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**CIVIL AND POLITICAL RIGHTS, INCLUDING THE QUESTION OF RELIGIOUS
INTOLERANCE**

Report of the Special Rapporteur on freedom of religion or belief, Asma Jahangir

Addendum

VISIT TO NIGERIA

Preliminary conclusions and recommendations

Introduction

1. From 27 February to 7 March 2005, the Special Rapporteur of the Commission on Human Rights on freedom of religion or belief, Asma Jahangir, carried out a visit to Nigeria at her request and further to an invitation from the Government of Nigeria. The Special Rapporteur takes this opportunity to express her gratitude to the Government for its cooperation.
2. During her visit, she met with His Excellency the President of Nigeria, the Governor of Plateau State, other senior public officials, as well as members of the civil society and representatives of different religious communities. She travelled to Lagos, Abuja, Kaduna and Jos.
3. Since the deadline for submitting reports to the sixty-first session of the Commission came before the visit took place, the Special Rapporteur hereby submits her preliminary conclusions and recommendations. She will submit her complete report on the visit at the next session of the Commission. Her present submission does not limit the scope of the analysis, conclusions and recommendations that she will include in her full report.

I. SITUATION OF FREEDOM OF RELIGION OR BELIEF

4. According to most sources, the population of Nigeria is approximately 50 per cent Muslim, and 40 per cent Christian, the remaining 10 per cent being members of other religious communities or communities of belief, or persons practising no religion. In this regard, the Special Rapporteur has noticed a lack of respect for “traditional indigenous religions” that may result in a denial of their participation in mainstream national policies.
5. A number of families in Nigeria include members of both Christian and Muslim communities and the Special Rapporteur has noted that in many aspects of the social life there is genuine peaceful and harmonious coexistence between the two main religious communities of Nigeria.
6. Moreover, while a number of interlocutors expressed to the Special Rapporteur concerns about the considerable involvement of the Government in the religious life of Nigerians, the Government of Nigeria has always demonstrated a high respect for the right to freedom of religion.
7. Nevertheless, tensions and lack of understanding between Muslim and Christian communities, which had been contained and confined to certain areas, have aggravated in recent years. In particular, the adoption of criminal law based on sharia by a number of northern states since 1999 has provoked negative reactions among members of the non-Muslim communities, although only Muslims are subject to these legal systems. Moreover, while economical, political and other factors contribute to such tensions, they have often led to polarization along religious lines.
8. Over the last few years, a significant number of incidents of grave intercommunal violence have taken place, in particular in Plateau, Kaduna and Kano States, during which hundreds, sometimes thousands, of persons were killed, often in very short periods of time. According to most reports, the response of the Government to those events, especially in terms of judicial

procedures, has been insufficient if not, in some cases, non-existent. The majority of the perpetrators have not been prosecuted and the victims have not received reparation. As a result, an important number of members of both Christian and Muslim communities harbour strong feelings of injustice and denounce a climate of impunity.

9. The Special Rapporteur has received information indicating that the existing tensions may continue to lead to similar instances of violence, including in other locations of Nigeria, and possibly degenerate into a conflict of much greater intensity if appropriate measures are not taken by the Government.

10. More generally, but also as a result of this violence, a number of cases of religious discrimination and intimidation have been brought to the attention of the Special Rapporteur by all religious communities. While the authors or perpetrators have usually been identified as non-State actors, state governments have also been alleged to bear responsibility in certain cases.

11. Newly adopted legal systems, in particular in the criminal field, based on sharia and applicable to Muslims, raise human rights concerns, including vis-à-vis women and other co-existing religious groups. In particular, these legal systems, as adopted by the states concerned, provide for certain forms of punishment, such as amputation or stoning, that are contrary to international human rights law. Moreover, while the Special Rapporteur has noted that such punishments were carried out in only a very few cases, including because the sentences were usually quashed at appellate level, she has received reports that the adoption of such a legal system has created a climate of pressure and intimidation for those Muslims who have a different interpretation of their religion, which may thereby constitute an unlawful limitation on the right to freedom of religion or belief.

12. Moreover, it has been reported that the actual implementation of numerous rules provided for by these new legal systems were affecting and, in some cases, limiting the rights of members of religious minorities, mainly Christians, including their right to freedom of religion or belief.

II. PRELIMINARY CONCLUSIONS AND RECOMMENDATIONS

13. In terms of intercommunal violence, the Special Rapporteur considers that, as a matter of priority, perpetrators of past incidents of violence should be brought to justice without delay and measures should be taken so that perpetrators of future similar acts of violence are properly and promptly prosecuted. Similarly, victims of past incidents of violence should be recognized in a judicial process and receive appropriate reparation or compensation.

14. Given the volatile nature of the existing tensions, and in view of past experience, the Government should enhance its “early warning” systems and create mechanisms that would prevent any incident developing into large-scale riots and violence.

15. The Special Rapporteur commends initiatives that have been adopted at different levels both by the State and the civil society to promote dialogue between the two major religious communities. She urges that more efforts be taken in this direction and that members of all religious communities feel adequately represented at these forums in order to avoid further

violence. She particularly encourages the efforts made at the grass-roots level to keep a constant dialogue going between members of the different communities.

16. In terms of legal systems applicable in certain states, the Special Rapporteur urges the Federal Government to take the relevant steps to ensure that those systems, as well as their application, comply both with the Nigerian Constitution and international human rights law. Moreover, the Government should conduct an assessment of how these new legal systems affect the rights of all Nigerian citizens, irrespective of religion or gender, and take the appropriate measures to ensure that all individuals enjoy their rights without any limitation.
