom (USCIRF) Report, there was "a dramatic rise in sectarian or religiously-related violence in Nigeria."⁵² One of the primary reasons for Boko Haram's escalating violence is the impunity with which they operate. The Nigerian Government does not appear to be prosecuting the perpetrators in a fair and open manner.⁵³ In the Middle Belt and northern region, the government is not prosecuting perpetrators

⁴¹Wj Murray, *Muslim Boko Haram Strikes on Christmas Day*, SHARIA AWARENESS ACTION NETWORK (27 Dec. 2011), <http://shariafreeusa.com/muslim-boko-haram-strikes-on-christmas-day/>.

⁴²Felix Onuah & Camillus Eboh, *Islamist Militants Kill Dozens in Nigerian Christmas Day Church Bombings*, NAT'L POST (25 Dec. 2011), <http://news.nationalpost.com/2011/12/25/islamist-militants-kill-dozens-in-nigerian-christmas-day-church-bombings/>.

⁴³Murray, *supra* note 40.

⁴⁴*Nigeria: 6 Killed at Church Service*, N.Y. TIMES: AFRICA (25 Dec. 2012), <http://www.nytimes.com/2012/12/26/world/africa/6-killed-at-church-service-in-nigeria.html?ref=Nigeria>.

⁴⁵Onuah & Eboh, *supra* note 41.

⁴⁶*Nigerian Death Toll from Boko Haram Attacks 'Nears 1,000'*, THEGUARDIAN (24 Jan. 2012), <http://www.guardian.co.uk/world/2012/jan/24/boko-haram-killed-nearly-1000>.

⁴⁷Onuah & Eboh, *supra* note 41.

⁴⁸*Nigerian death toll from Boko Haram attacks 'nears 1,000'*, *supra* note 45.

⁴⁹*Nigeria: 18 Killed Over Bush Meat*, N.Y. TIMES: AFRICA, (22 Jan. 2013), http://www.nytimes.com/2013/01/23/world/africa/nigeria-18-killed-over-bush-meat.html?ref=nigeria&_r=0.

⁵⁰*Id.*

⁵¹*Nigerian Death Toll from Boko Haram Attacks 'Nears 1,000'*, *supra* note 45. ("[President] Jonathan's inability to respond effectively, or articulate a credible strategy, reinforces the growing perception of a deep leadership void in Abuja . . .").

⁵²USCIRF ANNUAL REPORT 2012, *supra* note 10.

⁵³*Id.*

at all.⁵⁴ The failure of the Nigerian Government to properly investigate and prosecute these crimes undermines its legitimacy and disregards the admonitions of the 2009 UPR.

Conclusion

13. Nigeria's efforts to prevent religious discrimination and religious violence have been wholly ineffective. In many cases, the Nigerian Government and state governments have been complicit in religious discrimination. In other cases, the Nigerian Government has been impotent in protecting its citizens from religiously motivated violence, permitting violence to occur with impunity. Without the Nigerian Government's immediately implementing substantive measures to ameliorate religiously motivated violence, the severity and frequency of this violence will continue to escalate, furthering the already hostile religious tensions within the country and possibly setting the stage for civil war or a political power grab by Boko Haram. Fortunately, there is hope. The USCIRF Report concludes that "Nigeria could muster the resources to address inter-communal violence, including religiously-motivated violence"⁵⁵ Were Nigeria to do so, it could begin the process of complying with the UPR and ensuring the rights afforded to its citizens by the Constitution of Nigeria.

⁵⁴*Id.*

⁵⁵*Id.*