

briefing

Nigeria

Summary of Submission to United Nations Human Rights Council Universal Periodic Review

FOR PUBLIC USE

1 SEPTEMBER 2008



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Nigeria: Summary of Main Submission

I. Key Issues

The main report (attached) details specific incidents illustrating the existence of a system of religious repression that has gradually become entrenched in parts of northern and central Nigeria. This system, which to a great extent has been either tacitly or openly approved or facilitated by individual state governments, is in direct contravention of the Nigerian Federal Constitution and of international statutes to which Nigeria is party.

1.1. Background

Nigeria's federal constitution provides legal protections and extensive rights to all of its citizens; however, these rights are not always enjoyed by religious and cultural minorities in northern and central areas. With the introduction of the Shari'ah penal code by twelve of Nigeria's northern and central states, Islam has in effect become the official religion of those states, contravening a provision within the federal constitution that prohibits the adoption of a state religion. Moreover, despite initial assurances that Shari'ah would only apply to Muslims, non-Muslims are often subject to it. In addition, since the introduction of the penal code began in 1999, life in these areas has been characterised by regular outbreaks of often orchestrated religious violence. Despite the advent in 2007 of a Muslim president with an expressed commitment to ensure religious reconciliation and welcome recent efforts of such bodies as the Nigeria Inter-Religious Council (NIREC) towards reducing religious hostility in Nigeria, much remains to be done to guarantee the rights of all Nigerians in the northern and central "Shari'ah States", regardless of their religious affiliation. Non-Muslims in these states are generally denied the same rights, societal advantages and governmental protection that Muslims enjoy, and to which they are entitled. Some states have forcibly deprived Christians of their churches and premises, denying them compensation. In addition, Christians are rarely reimbursed adequately for personal or corporate losses incurred during episodes of religiously motivated violence. They do not always receive sufficient protection from state authorities when such violence occurs, nor are their attackers ever prosecuted. Religious repression is therefore not only conducted by private individuals or groups, but is also to some degree condoned by the local authorities. In addition, social marginalisation of non-Muslim appears widespread. Discrimination occurs in employment, education and in accessing public services, as well as in the other forms. In order to adequately address this anomaly it is vital that the Nigerian government fully implements appropriate provisions contained within national and of international laws to which it professes to adhere, and that it also ensures the adherence of individual states.

1.2. Research Methodology

CSW's findings are based upon carefully documented and verified evidence. Fact finding teams from CSW have visited majority states in the north and central regions of Nigeria nine times in the past 9 years. The teams have directly witnessed and documented contraventions of human rights and restrictions on religious liberty outlined within this document. In addition to this direct evidence, CSW has drawn upon reports by trusted and legitimate contacts in Nigeria, and from national and international media sources. The provenance of these media reports are in turn examined thoroughly and compared with other sources, to ensure accuracy.

2. Details of Findings

2.1. Discrimination in employment

Christians often face discrimination in obtaining state sector jobs, and in progressing in their professions. Worryingly, during visits to states within the area, CSW even received reports alleging that Christians were passed over for promotion in favour of less qualified Muslim candidates. Such deliberate exclusions also extend to representation within local government authorities. For example, in Katsina State in 2006, only 2 out of 34 Local Government Areas were reported to acknowledge Christians within their legislative assemblies.

2.2. Discrimination in access to Education

The education system in states such as Borno and Katsina were found to strongly favour Muslim students and to be actively disadvantageous to Christian ones. Christian students report being denied the opportunity of attending higher educational facilities or of receiving scholarships to assist in the pursuit of further studies. There also appears to be a particularly strong bias towards religious instruction in Islamic studies even in public schools. While Muslim teachers are generally trained and paid at the state's expense, there is generally little or no investment in the training of teachers of Christian religious studies, and this is generally left in the hands of impoverished churches. Christian Religious Knowledge was removed from the curriculum over a decade ago in Borno State, and in April 2004 in Katsina – whilst in the latter state Islamic Religious Knowledge became compulsory. Kano State's extension to private as well as public schools of mandatory Islamic dress for all students, which was later adopted by Borno in May 2007, further reflects the religious bias that exists in educational establishments.

2.3. The Threat of Violence in Educational Establishments

In recent years there have been a number of religiously motivated assaults, riots and killings originating in educational establishments, usually following unsubstantiated accusations of blasphemy. The case of Mrs. Christiana Oluwatoyin Oluwasesin in March 2007 serves as a particularly appalling example of this tendency. Despite another (Muslim) teacher defending her against false allegations of having desecrated a Qur'an, she was beaten, stripped, stabbed and burned beyond recognition by students and local townsfolk. However despite such atrocities, obtaining justice remains extremely difficult.

2.4. Discrimination in Access to and Provision of Services

During a visit to Nigeria in early 2006, CSW found that Christians living in rural areas of Katsina lack convenient access to such basic necessities as water and solar electricity, whilst neighbouring Muslim villages were more than adequately provided for at the state's expense. One village in Matazu Local Government Area (LGA) of Katsina has not had a new borehole since 1929, and even this was provided by overseas charitable donations rather than by the state governmental. Even the right to burial grounds can be denied. In 2002, due to a refusal on the part of the Niger State government to provide a new burial site, the Christian cemetery in the state capital was full to overflowing, with four to five bodies per grave. In 2006, in the Guduf area of Gwoza, Borno State, local Muslims used violence and threats against attempts to secure a new burial site for Christians. A site was eventually provided following interventions by a local human non-governmental organisation (NGO). By contrast the Muslim communities in each of these areas were adequately provided for.

2.5. Discrimination in the Construction of Churches and Unwarranted Seizure of Property

It is extremely difficult to gain official sanction for building or making alterations to churches in northern and central Shari'ah states. In Maiduguri, Borno State, Christians have been denied both lands and permission to build churches for the last 17 years. Muslims on the other hand have gained both, and even received governmental funding to build mosques. Increasingly churches in these areas are demolished during religious violence, on spurious zoning grounds, or to make way for sudden new developments. Despite specific promises by local authorities in certain instances, compensation and/or reallocation of land is never forthcoming.

2.6. Extrajudicial killings; inadequate government response and possible collusion

Despite regular threats to the lives and property of non-Muslims, efforts by local authorities to protect Christians have been woefully inadequate in most of the Shari'ah States, even where there are advanced warnings of an impending attack or riot. In some incidents, the actions of some state authorities even suggest a degree of culpability or complicity. Several incidents over the past nine years appear to validate this analysis, the most recent being the events that unfolded during the "Cartoon Riots" of 18 February 2006 in Maiduguri, capital of Borno State in the extreme north-east of the country.

During violence that raged unchecked for four hours, Christian leaders repeatedly contacted the authorities for assistance., and were in turn repeatedly told that the situation was "under control", despite the fact that fewer members of the security forces were visible on the streets than is usually the case. Later as an official report on the riots was being put together, Christians were deliberately excluded from deliberations, and the final report by a 'High Powered Committee' concluded that culpability for the violence lay with Christians rather than Muslims, since the latter had been "provoked". The state government subsequently rejected calls from Christians for him to follow normal procedure and create a more independent judicial panel of Inquiry to look into the violence.

2.7. The threat of imminent violence

Following the advent of a Muslim presidency there has been a decline in the frequency of episodic religious violence. Nevertheless, in many areas, vulnerable non- Muslim communities continue to live under the threat of imminent violence.

2.8. Lack of accountability and compensation

There has been a marked failure on the part of state authorities to apprehend or prosecute those who commit acts of religiously motivated violence in northern and central states. It is also extremely unusual for compensation to be awarded to victims, and this serves to promote an environment where perpetrators feel empowered to operate with impunity. For example, despite the destruction of 57 churches and the loss of at least 65 lives during the "Cartoon Riots", no church or Christian individual or business has received compensation for their losses, neither have perpetrators of violence been brought to justice. However, reparations were made rapidly for damages to the property that had been rented to Christians by a Muslim Grand Khadi, with the state government even intervening to

rebuild the property on his behalf. Regrettably, the chronic lack of justice and accountability in the face of violence engendered retaliatory action against Muslim northerners elsewhere in the country.

2.9. Vulnerability of Converts and Child Abduction

In Shari'ah states Converts from Islam can experience extreme societal pressure and even persecution. Under the genre of Shari'ah law currently prevalent in these states, conversion is seen as apostasy and can mean death. There are several reports of converts being attacked, imprisoned and even killed for changing their faith. The beating and forced imprisonment of 21-year-old Sansui Ali by members his family in Katsina State is one of the most recent cases. He currently detained against his will in an unknown location. In addition, once a male member of a non-Muslim family converts to Islam considerable pressure is often exerted on female relatives to convert, and there are many forced conversions. Even in wholly Christian families it is the female and younger members who are most often targeted for forcible conversion by Muslims. Increasingly there are reports of Christian women and children being abducted and forcibly converted. These abductions are most frequent in the Shari'ah states, and in Bauchi, the State Shari'ah Commission been implicated in many such abductions. Despite attempts of families to rescue their children, intimidation and threatened violence by the abductors sometimes makes this impossible.

2.10. The Hisbah Corps

Since their inauguration in the Shari'ah states of northern and central Nigeria, the Hisbah, or Shari'ah law enforcement corps, have frequently been used to harass non-Muslims. Under the governorship of Ibrahim Shekarau, Kano State created a particularly strong Hisbah force of 9000 people, which has even taken an active part in the demolition of local church buildings. In 2006 the Federal Government outlawed the Hisbah after receiving intelligence reports indicating that Hisbah forces were seeking foreign funding to train 100 jihadis. However, a Supreme Court ruling on the matter proved indecisive, and the dissolution of these forces has yet to be finalised.

3. Conclusions

It is vital that Nigeria's state and federal governments undertake immediate action to redress the contraventions of national and international legal undertakings that continue to occur in northern and central Nigeria. Furthermore it is vital that in instances where state governments efforts to tackle religious violence prove consistently inadequate, the federal authorities takes measures to ensure adherence to the stipulations of the Nigerian constitution.

3.1. Recommendations:

- That the international community impresses upon Nigeria the necessity of upholding its key international obligations under:
 - The International Covenant on Civil and Political Rights (ICCPR);
 - The International Covenant on Economic Social and Cultural Rights (ICECSR);

- The African Charter on Human and Peoples Rights (ACHPR);
- The Convention on the Rights of the Child (CRC)
- The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)
- The Convention on the Elimination of All Forms of Racial Discrimination (CERD)
- That the Federal Government takes measures to ensure that the national constitution is fully observed by all state governments, and addresses all contraventions in a timely manner. This should include contesting the constitutional legality of the imposition of the Shari'ah penal code and its ramifications, and of the continued existence and activities of Hisbah/Shari'ah enforcement groups.
- In light of the constitutional government of Nigeria must measures to ensure that non-Muslims are not subjected to Shari'ah law in these states, and are able to practice their own religion without let or hindrance.
- Any proven complicity on the part of state authorities in discriminatory action or activities of questionable legality must be condemned in the strongest terms and immediately addressed.
- The Federal Government must intervene immediately whenever a state has failed in its duty to provide or ensure adequate and timely protection, essential social amenities, the return of abducted children, or the prosecution of perpetrators of violence. In addition, federal funding should be withheld from state governments that consistently fail to ensure the rights of all Nigerian citizens, regardless of their religious or cultural background.

Finally CSW commends President Yar'Adua, and urges him to continue with the commendable objectives outlined at the start of his presidency to improve relations between the major religious communities of Nigeria and to end the chronic cycle of religious violence. However, in order to achieve this objective, more needs to be done to ensure that reconciliation permeates to state and grassroots levels, where policies of repression and discrimination are entrenched and commonly practiced.