

31st Session of the Universal Periodic Review

Nigeria

Joint submission by Christian Solidarity Worldwide and CSW-Nigeria

Introduction

1. Christian Solidarity Worldwide (CSW) and CSW Nigeria seek to highlight violations in the Federal Republic of Nigeria, committed largely by non-state actors as an outworking of efforts to restrict the right of freedom of religion or belief (FoRB) of minority communities in northern and central states.
2. During the 2013 cycle, Nigeria received 219 recommendations - 184 of which were accepted - ranging from continuing the process of ratifying and domesticating outstanding human rights instruments, eliminating harmful practices against women, and reducing human rights violations. The 35 that were noted largely concerned the death penalty, early marriage in the northern Nigeria and same-sex issues.
3. Article 38 of Nigeria's federal constitution articulates the right to freedom of thought, conscience and religion. However, this is not always enjoyed by religious minorities in the northern and central states, particularly since the adoption of the Shari'a penal code by twelve states. This effectively rendered Islam the official state religion, contravening constitutional stipulations prohibiting the adoption of state religion. In an area where ethnicity generally correlates with religion, ethnic minorities are invariably religious minorities also.
4. Non-Muslims in Shari'a states continue to report being denied the rights, opportunities, provisions and protection Muslims enjoy, and to which they are constitutionally entitled. There has been a consistent failure to acknowledge and address this underlying, systematic religious discrimination and longstanding impunity in religion-related violence, which creates an enabling atmosphere for the emergence of violent groups with an antipathy to FoRB.
5. Nigeria is signatory to several international agreements relevant to this submission, including 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), and the Convention on the Elimination of All Forms of Racial Discrimination (CERD).

Recommendations:

6. **Nigeria is urged to ensure policies and practice of individual states are reflective of obligations under the national constitution and international law.**

7. **Nigeria is also urged to monitor and strengthen implementation of existing laws and practices to ensure non-discrimination for religious minorities in northern and central states.**
8. **Nigeria is encouraged to consider initiating civic education programmes promoting FoRB, unity, and pluralism, and human rights training for local officials.**

Violations of freedom of religion or belief

9. Despite accepting 14 recommendations pertaining to FoRB, the situation of FoRB has deteriorated markedly, with a particular surge in attacks by non-state actors since 2015.
10. During the previous UPR cycle, Nigeria accepted recommendations from Canada and Holy See to combat extremism. However, successive governments have failed to respond effectively to rising violence by armed Fulani herdsmen, also known as the Fulani militia, and violence perpetrated has increased exponentially. Attacks by these increasingly well-armed herdsmen on farming communities in Bauchi, Benue, Kaduna, Plateau and Taraba States occur with frequency, precision and asymmetric violence, rendering references to ‘farmer-herder clashes’ obsolete.
11. Fulani militia attacks on non-Muslim communities in central Nigeria have been ongoing since 2011, but spiralled following President Buhari’s inauguration in May 2015, with states experiencing intense violence in a cyclical manner. The ensuing two months saw around 500 lives lost in central Nigeria. The militia is deemed responsible for at least 6000 deaths and the displacement of over 62,000 people since 2011.
12. From 2016 to 2017, predominantly non-Muslim southern Kaduna State was the main locus of violence, with four of its eight Local Government Areas (LGAs) experiencing regular attacks. The Catholic Diocese of Kafanchan stated that 808 people had died in attacks on 53 villages in the area by late December 2016. A statement issued in November 2016 by the Evangelical Church Winning All (ECWA) said over 20,000 had been displaced by violence since 2013. Despite growing displacement, the Kaduna state government is yet to open an official Internally Displaced Persons (IDPs) camp or offer meaningful humanitarian assistance. Several villages have reportedly been occupied by Fulani militia, their cattle and their families, including 16 in the Attakad Chiefdom.
13. The militia murdered over 150 villagers in Adamawa State in the run up to Christmas 2017. Villages in southern Kaduna, Benue and Adamawa were also attacked; churches were destroyed and villagers killed or mutilated. On 24 December 2017 four villagers were killed in southern Kaduna State, as they gathered in the square of Nindem village, Godogodo district of Jema’a LGA in the evening forng carols. A female chorister was shot in the mouth. As New Year dawned, militiamen invaded the home of a traditional ruler in Arak, Sanga LGA, southern Kaduna, killing him and his pregnant wife. Their son was also shot, but survived.
14. 2018 began with an attack by militiamen on villagers in Guma and Logo LGAs in Benue State in which 73 villagers were killed. Attacks continue unabated,

and an insufficient response from the government has fuelled impunity, facilitating the spread of militia violence to southern Nigeria. In March 2018, the Governor of Delta State bemoaned the fact that three out of seven Uwheru communities are occupied by the herdsmen, who force farmers to pay them in order to access their own farmlands.

15. There are abiding concerns regarding possible complicity of elements in Nigeria's armed forces in militia attacks. For example, on 15 October 2017, soldiers in Plateau State entered Nkie Doworo village, situated ten-minute from their barracks, following an earlier attack. They arrested villagers found with weapons, confiscating anything that could be used in self-defence. Another attack was rumoured to be imminent. The soldiers said if villagers sheltered in a school room they would protect them. 21 people took up the offer, and according to survivors, as the militia approached wearing military fatigues, soldiers fired in the air, then withdrew, leaving the villagers locked in the classroom. All were murdered. Six others, who were not in the room, were killed while attempting to flee. In another example, on 3 December 2017 in Adamawa State, a jet and helicopter deployed by the armed forces allegedly bombed fleeing civilians, some of whom were sheltering in a church, instead of pursuing the Fulani militiamen who had rampaged through Demsa LGA, burning down around five villages.
16. Moreover, weapons raids in Kaduna State and Benue State have also involved searches in victim communities, depriving them of anything useful for self-defence, such as local hunting guns and machetes. However, little effort appears to have been made to find and disarm perpetrators of semi-automatic weapons.
17. Suspicions of complicity were given added credence on 24 March, when former army chief of staff and defence minister Lt General Theophilus Y Danjuma (ret'd) stated that the armed forces were "not neutral - they collude" in the "ethnic cleansing" of riverine states by the Fulani militia. He insisted villagers must defend themselves, because depending on the armed forces will result in them dying "one by one."¹

Kidnapping

18. Lawlessness has increased as semi-automatic weapons proliferate unchecked. Kidnappings for ransom have risen, with a particular spike in incidents on the Kaduna-Abuja road, despite a large security deployment. According to one security agent: "Security operatives are finding it difficult to end kidnapping in that zone [Kaduna-Abuja]. It is too massive and occupied by mostly Fulani herdsmen. They know the terrain and thus, it will be suicidal, just walking into the forest to search for the hideouts."²
19. This lawlessness seems to be connected with the ethno-religious cleansing campaign in central states. Also, long-held suspicions of links between Boko Haram and armed herdsmen increasingly appear to be a certainty, with reports of the thick forests in Niger, Kaduna, Nasarawa, and

¹ <https://www.youtube.com/watch?v=ZDZOKvFtIRk>

² *The Sun*, 'MONSTERS: Shocking revelations by captured herdsmen', 29, July 2017 <http://sunnewsonline.com/monsters-shocking-revelations-by-captured-herdsmen/>

Kano States and between Plateau and Bauchi States, where kidnappers operate, increasingly reported to resemble the Sambisa Forest.

20. Some released abductees report being mistreated because of their religion. The cases presented below are not exhaustive, but offer a snapshot of the growing problem, which is also affecting the south.
21. On 21 January 2016, the body of HRH Obi Edward Akaeze Ofulue II, traditional ruler of Ubulu-Uku Kingdom in Aniocha South LGA of Delta State, was discovered in the bush in Ekpon, Edo State several days after he was kidnapped for ransom by Fulani assailants.
22. On 21 March 2016, Reverends Iliya Anto and Yakubu Dzarma of the United Church of Christ in Nigeria (UCCN), and Reverend Emmanuel Dzigau, the UCCN President, were kidnapped on the Kaduna-Abuja highway. Reverend Anto's decomposing body was discovered in the bush on 30 March. The other two were released.
23. On 27 March 2016, Colonel Samaila Inusa was abducted by gunmen as he drove with his wife along Kaduna Refinery Road, in Chikun LGA, Kaduna State. His wife was released but he was driven away in his own car and found dead in the bush on 29 March.
24. On 24 April 2016, Father John Adeyi, vicar general of St Bernard's Catholic Diocese of Otukpa in Benue State, was seized by near Odoba village along the Otukpa-Enugu Road. His decomposing body was found on 23 June. He may have died because he could not access his asthma medication.
25. On 7 June 2017, approximately 30 armed kidnappers abducted 20 people after stopping their vehicles on the Abuja-Kaduna highway. The incident brought the tally to over 40 people kidnapped in just two weeks. On 8 July 2017 a former board member of the Fiscal Responsibility Commission, Zakari Mohammed Sada, was kidnapped along the same highway. Days before, suspected kidnappers opened fire on the same area of road, killing a woman.
26. On 4 August 2017, the Christian Education Director of Evangelical Church Winning All, Reverend Jen Moses was kidnapped between Jere and Bwari as he was travelling to Abuja. His driver was shot. The kidnappers demanded 100 million Nigerian Naira in ransom, but Reverend Moses was released on 8 August after payment of N2.5 million. He had been badly beaten with rocks and stones, and had to receive hospital treatment.
27. On 16 January 2018, two Americans and two Canadians were kidnapped while traveling from Kafanchan in southern Kaduna State to Abuja after a gun battle that left two members of their police escort dead. They were freed on 20 January 2018 amidst assertions by police that no ransom had been paid.

Recommendations:

28. **Nigeria is urged to recalibrate security arrangements, formulating a comprehensive solution to address the urgent national security threats posed by the Fulani Militia, Boko Haram, and rising lawlessness.**

29. **Federal and state governments must prioritise the unbiased enforcement of the rule of law. Allegations of complicity in violence must be investigated urgently, prosecuting the guilty, and the armed forces must be restructured to better reflect the nation's ethnic and religious diversity.**
30. **The Kaduna state government must be encouraged to provide for its burgeoning IDP population, including by opening and providing for official camps, assisting informal ones and ending arrests of members of victim communities who draw attention to ongoing attacks.**

Intolerance and violence targeting religious minorities

The Christian community

31. Nigeria accepted Argentina's recommendation to tackle discrimination on the basis of religion. However, in most Shari'a states, construction of churches continues to be restricted severely. Most congregations cannot purchase land for the construction of buildings, or obtain certificates of ownership for land. When churches seek permission to build, they are generally told to wait, and the waiting becomes indefinite. Church buildings are demolished for real or imaginary infractions, or when land is seized by local authorities for "development". For example, the Evangelical Church Winning All (ECWA) in Matazu Local Government Area (LGA), Katsina State, is still in protracted negotiations to prevent the construction of a road through its compound.
32. Nigeria also accepted several recommendations urging it to continue tackling religious intolerance and promoting peaceful coexistence, and a recommendation from Cape Verde to specifically block acts of violence against religious minorities. Nevertheless, there has been a rise in sectarian intolerance and violence, and as has historically been the case, initiators and perpetrators are rarely apprehended or punished.
33. In June 2016, Francis Emmanuel, a 41-year-old Christian carpenter, was beaten, stabbed and almost lost his right eye in an attack by a group of six young men armed with scissors, machetes and knives in the Kaduna State capital for eating during the Ramadan fast.
34. On 9 July 2016, Redeemed Christian Church of God Pastor Eunice Elisha was murdered while conducting her daily session of open air preaching in Abuja. Four suspects were detained, but all were released in January 2017.
35. Accusations of blasphemy still lead to targeted violence. On 29 May 2016, violence erupted in Pandogari Town in Rafi LGA, Niger State, after Emmanuel Methodus, a 24 year-old trader, was accused of posting a blasphemous article on Facebook. He was murdered and his body was burned. Three other people died in an ensuing riot in which 25 Christian-owned shops were looted, and the Fellowship Baptist Church, Alheri Baptist Church, Four Square Gospel Church, Ebenezer Baptist Church were destroyed, along with several Christian homes.
36. In another blasphemy related case, 74-year-old Mrs Bridget Agbahime, a trader and retired pastor's wife, was battered to death by a mob in Kofar Wambai market in Kano

State on 2 June 2016, after being falsely accused of blasphemy by Dauda Ahmed, a rival trader who had harassed her on a number of occasions. Ahmed was arrested along with four other men; however, all were released in November 2016, despite overwhelming evidence.

37. In August 2016, a student at Abdu Gusau Polytechnic, in Talata Mafara, Zamfara state, was beaten and left for dead after being accused of blasphemy. He survived and was taken to hospital by Clement Igo, an elder in the Living Faith Church. When the student's assailants learned of this, they set the elder's house on fire, killing eight people, all of them allegedly assailants. Vandalism and looting of church properties was also reported.
38. Churches continue to be destroyed during religious violence. On 20 March 2015 two men on a motorcycle mounted an arson attack on a Living Faith Church in Giwa LGA, Kaduna State. On 1 April 2015 a Baptist church in Gidan Maso Village, Rogo LGA, Kano State, was torched, causing the daughter of Reverend Habila Garba to die from suffocation.
39. The Christian Association of Nigeria (CAN) Kwara State Chapter reported that on 1 January 2018 extremists chanting "Allah is God" and "Allah Akbar, this land belongs to the Muslims" attacked Christ Apostolic Church (CAC), Oke-Isegun in Taiwo Isale, looting and destroying buildings. Many worshippers returning back home were raped. While some were rescued, several ran naked to the Methodist Cathedral for safety. The assailants subsequently broke the Methodist Cathedral's gate, forcefully gained entry, and destroyed buildings and some of the vehicles there. Others attacked St Joseph Catholic Cathedral, destroying buildings and vehicles, setting statues of St Joseph ablaze, breaking a statue portraying the Resurrection, and robbing worshippers of phones, bags and other valuables.

Recommendations:

- 40. The Nigerian government is urged to begin the erosion of the impunity surrounding religion-related crimes by ensuring perpetrators are brought to justice, including those arrested in connection with the murders of Bridget Agbahime in Kano and Eunice Elijah.**
- 41. Nigeria is urged to ensure that individual states respect FoRB in its entirety, including the right to own land and construct churches.**
- 42. The government is also encouraged to fully compensate religious groups that have been deprived of places of worship, facilitating access to viable alternative land.**

Minority Muslim communities

43. On 25 June 2015 the Upper Shari'a Court in Kano State sentenced Abdul Nyass and eight of his followers to death for blasphemy. The cleric from the Tijaniyya Muslim sect was accused of stating that Sheikh Ibrahim, the Senegalese cleric who popularised the sect throughout West Africa, was greater than the Prophet Mohammed. The sentence contravened Article 38.1 of the Nigerian Constitution, as well as a

recommendation from Canada for Nigeria to “protect and promote the right of Nigerians to practice their religious faith or beliefs”, which was accepted in the previous UPR cycle.

44. In December 2015, two days of attacks on establishments belonging to the Islamic Movement of Nigeria (IMN), the Shi'a minority in Kaduna State, left at least 700 adherents dead and many detained incommunicado and without charge. Amongst those detained were IMN's founder leader Sheikh Ibrahim el Zakzaky and his wife, both of whom were injured in an assault on their home by the army in which three of their sons died. Since then, the authorities have ignored court rulings ordering his release. Around 50 Shi'a girls and women allegedly abducted by the army following the attack on Zakzaky's residence are also held incommunicado.
45. In a report released on 1 August 2016, a Judicial Commission of Inquiry established by the Kaduna State government found the Nigerian Army had killed and buried en masse 347 IMN members, and that the IMN did not possess firearms or any other significant weaponry, as had been initially claimed. It also declared Zakzaky responsible for the IMN's 'lawlessness', stated that IMN members should be held accountable for 'acts of habitual lawlessness', and recommended the prosecution of military officers involved in the violence. So far none have been prosecuted.
46. In October 2016, the Kaduna State Government declared the IMN an illegal society and set penalties for IMN activities, including fines and/or imprisonment for up to seven years for membership. The governors of Kano, Katsina, Plateau, and Sokoto states, all members of the ruling All Peoples Congress (APC), also prohibited IMN Shi'a processions, including during Ashura festivities.
47. As rumours swirled in January 2018 of the sheikh's declining health and imminent death, the government allowed him to make his first public appearance in two years. During a controlled question and answer session with members of the press, Zakzaky confirmed he had been ill, but was improving after being able to see his own doctors. He remains in 'protective custody.'

Recommendations:

48. **The Nigerian government is urged to uphold the rule of law by respecting the court order for the release of Sheikh Zakzaky and his wife, either charging and trying detained IMN members or releasing them, and ending attacks on peaceful IMN protests. The federal government must also encourage the governments of Kaduna, Kano, Katsina, Plateau and Sokoto States to repeal laws restricting the IMN's right to FoRB and to peaceful assembly.**
49. **The government must end the malicious use of “blasphemy” as a criminal prohibition, and ensure the rights of Abdul Nyass and co-accused.**

Defamation and violence targeting the Igbo ethnic group

50. During the reporting cycle, Nigeria accepted eight recommendations pertaining to minority communities, including one from Djibouti to promote and protect the rights of ethnic and other minorities. However, as illustrated earlier, unaddressed Fulani

militia violence targeting farming communities consisting of ethnic and religious minorities in central Nigeria, the nation's bread basket, are not only decimating them, but are also causing fears of a hunger gap as farmers can no longer access their fields.

51. Also vulnerable are members of the Igbo ethnic group living northern and central Nigeria. On 6 June 2017, men purporting to represent 19 northern Muslim youth groups held a press conference to release a document entitled the 'Kaduna Declaration' that denigrated Igbos, giving them until 1 October to leave the 19 northern states or face 'visible actions'. Despite an order issued by Kaduna State Governor el Rufai for their immediate arrest, these individuals remained at large, holding several press conferences in the ensuing weeks.
52. In August 2017, a hate song was widely circulated in northern Nigeria branding Igbos a 'curse to Nigeria' and 'bastards', and advocating violence and 'abortion' against them. Very few prominent leaders in the region condemned the song or articulated any form of reproach.
53. The treatment of the Igbos is particularly concerning considering the unrecognised pogroms of members of this community during the civil war, and beyond. The unequal treatment of Igbos was further illustrated by contrasting treatment of unarmed pro-Biafra Igbo protestors and Fulani herdsmen. Marches by the former were met with live ammunition resulting in at least 150 deaths between August 2015 and August 2016, the designation by the army of the organisation behind these agitations, Indigenous People of Biafra (IPOB), as a terrorist organisation, and the possible enforced disappearance of its leader Nnamdi Kanu, who was imprisoned from October 2015 to April 2017 despite court orders for his release, and who has not been seen since 14 September 2017, when the army laid siege to and attacked the house where he was reportedly staying.
54. Conversely, the Fulani militia has not been designated a terrorist organisation. Moreover, rather than being disarmed, herdsmen carry AK-47s openly, despite Nigeria being a signatory to the ECOWAS Convention on Small Arms and Light Weapons, which prohibits the possession or use of such weapons by civilians who have not complied with criteria outlined in it.

Recommendation:

55. **The government is urged to ensure non-discrimination in its application of the law; respect the right to peaceful assembly and freedom of association; reveal any knowledge of the whereabouts of Nnamdi Kanu, and if he is in state custody, bring him before a court of law under credible charges; and disarm herdsmen found not to have complied with requirements of the ECOWAS Convention.**

Right to Education

56. Nigeria accepted 23 recommendations concerning the right to education, and has made considerable progress with regard to the domestication of the CRC by passing the Child Rights Act, which has been ratified by at least 24 states. However, with only 7.04% of

the 2018 budget allocated to education, Nigeria may struggle to enact recommendations regarding universal and free access to primary education.

57. Non-discrimination in access and provision of education continues to be undermined by FoRB violations in the educational context. Public schools in many northern states do not hire Christian Religious Knowledge (CRK) teachers. There is also a lack of state government funding for schools in predominantly non-Muslim areas, and informal schools created with the help of NGOs experience difficulty receiving official registration.
58. In Borno State, Christians reported that Kanuri Muslims are given preferential treatment in admission to higher education. Conversely, Muslims in Plateau State insist they are marginalized while predominantly Christian ethnic groups receive preferential treatment.
59. On 3 June 2016, the Osun State High Court lifted a 2013 ban preventing Muslim girls from wearing the hijab in public schools. The same ban was lifted in Lagos on 21 July 2017. However, in Kano State, non-Muslim girls have been wearing the hijab since it became mandatory 2003, and in 2017 schools in Kano and Jigawa State closed during Ramadan.

Recommendations:

- 60. Nigeria must allocate a larger percentage of its annual budget to education, ensuring every child can access primary education regardless of religious background, and can proceed with further education on the basis of merit.**
- 61. Nigeria must also ensure that the practices of individual states are brought into line with the nation's obligations under the CRC; and that CRK teachers are available in all public schools.**

Violations of the Right to Education

62. Nigeria accepted recommendations from Portugal, Slovakia, Vietnam and Bulgaria pertaining to gender equality and access of girls to primary, and in one instance, secondary education. However, the right to education in northern Nigeria continues to be severely impacted by the actions of terrorist groups, and in the case of non-Muslims, by abduction, forced conversion and forcible marriage.
63. In February 2014, Boko Haram attacked the Federal Government College, a boarding school in Buni Yadi, Yobe state, shooting and burning 46 male students to death, and warning the girls against enrolling in "Western education."
64. 14 April 2018 will mark the fourth anniversary of the abduction of 276 female students from the Government Secondary School in Chibok, Borno State by Boko Haram. 176 of these girls are from families belonging to the Ekklesiyar Yan'uwa a Nigeria (EYN, the Church of the Brethren in Nigeria). A handful escaped. Others were released following a series of negotiations, and allegedly in exchange for imprisoned key Boko Haram members and significant sums of money. 113 girls remain unaccounted, all of them Christians.

65. On 19 February 2018, 110 girls were abducted from the Government Girls Science and Technical College in Dapchi, Yobe State, by the al-Barnawi faction of Boko Haram. The oldest abductees were 18 years of age; the youngest were 11. Credible sources allege that the security forces failed to act on advance warnings of an impending attack.
66. On 21 March 2018, Boko Haram returned 105 Dapchi girls. Five had reportedly died during the journey to Boko Haram's hideout. The terrorists warned townsfolk not to enrol their children in school again. Returnees confirmed that Leah Sharibu, the sole Christian among them, remained in captivity due to her refusal to convert and wear a hijab.
67. Despite Nigeria's acceptance of a recommendation from Holy See to address forced conversion of children, the practice continues, particularly in Shari'a states, where non-Muslim girls face abduction, forced conversion and forced marriage, with no real consequences for perpetrators. Local Islamic institutions and traditional rulers are often complicit in these violations.
68. On 12 August 2015 Ese Rita Oruru, then aged 13, was abducted by Yunusa Dahiru in Opolo in Yenagoa, Bayelsa State, trafficked over 800 miles north to his home state, Kano, forced to change her religion and name, and was "married" to him. Despite numerous attempts, Ese Oruru's release was not secured until 1 March 2016 when the media intervened, by which time she was five months pregnant. Dahiru was arrested briefly, taken to prison in Bayelsa, then bailed by an unidentified Muslim benefactor and flown back to Kano.
69. Patience Paul, a 15 year-old, was abducted on 12 August 2015 by two neighbours accompanied by members of the Hisbah (Shari'a enforcement) group, in Gidan, Kukah, Runjin Sambo, Sokoto State. An investigation by the Sokoto State Human Rights Commission uncovered she had been "married" to a man who had trafficked her over 800km away to Bauchi State. Patience's release was secured in March 2016 with help from the media. Prior to this, police had reportedly advised her family to "go away and maintain the peace".
70. Increased media scrutiny in the immediate aftermath of Ese Oruru case's also led to the release of Progress Jacob, Blessing Gopep and Linda Christopher. They were abducted in Bauchi state between August 2015 and January 2016, with the alleged complicity of the Sharia Commissions of Yelwa, Alkaleri, and Tarsha Durumi respectively. On 15 March 2017, they were handed over to the Assistant Inspector General of Police, Zone 12, Bauchi, and returned to their families.
71. On 5 November 2017, 13-year-old Hauwa Dadi was returned to her parents five days after being abducted. Hauwa, who is in her first senior year at Brighter Academy Secondary School in Gashua, disappeared from her home in Yobe State on 1 November 2017. She is thought to have been targeted because her father was a former Secretary of CAN. Hauwa was reportedly taken to the Emir of Gashua's palace, but regained her freedom four days later following an outcry.
72. However, Lucy Ejeh, who was abducted in Zamfara State aged 15, has been held since October 2009. Also still held is 14-year-old Habiba Isiyaku from Wawar Kaza village

in Kankara LGA, Katsina State. At the time of her disappearance on 16 August 2016, Habiba had just passed her Junior Secondary School Certificate Examination “with flying colours”. She was reportedly abducted on her way home from school, forcibly converted and obliged to “marry” her abductor, Jamilu Lawal, with the alleged endorsement of the Emir of Katsina. A law suit was filed by her parents with the assistance of NGOs. At a court hearing in January 2017, a paper was presented, ostensibly from Habiba, in which she claimed to be 18 years old. The case continues.

73. Another unresolved case is that of 14 year-old Ifeoma Ndubuisi, who was allegedly abducted in May 2014, and placed by a Shari’a court in the custody of a Muslim man. She was re-named Aisha and transported from her home in Zaria to a Dar-ul Islam school in Kaduna City. There are also unconfirmed reports of the abduction of Blessing Nimjir Siman in September 2010, then aged 14, with the alleged assistance of a judge in the Kuje Upper Area Court in Abuja related to her abductor. Neither of these girls have been released.

Recommendations:

- 74. Nigeria must protect the right of the child to education without discrimination, and ensure protection for educational establishments in areas vulnerable to terrorist attacks.**
- 75. Nigeria must also urgently address abduction, forced conversion and forcible marriage of non-Muslim girls, ensuring that individual Shari’a states facilitate the swift return of abductees and bring to justice individuals and organisations implicated in disappearances.**

Freedom of expression

76. Restrictions on freedom of expression have increased markedly, particularly in, although not limited to, Kaduna State. Several reporters attempting to highlight militia killings in southern Kaduna have been prosecuted for ‘hate speech’ by the state government, even though ‘hate speech’ is not defined in Nigerian law. Bloggers and journalists expressing views differing from those of state and federal governments have also been targeted, and in some cases, assaulted by security operatives.
77. For example, after several articles accurately depicting events in southern Kaduna, journalist Luka Binniyat was remanded in custody for 96 days, despite ill health, for an article based on information from a previously trustworthy source that proved erroneous. He had attempted unsuccessfully to retract the story prior to publication, and had apologised for it publicly. His case was repeatedly adjourned and he was subjected to bail conditions far exceeding the requirement for his alleged crime. Mr Binniyat was released on bail when these conditions were finally reviewed.
78. Arrests and judicial harassment of journalists and bloggers for expressing views critical of or contrary to official lines appear to be part of a wider curtailment of civil society. In May 2016, a draconian Bill for an Act to Prohibit Frivolous Petitions and Other Matters Connected Therewith, which was

generally viewed as tool to gag the press and curtail freedom of expression, was thrown out by the Senate following sustained public outcry. In August 2017, the federal government, through the National Broadcasting Commission, issued a restrictive new broadcasting code for media houses.

79. In 2016, the Deputy Majority Leader of Nigeria’s House of Representatives introduced the deeply flawed NGO Regulation Bill. The Bill proposes the creation of an NGO Regulatory Commission headed by a President and a 17-member Governing Board, which will have powers to license NGOs. This will governmentalize NGOs, and could become a new source of corruption.
80. The Bill requires NGOs to renew their licenses every 24 months, and before an NGO spends any money received, it must secure permission from the Board. The Board will also license NGOs on co-operation with international bodies. These processes will stifle NGOs with exponential bureaucratisation.
81. The Board can refuse renewal for no reason. It can also waive all the requirements of the law, including registration. The Ministry of Interior can direct the Board at whim, including to register or de-register any NGO. This will effectively close down the civic space by making it impossible for those espousing views differing from the government to organise with legal protection around those views.
82. In August 2017, the Nigerian government stated that ‘hate speech’ would be considered a form of terrorism, a statement which was criticised as an attempt to silence dissenters in violation of the Nigerian constitution. Nevertheless, a Hate Speech Bill has been introduced and is currently before the Senate. The Bill’s sponsors claim it is aimed at discouraging harassment on the grounds of ethnicity, religion or any other grounds. It prescribes stiff penalties for offences such as “ethnic hatred”: “Any person who uses, publishes, presents, produces, plays, provides, distributes and/or directs the performance of any material, written and/or visual, which is threatening, abusive or insulting or involves the use of threatening, abusive or insulting words, commits an offence,” will either be given a minimum five year sentence, a fine of “not less than N10 million or both.” It also prescribes the death penalty for situations where “hate speech” results in the death of another person.
83. The Hate Speech Bill is vaguely worded and open to abuse, providing no clear definition of hate speech. Perhaps the most damning criticism is that rather than seeking to protect vulnerable minorities, the Bill is in reality an attempt to curtail freedom of expression. Shehu Sani, Senator for Kaduna Central District and a member of the governing party, has warned it lead to the prohibition of free speech if enacted, as most Nigerian leaders are intolerant of even the slightest criticism.³
84. Moreover, the Bill infringes on rights outlined in the Nigerian constitution, particularly Sections 38 and 39, which guarantee the freedom of thought, conscience and religion; and freedom of expression and the press.

Recommendations:

³ Sahara Reporters, ‘Hate Speech Law Will Be Used Against Free Speech, Sen. Shehu Sani Warns’, 9 March, <http://saharareporters.com/2018/03/09/hate-speech-law-will-be-used-against-free-speech-sen-shehu-sani-warns>

- 85. The Nigerian government is urged to respect freedom of expression, protect press freedom, end malicious prosecutions of journalists, and respect peaceably expressed dissenting views.**
- 86. Nigeria is urged to abandon the NGO Regulation Bill, to continue allowing NGOs to operate free from government interference and unnecessary bureaucracy, and to reject the Hate Speech bill.**