

Follow-up table to the country visit of the Special Rapporteur on freedom of religion or belief to Nigeria (27 February-7 March 2005)

Conclusions and recommendations of the Special Rapporteur's mission report (E/CN.4/2006/5/Add.2)	Follow-up information from UN documents (e.g. Special Procedures, UPR, Treaty Bodies)	Follow-up information from the Government of Nigeria
<p>General policy with regard to religions</p> <p>103. With regard to the general policy of the Government of Nigeria vis-à-vis religion and belief, the Special Rapporteur recommends that the Government adopt a more careful approach when it comes to supporting one or the other religious community and consider the possibility of refraining from interfering with religious matters whenever these do not endanger human rights. At the same time, the Government should take very firm positions whenever religion is at the origin of human rights violations, regardless of which religious community is concerned.</p> <p>104. The Government should further strengthen the existing inter-religious dialogue to address the overall objective of promoting religious tolerance, and therefore extend the scope of the dialogue and increase the number of stakeholders in the process. Such initiatives must link local dialogues to the national scene so that signs of trouble are detected early and resolved before violence breaks out. Such dialogue would further create better understanding and accommodation. It must include women and members of civil society so that their concerns are also heard.</p> <p>105. The Government should also take concrete steps to strengthen the education system throughout Nigeria in order for children to receive teaching on religious tolerance.</p> <p>106. The Government should reassess its position with regard to traditional religions as well as other forms of religion or belief. Adherents of traditional religions should be given a place in the mainstream policy and be represented in institutions and other forums that deal with religious matters.</p>	<p>A/HRC/11/26 Report of the Working Group on the Universal Periodic Review, Nigeria, February 2009</p> <p>103. In the course of the discussion, the following recommendations were made to Nigeria: [...] Continue the actions aimed at raising awareness among religious and customary leaders (Niger); [...] Undertake further efforts in order to raise awareness among religious leaders and traditional dignitaries and involve them in the dissemination of a culture of human rights and in combating harmful traditional practices (Qatar); [...] Take urgent steps to prevent politically motivated and sectarian and religious-based violence (Canada); [...] Within the framework of its national Inter-Religious Council and the Institute for Peace and Conflict, continue its commendable efforts in promoting the interethnic, inter-communal and inter-religious harmony (Botswana); Expand programmes of education on religious tolerance in schools and monitor and protect the rights of religious minorities-promotion of the culture of religious tolerance should become the priority of the Federal, State and Local Governments (Poland); End discrimination against ethnic minorities to ensure that non-Muslims are not subjected to Sharia law and are able to practise their own religion without hindrance (Denmark);</p> <p>A/63/38 Concluding comments of the Committee on the Elimination of Discrimination against Women: Nigeria (July 2008)</p> <p>317. [...] The Committee also recommends that awareness-raising and advocacy campaigns be developed and implemented, involving parliamentarians, civil society and the general public, including religious and traditional leaders, in order to enhance understanding of the provisions of the Convention and support for the principle of gender equality and the prohibition of discrimination. It calls upon the State party to ensure that the Convention and related domestic legislation are made an integral part of legal education and the training of judicial officers, including judges, lawyers and prosecutors, so as to firmly establish in the country a legal culture supportive of women's equality and non-discrimination. [...]</p> <p>323. In line with its recommendation of 2004, the Committee urges the State party to continue to take measures, including the enactment of national legislation, to modify or eliminate traditional and cultural practices and stereotypes that discriminate against women in accordance with articles 2 (f)</p>	

Conclusions and recommendations of the Special Rapporteur's mission report (E/CN.4/2006/5/Add.2)	Follow-up information from UN documents (e.g. Special Procedures, UPR, Treaty Bodies)	Follow-up information from the Government of Nigeria
	<p>and 5 (a) of the Convention. It also urges the State party to intensify cooperation in this regard with civil society organizations, women's groups and community leaders, traditional and religious leaders, as well as teachers and the media. The Committee invites the State party to increase its efforts to design and implement long-term strategies, as well as education and awareness-raising programmes targeting women and men at all levels of society, with a view to creating an enabling environment for the elimination of stereotypes and practices that are discriminatory to women and allowing women to exercise their fundamental rights. It calls upon the State party to review periodically the measures taken in order to assess their impact, to take appropriate action and to report thereon to the Committee in its next periodic report.</p>	
<p>Sharia penal codes</p> <p>107. With respect to the sharia penal codes adopted by states in the north, the Federal Government has the obligation to respect the international human rights conventions to which it is a party and therefore ensure, as a priority, that the laws of the nation, whether local or federal, are in conformity with these conventions. In this regard, the Special Rapporteur recommends that the Federal Republic of Nigeria carry out an assessment of all the laws in force and analyse their compatibility with international human rights law.</p> <p>108. In particular, the Special Rapporteur insists that the Government should ensure within the context of freedom of religion and freedom of expression that Nigerians can express themselves and dissent even within their religion without fear of any form of retaliation or threat. This is especially important in a context where it is religion rather than general laws that is governing human behaviour. In that context, the State must ensure that there is a space for dissent.</p> <p>109. In this respect, and taking into account the absence so far of any constitutional challenge at the Federal Court level of sharia penal codes and their implementation, the authorities of Nigeria should ensure that appropriate mechanisms are put in place so that citizens who are willing to contest the constitutionality of these laws are neither attacked nor threatened or intimidated.</p> <p>110. The rights of members of religious minorities should be systematically monitored and protected whenever</p>	<p>A/HRC/WG.6/4/NGA/2 Working Group on the Universal Periodic Review, compilation of information contained in the reports of treaty bodies and special procedures, February 2009</p> <p>3. CRC was also concerned that much of the existing legislation at federal, state and local levels, in particular the religious and customary laws, did not fully comply with the principles and provisions of the Convention. [...]</p> <p>25. In 2005, the Special Rapporteur on freedom of religion or belief noted that punishments such as stoning or amputation constitute, if not torture, at least cruel, inhuman and degrading treatment, which is prohibited in absolute terms by various international conventions to which Nigeria is a party. CRC raised similar concerns with regard to the sentencing of persons below 18 years. [...]</p> <p>32. The Special Rapporteur on freedom of religion or belief noted in 2005 that certain provisions as well as the practice of some sharia courts appeared to be in contravention of the principles of nulla poena sine lege and of equality before the law. CRC remained gravely concerned that the juvenile justice system, in particular, the sharia court system, does not conform to international norms and standards. [...]</p> <p>40. The Special Rapporteur on freedom of religion or belief pointed out that increasingly societal attitudes are translated into religious terms, which exacerbate the differences between religions and creates a climate of religious intolerance. The possibility, at least in theory, that Muslims could be convicted and sentenced to death because they converted to another religion would constitute a clear violation of the right to freedom of religion or belief. [...]</p> <p>67. The Special Rapporteur on freedom of religion or belief recommended</p>	<p>A/HRC/WG.6/4/NGA/1 Working Group on the Universal Periodic Review, National Report, February 2009</p> <p>12. On the constitutionality of the Sharia law and the punishments prescribed by Sharia courts, Nigeria said that the state governments that adopted the Sharia as a law governing Muslims in their jurisdiction have done so in line with the Constitution. When some courts in the states concerned tried to apply the Sharia punishment of amputation for stealing and stoning for adultery, these sentences were quashed by the Sharia Court of Appeal. In over 100 years of the application of Sharia Law in Nigeria, only one person, who had refused to appeal against his sentence, had his hand amputated for stealing. [...]</p> <p>65. In spite of government's best efforts to promote human rights in the country, Nigeria is still beset</p>

Conclusions and recommendations of the Special Rapporteur's mission report (E/CN.4/2006/5/Add.2)	Follow-up information from UN documents (e.g. Special Procedures, UPR, Treaty Bodies)	Follow-up information from the Government of Nigeria
<p>regulations - whether or not adopted in the name of religion - affect the enjoyment of their rights.</p> <p>111. As a matter of urgency, the Special Rapporteur calls upon the Government to take all necessary measures to put an end to the practice of Hisbah, including by declaring these groups outside the law and investigating any particular act they have committed that may amount to a human rights violation.</p>	<p>that the Government inter alia strengthen education on religious tolerance in schools; ensure that Shariah penal codes are in conformity with international human rights; monitor and protect the rights of religious minorities; and ensure justice is done concerning instances of inter-religious conflict.</p> <p>A/HRC/WG.6/NGA/3 Working Group on the Universal Periodic Review, summary of stakeholders' submissions, February 2009 18. CSW reported that Non-Muslims in the northern and central "sharia 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. Christians are rarely reimbursed adequately for 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 to some degree condoned by the local authorities. [...] 38. CSW indicated that with the introduction of the Sharia 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</p> <p>A/HRC/11/26 Report of the Working Group on the Universal Periodic Review, Nigeria, February 2009 79. [...] Denmark noted that with the introduction of the Sharia penal code in some states, conversion from Islam is seen as apostasy, and that individuals have been reportedly killed for their faith. Denmark recommended that Nigeria (a) step up its efforts to halt torture and ill-treatment as well as eradicating impunity for such acts and that alleged perpetrators be brought before justice, (b) establish an independent and effective national investigative mechanism, and (c) end discrimination against ethnic minorities to ensure that non-Muslims are not subjected to Sharia law and are able to practice their own religion without hindrance.</p> <p>A/HRC/13/40/Add.1 Communications report of the Special Rapporteur on freedom of religion or belief, February 2010 1. Communication sent on 7 August 2009 jointly with the Special Rapporteur</p>	<p>with several challenges and constraints compounded by the following:</p> <p>(a) Plural nature and size: the multi-ethnic, multi-cultural and multi-religious nature of Nigeria creates practical difficulties for the harmonization of views, strategies and programmes for the promotion and protection of human rights;</p> <p>(b) Legal system: the tripartite legal system (federal, state, local) permitting the making of laws at the three tiers of government constitutes a major challenge, especially in respect of personal law and certain traditional practices, which violate human rights;</p> <p>(c) Long period of military rule: The long period of military rule, with its undemocratic culture especially among the security forces. [...]</p> <p>94. The delegation indicated that the Shari'a law only applies to Muslims and even then, only in the area of personal law, like succession and family issues. However, all Nigerians are under the criminal code which is secular and which in many ways is based on the British system. In that respect, Shari'a law does not affect non-Muslims, except if a non-Muslim agrees in a business transaction to be bound by it. In addition, the delegation said that there is no discrimination towards</p>

Conclusions and recommendations of the Special Rapporteur's mission report (E/CN.4/2006/5/Add.2)	Follow-up information from UN documents (e.g. Special Procedures, UPR, Treaty Bodies)	Follow-up information from the Government of Nigeria
	<p>on extrajudicial, summary or arbitrary executions [...]</p> <p>183. From 26 July 2009, members of a group called Boko Haram rioted and attacked police stations and other Government buildings as well as places of worship in the Northern Nigerian states of Bauchi, Yobe, Kano, and especially Borno. Reports suggest that Boko Haram sought to impose their interpretation of Shari'a law in Nigeria, and that they intended to threaten or attack individuals who did not agree with or observe Boko Haram's interpretation of Shari'a. [...]</p>	<p>non-Muslims. Muslims and non-Muslims have lived together amicably although some incidents may have happened due to economic reasons or because of political motivations. However, this does not translate into a clearly defined policy of discrimination against any ethnic group or religious group.</p>
<p>Religious tensions and communal violence</p> <p>112. With respect to religious tensions and communal violence, the Special Rapporteur is of the opinion that the obligation of the Government of Nigeria is first and foremost to ensure that justice is done promptly and properly. This obligation should include a full investigation of the violence that occurred, including the identification and prosecution of alleged perpetrators, allowing victims to file proper claims for the damage they have suffered, and recognizing their proper status as victims in trials as well as awarding them appropriate compensation.</p> <p>113. The Government should also abide by its basic obligation to ensure the protection and security of religious groups which may be targeted and which should be entitled to practise their religions freely and without any obstacles, including those created by non State actors. The Government should reassess the efficiency of its mechanisms in order to be able to intervene in a timely and proper manner when such violence occurs. Early warning mechanisms should also be strengthened.</p> <p>114. The mechanisms created by the Government to promote interreligious dialogue should be strengthened and extended. In particular, they should ensure that religious leaders of all communities can participate and involve the civil society. Mechanisms at the local level should be created in as many places as may require them because of the composition of the population, past experience, or any other indication of possible religious tensions.</p> <p>115. The Government should also increase its support for</p>	<p>A/HRC/WG.6/4/NGA/2 Working Group on the Universal Periodic Review, compilation of information contained in the reports of treaty bodies and special procedures, February 2009</p> <p>22. CERD also expressed deep concern about numerous reports of ill-treatment, use of excessive force and extrajudicial killings as well as arbitrary arrests and detentions by law enforcement officials in attempts to quell incidents of intercommunal, inter-ethnic and interreligious violence. [...]</p> <p>58. CERD welcomed the establishment of the National Inter-religious Council and of the Institute for Peace and Conflict to promote inter-ethnic, intercommunal and interreligious harmony. [...]</p> <p>60. CRC acknowledged challenges faced by Nigeria, namely the long-standing ethnic, religious and civil strife, economic constraints including poverty, unemployment and the heavy debt burden, which may have impeded progress to the full realization of children's rights enshrined in the Convention. [...]</p> <p>63. In 2005, CERD requested Nigeria to provide, within one year, information on measures taken in response to its recommendations related to inter-ethnic, intercommunal and interreligious violence; numerous reports of ill-treatment, use of excessive force and extrajudicial killings as well as arbitrary arrests and detentions by law enforcement officials; and large-scale exploitation of natural resources in the Delta region and other River States. The follow-up report has been overdue since August 2006. [...]</p> <p>A/HRC/WG.6/NGA/3 Working Group on the Universal Periodic Review, summary of stakeholders' submissions, February 2009</p> <p>23. HRW reported that more than 11,000 Nigerians have died in violent intercommunal clashes since 1999, and though intercommunal violence</p>	<p>A/HRC/11/26 Report of the Working Group on the Universal Periodic Review, Nigeria, February 2009</p> <p>22. Regarding its long-term strategy in respect of inter-religious tensions, which occurred only in six of the country's 36 states, the Government is conscious of the dangers sectarian crisis can cause to the stability of any nation. Accordingly, a series of measures including advocacy, regular consultations with religious, traditional and faith-based organizations are being intensified in order to create a greater sense of tolerance among all Nigerians. The Government is also confronting impunity.</p>

Conclusions and recommendations of the Special Rapporteur's mission report (E/CN.4/2006/5/Add.2)	Follow-up information from UN documents (e.g. Special Procedures, UPR, Treaty Bodies)	Follow-up information from the Government of Nigeria
<p>such initiatives coming from the civil society and disseminate principles of good practice.</p>	<p>remains common, the government has failed to take measures to effectively address these problems.⁴⁰ CSW also indicated that in recent years a number of religiously motivated assaults, riots and killings have originated in educational establishments usually following unsubstantiated accusations of blasphemy, and that efforts by local authorities to protect Christians have been woefully inadequate in most of the Sharia States. The actions of some state authorities even suggest a degree of culpability or complicity in some incidents.</p> <p>A/HRC/11/26 Report of the Working Group on the Universal Periodic Review, Nigeria, February 2009</p> <p>55. [...] Qatar recommended that Nigeria undertake further efforts in order to raise awareness among religious leaders and traditional dignitaries and involve them in the dissemination of a culture of human rights and in combating harmful traditional practices. [...]</p> <p>61. Canada recommended that Nigeria (a) take urgent steps to prevent politically motivated, sectarian and religious-based violence, [...]</p> <p>65. [...] The United Kingdom recommended that Nigeria (a) take further steps to address discrimination against minority and vulnerable groups. This should include reviewing issues surrounding the terms “indigene/indigenous” and taking action to discourage politicians from using religious, ethnic or settler-indigene division for political ends [...]</p> <p>82. Poland noted with concern recurrent incidents of inter-communal and inter-religious violence in the previous years notably in the Plateau State. Poland asked about actions taken to fight against religious intolerance, to ensure justice is done in this regard, and to prevent further incidents from happening. Poland recommended that Nigeria expand programmes of education on religious tolerance in schools and to monitor and protect the rights of religious minorities - promotion of the culture of religious tolerance should become the priority of the Federal, State and Local Governments. Poland was interested to learn more about the actions, taken or planned, to prevent discrimination of Non-Muslims in the northern States.</p> <p>A/HRC/13/40/Add.1 Communications report of the Special Rapporteur on freedom of religion or belief, February 2010</p> <p>1. Communication sent on 7 August 2009 jointly with the Special Rapporteur on extrajudicial, summary or arbitrary executions</p>	

Conclusions and recommendations of the Special Rapporteur's mission report (E/CN.4/2006/5/Add.2)	Follow-up information from UN documents (e.g. Special Procedures, UPR, Treaty Bodies)	Follow-up information from the Government of Nigeria
	<p>[...]</p> <p>189. The Special Rapporteurs urged the Government to conduct an impartial and transparent inquiry into the circumstances surrounding the deaths of all those killed during the fighting, including Mr. Mohammed Yusuf, Mr. Buji Fai, and the eight unidentified individuals, with a view to taking all appropriate disciplinary and prosecutorial action and ensuring accountability of any person guilty of unlawful killings, as well as to compensate the families of the victims. The Special Rapporteurs also asked the Government to indicate if any measures were envisaged to prevent the recurrence of violent clashes, including interreligious ones.</p> <p>(b) No response received from the Government</p> <p>(c) Observations by the Special Rapporteur</p> <p>190. The Special Rapporteur regrets that she has so far not received a reply from the Government of Nigeria concerning the above mentioned allegations. She wishes to refer to the recommendations in her mission report of her country visit to Nigeria in February/March 2005 (see E/CN.4/2006/5/Add.2, paras. 103-115), especially with regard to religious tensions and communal violence.</p> <p>191. The Special Rapporteur would like to recall that the Human Rights Council, in its resolution 6/37, urges States to “take all necessary and appropriate action, in conformity with international standards of human rights, to combat hatred, intolerance and acts of violence, intimidation and coercion motivated by intolerance based on religion or belief, as well as incitement to hostility and violence”.</p>	