

**Advancing Religious Tolerance (ART. 38) Project**

**Report for Context Analysis**

**Submitted to**

**Search for Common Ground (Search),  
House 11, 6<sup>th</sup> Avenue, Gwarimpa, Abuja – Nigeria**

**By**

**The Pastoral Resolve (PARE), Suite C1, 3<sup>rd</sup> Floor,  
Imam House, Ahmadu Bello Way, Kaduna – Nigeria  
[sbmomale@gmail.com](mailto:sbmomale@gmail.com); 0803 694 6063**

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## **The Research Team**

**Saleh B. Momale (B.Sc Geography, MSc Land Resources Development; PhD Geography)** has over 25 years of experience in Projects Management working with diverse stakeholders throughout Northern Nigeria. He has broad experience in conducting research, analyzing results of qualitative and quantitative data, undertaking evaluation, and writing technical reports.

**Reverend Makama Danjuma Mazadu (B.ED Theology; MA Conflicts, Peace and Strategic Studies)** has 8 years of experience as Resident Clergy and Evangelical Minister in the Nigerian Baptist Convention. As a current leader of the Christian Association of Nigeria (CAN), he is involved in matters of interreligious dialogue, liaising with state, Local Government Administrations (LGA), and security establishments in addressing conflicts and promoting peace, and resolving many misunderstandings even among people of the same faith.

**Honorable Mafeng Gwallson (ND Law; B.ED Religious Studies; MA Law and Diplomacy)** has seven years of experience in diverse areas of peacebuilding, community development, and public service. He possesses good knowledge of current political and social development challenges in Nigeria, especially in areas of transitional justice; peace, and security. He has practical skills in forging partnerships and influencing policy actors around development issues. He is experienced in galvanizing CSO support towards common goals and promoting CSO networking and coalition building for effective engagement with advocacy targets. As Chairman, Management Committee of Riyom LGA, he was involved in working very closely with Christian and Muslim community leaders, maintaining liaison with security formations, and coordinating peacebuilding activities within the LGA in particular and the State at large.

**Barrister Nuhu Ibrahim (LLB, BL)** has seven years of experience in the legal profession as an advocate and an attorney. As a legal practitioner, he is familiar with constitutional provisions relating to freedom of religion and belief as well as the provisions of the Penal Code, Customary Laws, and Sharia Laws as they apply to religious freedom, rights, and privileges of persons relating to religious matters.

**Zakariyya Salihu Usman (B.A Arabic Language, M.A Arabic, Ph.D. Arabic)** has over ten years of experience in teaching, research, and community service. He has a vast knowledge of the Islamic religion and has participated in a number of research works on aspects of Islamic religious theology, practice, and interpretation among different sects of the Islamic faith. He is widely read on the aspect of religious freedom in Islam.

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## **Acronyms and Abbreviations**

<b>ADR</b>	Alternative Dispute Resolution (ADR)
<b>ART.38</b>	Advancing Religious Tolerance Project (Implemented by Search)
<b>CAN</b>	Christian Association of Nigeria
<b>CBOs</b>	Community Based Organisations
<b>CSOs</b>	Civil Society Organisations
<b>FBOs</b>	Faith-Based Organisations
<b>JIBWIS</b>	Jama'atul Izalatul Bid'ah Wa Ikamatus Sunnah
<b>JNI</b>	Jama'atul Nasril Islam
<b>LGAs</b>	Local Government Administrations
<b>LFN</b>	Laws of the Federation of Nigeria
<b>NGOs</b>	Non-Governmental Organisation
<b>NIREC</b>	Nigeria Inter-religious Council
<b>PARE</b>	The Pastoral Resolve
<b>Search</b>	Search for Common Ground

## EXECUTIVE SUMMARY

The “**Advancing Religious Tolerance (ART. 38)**” is a 24-month project implemented by Search for Common Ground (Search), in partnership with Hardwired Global (Hardwired), and funded by the United States Department of State – Bureau of Democracy, Human Rights and Labor (DRL). The project was designed to address interreligious violence and weak mechanisms for seeking justice in response to religious freedom violations in Northern Nigeria.

To achieve this, the project seeks to trigger multi-level conversations and responses to religious freedom violations engaging directly with stakeholders at national, regional, and local levels to address state authorities’ use of blasphemy and apostasy law, reduce interfaith conflicts, and encourage policymakers to enhance national justice reforms that support religious pluralism. The project beneficiaries are religious leaders, religious organizations, academics, policymakers, civil society, and legal practitioners across the fourteen Northern States in Nigeria. While the project is implemented in these fourteen States, engagements with these stakeholders are at three levels - national, zonal, and state.

The purpose of the Context Analysis is to inform the project, which has already been in implementation since September 2018, to gain a better understanding of the legal frameworks that exist regarding blasphemy and religious freedoms in Nigeria, as well as how these are being implemented. The States studied under the research undertaken were Kano, Kaduna, Plateau, Kogi, Bauchi, and Adamawa, each of which is prone to at least one form of ethnic, religious, or political conflict.

The study adopted a mixed method of desk review and qualitative data collection using a purposive and convenience approach for data collection. Key informant interviews, and focus group discussions was conducted for 156 respondents across the six States. Findings from the research indicated that there is an appreciable number of laws, international treaties, and conventions that are ratified by Nigeria, which are meant to protect and enforce human rights. Despite this, there are numerous breaches and violations of the same human rights laws due to weak implementation and inadequate enforcement.

While the majority of respondents showed an understanding of the right to freedom of religion or belief as provided under Section 38 of the 1999 Nigerian Constitution, the ineffectiveness of institutions responsible for enforcing these provisions of religious freedom such as the courts of law, Nigeria’s Public Complaints Commission, and the National Human Rights Commission has left a gap that is partially relieved by quasi-formal institutions such as traditional leaders, civil society organizations, community-based institutions, and interfaith religious groups.

In addition, the lack of official case records of religious intolerance in any of the Police Commands and Ministries of Justice in all the six States studied lead to the deduction that most cases of blasphemy or apostasy are rarely addressed through the formal institutional systems. The study also indicates evidence of interfaith collaborations at the National level and within the States reviewed in the study albeit with associated limitations in terms of reach, resources, and constitutional backing.

The study recommends supplementary interventions from Search For Common Ground as well as policymakers, religious leaders, and civil society organizations with the aim of addressing issues discovered within research findings. These include the development of alternative dispute resolution mechanisms for amicable settlement of conflict relating to freedom of religion or belief, a review of provisions in the Penal Code relating to matters of religious

freedom, as well as strengthening partnerships between religious leaders and civil society actors to deepen respect for diversity and to promote adherence to fundamental freedoms, such as freedom of conscience, thought, and expression.

## SECTION I: INTRODUCTION

### 1.1 Background

While freedom of religion or belief is enshrined through Section 38 of the Nigerian Constitution<sup>[1]</sup>, there exists a challenge to enforcement of laws at the national, state and local level as well as a challenge of problematic or contradictory laws enforced by state and local officials which disproportionately affect minority communities in northern States. Certain laws, including Shari'a law, which is implemented in twelve of the nineteen northern States, often conflict with the Constitution's protection of religious freedom. State laws, and Sharia law in States that implement it, have been used to prescribe severe punishments for blasphemy and apostasy that often target religious minorities. In other cases, vigilante groups and mobs have reacted violently to punish those accused of such actions. Human rights groups have reported that the federal government has failed to respond to and prevent the violence that affects religious groups,<sup>[2]</sup> and in 2019 Nigeria was added into the United States Special Watch-List (SWL) - a list detailing Governments that have engaged in or tolerated severe violations of religious freedom [3].

In the nineteen states of Northern Nigeria, the use and abuse of Sharia law in criminal court systems has exacerbated discrimination against religious minorities and moderate Muslims. In 2015, nine people were sentenced to death in Kano, marking the first time a death sentence was declared for a case of blasphemy in the region.<sup>[4]</sup> Those sentenced were members of the Sufi sect of Tijaniya, and their gathering had resulted in an angry mob burning down the venue where they had gathered, illustrating the public response and potential violence by those pursuing vigilante justice. The sentence was even praised for its application of the law by the Governor of Kano.<sup>[5]</sup> Blasphemy and apostasy, or conversion from Islam, are punishable by death in some States in Northern Nigeria. Nigeria's federalized system applies to the legal system as well where federal and state courts are separated. Although national laws govern the country, they have to be domesticated at the state level to be enforced by the State courts. Customary law, in particular, varies from state-to-state and is enforced by customary courts in southern States and Shari'a courts in northern States.

Many efforts have been made to promote interfaith dialogue and cohesion, for example, the Nigeria Inter-Religious Council (NIREC), an initiative led by Nigerian Supreme Council for Islamic Affairs (NSCIA) and Christian Association of Nigeria (CAN), which holds quarterly meetings with the objective of promoting justice and reconciliation between Christians and Muslims. The King Abdullah Bin Abdulaziz International Centre for Interreligious and Intercultural Dialogue (KAICIID) has similarly worked with Nigerian partners to convene religious leaders, policymakers, regional stakeholders, and experts to build an inclusive and sustainable dialogue platform for peace. In January 2017 KAICIID established the Interfaith Dialogue Forum for Peace.<sup>[6]</sup> These interventions all focus on promoting peace and nonviolence from both sides but have not been able to fully address the issue of freedom of religion or belief.

The "*Advancing Religious Tolerance (ART. 38)*" is a 24-month project implemented by Search for Common Ground (Search), in partnership with Hardwired Global (Hardwired) funded by the United States Department of State Bureau of Democracy, Human Rights and Labor (DRL). The project was designed to address interreligious violence and weak mechanisms for seeking justice in response to religious freedom violations in Northern Nigeria which have led to a climate of fear between different religious and ethnic groups and a lack of trust in federal and

state governments. The overall goal of the project is to *advance the protection of religious freedom and tolerance among religious communities that reduces vigilante justice tied to blasphemy and apostasy laws in Nigeria*. To achieve this, the project will trigger multi-level conversations and responses to religious freedom violations engaging directly with stakeholders at national, regional, and local levels to address state authorities' use of blasphemy and apostasy law, reduce interfaith conflicts, and encourage policymakers to enhance national justice reforms that support religious pluralism.

The project beneficiaries are religious leaders, religious organizations such as CAN, JNII, and their women wings, leaders of youth associations, academics, policymakers, civil society, and legal practitioners across the 14 Northern States in Nigeria. While the project is implemented in these 14 States, engagements with these stakeholders are at three levels - national, zonal, and state. These engagements include High-Level Technical Meetings to provide guidance on religious engagements on a Zonal level and Zonal meetings with the purpose of guiding the development of Action Plans for Religious tolerance engagement activities within each state. The specific objectives are to:

1. Enable lawyers and advocates to effectively use human rights protection laws and frameworks in the formal justice system to protect people accused of blasphemy and challenge violations to religious freedom, as well as educate others on their rights; and
2. To mobilize religious leaders and policymakers to jointly counter violent rhetoric through positive public messages of religious pluralism and respect for human rights.

Search believes that the project will support Lawyers and advocates have increased knowledge of international human rights norms and mechanisms and they effectively use them to address human rights violation in Nigeria, Improved and positive collaboration among religious stakeholders, policymakers, civil society, and citizens in promoting religious freedom and interfaith tolerance at the community, as well as at the legislative level and Increased community, state, and national-level platforms, as well as media platforms, are available for conversations that challenge violent narratives and promote tolerance and positive perception of other faiths.

The purpose of the Context Analysis is both to inform the project which has already been in implementation since September 2018, to gain a better understanding of the legal frameworks that exist regarding blasphemy and religious freedoms in Nigeria, as well as how these are being implemented. The primary audience and users of the assessment findings are Search, US Department of State – Bureau of Democracy, Human Rights and Labor (DRL); Civil Society Organizations (CSOs); security actors; participating Ministries, Departments and Agencies (MDA) of government, at local, state and federal levels; the media; and communities.

In November 2019, The Pastoral Resolve (PARE) was commissioned to conduct context analysis for Search for Common Ground. The analysis was aimed at broadening the understanding of Search and other stakeholders on the issues religious tolerance and freedom of belief in Northern Nigeria. The task was part of the activities put in place by Search in the implementation of its Project on Advancing Religious Tolerance (ART. 38).

The context analysis documented the existing human rights protection laws, the interfaith and interreligious collaboration existing among key stakeholders and the media platforms available for conversations relating to religious tolerance and freedom. The study mapped out past and current initiatives, incidences of violent response against perceived religious infringements as well as the lessons learned from Project activities thus far.



This report contains the findings of the study. It is structured in two parts, Section 1 containing an introduction, describing the methodology, and a concise literature review. Section 2 presents the results of the investigations based on the terms of reference of the study. Conclusion and recommendations are offered that are considered valuable for the attainment of the goals of the ART.38 Project.

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[1] Article 38, Constitution of the Federal Republic of Nigeria Act No. 24, 5 May 1999. <https://berkeleycenter.georgetown.edu/quotes/constitution-of-nigeria-article-38-freedom-of-religion>

[1] Article 38 of the Nigerian Constitution protects religious freedom: “Every person shall be entitled to freedom of thought, conscience, and religion, including the freedom to change his religion or belief, and freedom (either alone or in community with others, and in public or in private) to manifest and propagate his religion or belief in worship, teaching, practice and observance”, <https://berkeleycenter.georgetown.edu/quotes/constitution-of-nigeria-article-38-freedom-of-religion>

[2] Office of International Religious Freedom. “2018 Report on International Religious Freedom: Nigeria.” *U.S. Department of State*. 2019. <https://www.state.gov/reports/2018-report-on-international-religious-freedom/nigeria/>

[3] “US places Nigeria on watch-list of countries that violate religious freedom”. December 21, 2019. <https://www.vanguardngr.com/2019/12/us-places-nigeria-on-watch-list-of-countries-that-violate-religious-freedom/>

[4] “Nigeria court in Kano sentences nine people to death for blasphemy.” *BBC News*. 26 June 2015. <http://www.bbc.com/news/world-africa-33283261>

[5] “Kano government hails judgment that sentenced 9 persons to death for blasphemy.” *Premium Times*. 29 June 2015. <https://www.premiumtimesng.com/regional/nwest/185808-kano-govt-hails-judgment-that-sentenced-9-persons-to-death-for-blasphemy.html>

[6] “Peace and reconciliation through interreligious dialogue in Nigeria.” KAICIID. <https://www.kaiciid.org/what-we-do/peace-and-reconciliation-through-interreligious-dialogue-nigeria-0>

## 1.2 Methodology

The study adopted a qualitative method, using a participatory approach to data collection and utilizing key informant interviews (KIIs) as well as focus group discussions (FGDs). This approach included interviews with key informants, aimed at responding to the core study questions.

### 1.2.1 Field Data Collection

#### Identification of Target Respondents

Organizations that could provide valuable information and perspectives relating to the objectives of the study were identified. This process involved consultations with Search and religious organizations, particularly some of the leaders of the Christian Association of Nigeria (CAN) and the *Jama'atul Nasril Islam* (JNI). At the end of the process, key respondents were identified for interviews. Communication was initiated with the identified respondents and contact was established, after which were interviewed during the study. Those interviewed included religious bodies, government institutions, and security establishments, among others.

#### Design of Field Data Collection Instruments

The research team developed the field data collection tool taking into consideration the purpose and objectives of the context study. Key information sought for in the data collection tool includes views on religious tolerance, experience in dealing with issues of religious tolerance,

promoting religious tolerance, and the level of adherence of religious followers to injunctions of the Islamic and Christian religious scriptures as it relates to religious tolerance. Other information sought included the activities of stakeholders in promoting religious tolerance and activities of stakeholder organizations in promoting freedom and tolerance. Existing legal frameworks, records of cases of violation of rights, and procedures for handling reported cases of violation of rights were also requested, specifically from security agencies and the Ministries of Justice. The instrument applied in conducting interviews is attached as Annex 1.

### Interviews

To conduct interviews, two States were selected from each of the three geo-political zones in Northern Nigeria. The States studied were Kano and Kaduna in the Northwest, Plateau, and Kogi in the Northcentral and Bauchi and Adamawa in the Northeast. Each of the States is more prone to at least one form of conflict, with cases of ethnic, religious, and political conflicts. In each of these States, key stakeholders were identified and interviewed as earlier explained.

The interviews were conducted in the Months of December 2019 and January 2020 in all the six States by four researchers that formed two teams. This implied that in each interview, the two researchers jointly conducted the interview, with one asking questions and the other taking notes. Overall, sixty (60) focus group discussions and key informant interviews were conducted in the six States where 156 respondents participated. The table below summarizes the groups of people who participated in the process, with regards to the type of activity conducted: Key informant interviews (KII) or Focus Group Discussions (FGD).

Category of Respondents	No. of Respondents	No. of Key Informant Interviews
Religious Organisations	26	63
Religious Leaders/Scholars	9	16
Interfaith Organisations		12
Legal Institutions/Ministry of Justice		8
State Security Agencies	7	6
State Government Representatives		3
State Religious Law Enforcement Organisations		4
State Peace Building Agencies		4
Total number of respondents	156	

Most of the interviews were with representatives of institutions/organizations (93.4%) and a few were with individuals (6.6%). The breakdown of the number of interviews conducted in each of the States is as follows:

Total No. of Interviews Conducted	% Distribution of Interviews in each target State					
	Kogi	Adamawa	Kano	Plateau	Kaduna	Bauchi
60	23.3%	13.3%	13.3%	15%	18.3%	17.0%

The respondents were largely drawn from religious bodies, government institutions, and security organizations as detailed below.

### Classification of Stakeholders interviewed

Type of Institution	No. of Interviews conducted
Legal Institutions/Ministry of Justice	05
Religious Organisations/Scholars	43
Security Agencies	06
Government Institutions	06
<b>Total Number of Interviews</b>	<b>60</b>

Islamic scholars and organizations made up 25.1% of respondents, Christian clerics and organizations were 35% of respondents while public institutions constituted the remaining 39.9% of respondents. Female respondents constituted 14.7% while male respondents were 84.3%. However, out of the 43 religious organizations interviewed, 10 were women based organizations constituting 23% of the respondents from faith-based organizations. The low number of female respondents is attributed to the dominance of men in religious affairs in most of the Northern States studied during this context analysis. A breakdown of religious leaders and religious organisations according to the religions of respondents are detailed below:

No. of Persons	Christian	Muslim
Religious Organisations	44	45
Religious Leaders	15	4

### Ensuring Data Quality

Steps were taken to ensure data quality throughout the data collection period. The research team received training on research methodology and review of the interview questions prior to the fieldwork. The interviews were mainly conducted in English as respondents are conversant with communication in the English language. This helped in minimizing the challenges of translation. However there were instances where the interview questions were translated into the local language for the target groups in order to elicit better participation in the process. Out of the 60 interviews conducted, only three (3) were conducted in the Hausa language (one in Bauchi, one in Adamawa and one in Kano). Frequent team meetings were held to share results and revisit the challenges faced in the data collection, with the feedback generated from the meetings utilised towards improving data collection processes for subsequent days.

### **1.2.3. Limitations:**

The research encountered some impediments to optimum execution of the research. These include expected factors in some cases and unforeseen factors in others. Limited time and resources set constraints on sample size. However, the extensive experience of the research team, as well as their understanding of the thematic area and relevant organisations and key stakeholders for FGDs and KIIs helped to mitigate these limitations.

The research was largely a perspective-based method, the responses given are not measured. Some comparisons were however made with jurisprudential evidence. Respondents in the study (60 FGDs made up of 156 people) are small. A larger pool of participants may have produced different or additional themes.

## **1.3 Literature Review**

### 1.3.1 Constitutional and Legal Provisions relating to Freedom of Religion or Belief

There are a number of constitutional and legal provisions advancing freedom of religion and belief in Nigeria. Firstly, the *constitution of the Federal Republic of Nigeria 1999 (as amended)* has made explicit provisions on religious freedom, thought, and conscience. These rights include freedom to change religion or belief, either as an individual, group, or community, either in public or in private. There is also the freedom to manifest one's own religion or belief in teaching, practice, worship, and/or observance of religious values. Furthermore, there is an explicit provision in Section 42 of the constitution that prohibits discrimination of any form on the basis of religion, tribe, or nature of birth against any Nigerian.

The *African Charter on Peoples and Human Rights (Ratification and enforcement)* provides for and guarantees the freedom of conscience, the profession and free practice of religion shall be guaranteed (Articles 8 of the Charter). No one, subject to this law, will be subjected to measures restricting the exercise of these freedoms. The above provision protects and guarantees religious freedom. However, the provision did not spell out a punitive measure(s) against any violator of the said right to freedom to practice one religion.

There are provisions in various penal laws enacted by various levels of Government in Nigeria that contain provisions for tackling the various acts of infringements on religion or religious rights. These provisions are generally found in the Penal Code Laws of Northern Nigeria, which, though enforceable under law, are generally considered outdated<sup>1</sup>. In recent years, some States had revised these provisions. For example, the *Kogi State Penal Code Law 2019* devotes Chapter XVI in defining offenses and prescribing punishments to offenses relating to religion. Some of the offenses provided for in the Law include:

- i. Insulting or inciting contempt of religion creed - Section 210
- ii. Indulging or defiling place of worship – Section 211
- iii. Disturbing Religious Assembly – Section 212
- iv. Committing Trespass on places of worship – Section 213

In the *Kaduna State Penal Code Law, 2017* there are provisions (sections 178-181) that are similar to those cited in the Kogi State Penal Code 2019. Even though these provisions are very recent, the prescribed punishments for the infringements do not seem to have adequate deterring effects. For instance, the highest punishment prescribed is either a maximum of ten years imprisonment or a fine, not more than N10,000. A fine of N10,000 only does not serve as a strong deterrent considering the seriousness and potential impact such infringements could have on peace and social order. For this reason, many respondents were of the view that there is a need for more severe punishments to be enshrined in the Laws.

As earlier mentioned, the *Penal Code Act* which is generally applicable in the Northern States of Nigeria (except for states that have recently enacted their Penal Laws e.g Kaduna state, Plateau state, Kogi state, etc) also contains provisions which prohibit acts that have the substance of religious intolerance. For instance, Kano, Bauchi, and Adamawa states still apply the provisions of the Penal Code Act (of Northern Nigeria) which they domesticated and re-enacted pari-passu despite all its inadequacies and being out of touch with modern reality.

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<sup>1</sup> ANALYSIS: Why Nigeria needs to review its Criminal, Penal Codes. *Premium Times*. 20 November, 2019. <https://www.premiumtimesng.com/news/headlines/364222-analysis-why-nigeria-needs-to-review-its-criminal-penal-codes.html>

Moreso, the offenses and punishments prescribed for them have virtually no deterrent effects because of its lightness and archaic nature. For instance, Bauchi state revised its laws in 2006 but there is no alteration to the Bauchi state penal code law which means the same law remains in force to date. In the same vein, Kano, Plateau, and Adamawa states to date apply their respective (OLD) penal code laws that are similar in both substances and form with the provisions of the Penal code Act hitherto applicable to the whole of Northern Nigeria.

There are a number of scholarly works on this subject matter as well. For example, **Ladan M.T.** in his book titled *Materials and Cases on Public International Law, ABU Press Limited, 2007* examined the question of freedom of religion or belief as provided and enshrined under Article 18 of the Universal Declaration of Human Rights. He enumerated and explained the scope of the rights. However, he did not relate his work to the provisions of section 38 of the Nigerian Constitution and he did not also consider the practical aspects of that rights, the challenges of implementing and enforcing the same as well as the possible way forward.

In the Human Right Review Journal, there is an appraisal by Sam (2012) on the institutional *mechanism for human rights' protection in Nigeria*. The Article enumerated the available mechanism for the enforcement of human rights in Nigeria but did not give much attention to various laws for the protection of human rights, including the challenges of implementation of the provision of section 38 of the Constitution.

Hameed, H.A provided an *Overview of the rule of Law and Human Rights in the ABU Review Journal (2012) published by ABU Zaria*. In the overview, he examined the concept of rule of law and human rights, and the relationship between the two concepts. The discussion on fundamental rights was generalised, without specific analysis of human rights that could be violated such as the rights to freedom of religion or belief and right to freedom from discrimination. Incidence of religious intolerance that violated rights to freedom of religion which could induce violence of religious nature was not thoroughly examined in the article.

Isaac T.S *examined religious violence in Nigeria with focus on the causal diagnosis, and providing recommendations for the State and religious communities*. In the article, he identified weak governance, socio-economic factors and political manipulation of religion as the major causes of religiously induced violence in Nigeria. The Article enumerated what the author thought are the immediate and remote causes of religious violence and also interrogated the management of conflicts by Government and its haphazard approach in responding to these conflicts. He cited extremism and intolerance to the faith or views of others who practice another religion as the major cause of religious violence in Nigeria. He posited that obstructive and disruptive modes of worship are also among the causes of religious tension, so also disparaging and stereotyping as well as proselytizing (i.e coercion and threat) during preaching as causes of religious violence.

On the side of the government, he observed that patronage, religious preferentialism and marginalization are major causes of disaffection and conflict. Sensationalism in media reportage was identified as an aiding factor and abating religious intolerance and ultimately religious violence. He recommended economic development and social wellbeing as means of creating an environment where multiculturalism and multi-religiosity are guaranteed. The work did not make reference to legal, political or social challenges to enforceability of Section 38 of the Constitution which protects and guarantees freedom to religion and how breaching the Constitutional provisions such as apostasy laws are at loggerhead.

Dr. Yusuf H.O. *Int'l Journal of Humanities and Social Science* titled: *Promoting peaceful coexistence and religious tolerance through supplementary readers and reading passages in Basic Education Curriculum (2013) Vol. 3, ABU Zaria* discussed ways of promoting peaceful coexistence and religious tolerance through literacy in Basic Education. She highlighted ways by which peaceful coexistence and religious tolerance can be included in supplementary reading materials and reading comprehension passages in English Language texts for Basic Education. She concluded that no country can hope to establish lasting conditions for peace unless it finds ways of building mutual trust between its citizens through its educational system by promoting peaceful co-existence and religious tolerance through literacy in Basic Education. This will greatly promote mutual understanding, respect, tolerance and dialogue.

Nwauche E.S. *examined the relationship between law, religion and human rights in Nigeria in an article in African Human Right Law Journal (2008) Vol. 8* titled: *Law, Religion and Human Rights in Nigeria*. He cited the level and intensity of religious strife in Nigeria as a major cause of religious intolerance. He maintained that Islam and Christianity are the de facto state religions in Nigeria due to their dominance over other religions.

He provided an extensive overview of the right to freedom of thought, conscience and religion. He stated that Section 10 of the Constitution of Nigeria 1999 (as amended) prohibited the federal and state government from adopting any religion as a state religion. He concluded that a credible path to religious harmony in Nigeria lies in the recognition of Nigeria de facto religion and the attendant constitutional obligations of equality and non-discrimination which entail respect, recognition and promotion of the belief, values and practices of other religions.

Adefi A.T (2006) *Breaking the cycle of religious violence in Nigeria: towards interfaith collaboration. Capstone action masters project report, Claremount Lincoln University*. He enumerated necessary skills needed for interfaith dialogue. They include developing a humble and communicative perspective, dismantling a culture of revenge, leading the call for change, and cultivating a habit of engagement and collaboration. He concluded by maintaining that change process demands a mindful consideration of both the prevailing practices and the proposed practices.

### **1.3.2 Concept of Human Rights**

The concept of “human rights” does not have a generally and universally acceptable definition. This problem of definition of the concept has been associated with the emotions that usually come with the mere mention of the phrase. Another reason has to do with the absence of any arithmetical solution to human problems. On the foregoing note, it is safe to state that human rights have been defined in various ways by different legal scholars and jurists. The perspectives of some leading jurists are cited below.

**Hon. Justice Niki Tobi** of blessed memory wrote:

*“Definitions of their very nature, concept and content are never accurate like mathematical solutions to a problem. Definitions are definitions because they reflect the idiosyncrasies, inclination, prejudice and emotions*

*of the person offering them. While a definer of a word or an agglomeration of words may pretend to be impartial and unbiased, the final product of his definition will be a victim of partiality and bias”.*

**Cranston** gave his definition of human rights as follows:

*“A human right is something of which no one may be deprived without a great affront to justice. There are certain deeds which should never be done, certain freedoms supremely sacred”.*

The Supreme Court of Nigeria gave approval and acceptance to the above Cranston’s definitions of “**Human Right**” in the case of *Ransom Kuti V Attorney General of the Federation (1975) 2 NWCR (PT6) 211 by Kayode Eso JSC.*

According to **Prof. Osita Eze** in his book “Human Rights in Africa describes *Human Rights* as

*“Representing demands or claims which individuals or groups make on society, some of which are protected by law and have become part of Lex Lata while others remain aspirations to be attained in the future ”.*

The United Nations in 1987 described Human Rights as follows:

*“Human Rights could be generally defined as those rights which are inherent in our nature and without which we cannot function as human beings”.*

Among the stakeholders interviewed in this context study, there was evidence of sufficient understanding of the concept of human rights among the religious stakeholders. There was also the general expression of the acceptance of the need to respect religious difference. Similarly, the respondents exhibited good understanding of the importance of religious tolerance which was seen as essential for peaceful co-existence between adherents of different religious faiths. This was evidenced by the unanimity among the Muslim and Christian respondents interviewed during the fieldwork, who cited religious injunctions, teachings and practices that are consistent with the concept of religious tolerance rather than intolerance.

## SECTION II: RESEARCH FINDINGS

### 2.1 Human Rights Protection Laws and Framework

#### Human Right Protection Laws in Nigeria

There are several laws in Nigeria that protect and guarantee human rights. The grund norm (i.e. the superseding law of the land) which is the Constitution of the Federal Republic of Nigeria 1999 (as amended) contains several provisions on the protection of human rights. It devotes its complete Chapter 4 starting from section 33 to section 46 on protection, guarantee and enforcement of Fundamental Human Rights which includes:

- (a) Right to life
- (b) Right to dignity of human person and freedom from inhuman treatment
- (c) Right to personal liberty
- (d) Right to Fair hearing
- (e) Right to privacy and private life
- (f) Right to freedom of thought, conscience and religion
- (g) Freedom of expression and press
- (h) Freedom from discrimination
- (i) Right to freedom of Assembly
- (j) Freedom of movement
- (k) Freedom to own immovable property anywhere in Nigeria

Nigeria is also signatory and party to the United Nations Charter of 1945, the African Charter, the Universal Declaration of Human Rights, African Charter on Peoples and Human Rights (Ratification and Enforcement) Act, all of which contain significant provisions for the protection and enforcement of Human Rights. There are also penal laws enacted both at Federal (such as the penal code for Northern Nigeria and the criminal code for Southern Nigeria) and those by various States of the Federation that protects human rights and prescribe punishments (which include capital punishments in some instances) for human rights violations.

Nigeria has enacted Fundamental Rights Enforcement Procedures Rules of 2007 which provides for the procedure and guidelines for the enforcement of fundamental rights in Nigeria pursuant to section 46 of the Constitution of the Federal Republic of Nigeria 1999 (as amended).

From the foregoing, it can be summarised that there are an appreciable number of laws, international treaties and conventions that are ratified by Nigeria which are meant to protect and enforce human rights in Nigeria. Notwithstanding these, there are numerous breaches and violations of the same human rights laws due to weak implementation and inadequate enforcement. According to respondents in this research, the weak enforcement of these laws was attributed to lukewarm attitudes of political leaders, fear of retribution from religious adherents among law enforcement and judicial institutions and inadequate attention accorded to the enforcement of the provisions by the generality of the public, among others. It can be concluded that generality of respondents understand the Right to freedom of Religion or belief as provided under section 38 of the Constitution Nigeria 1999 (as amended).



## Institutional Framework for the Protection of Human Rights in Nigeria

Generally, there are three statutory institutions that have a mandate for the protection of human rights in Nigeria. The institutions are:

- i. The Court
- ii. National Human Rights Commission
- iii. Public Complaints Commission

In the views of respondents interviewed in this study, the Court was perceived as the most popular and most viable institution for the protection of human rights in Nigeria. Section 46 (1) of the constitution of the Federal Republic of Nigeria 1999 (amended 2011) provides that every citizen of Nigeria may apply to the High Court for the enforcement of his fundamental rights in any of the following situations namely:

- (a) When his fundamental Human Right has been breached,
- (b) When his Fundamental Human Right is being breached, and
- (c) When his Fundamental Human Right is likely to be breached.

The Court as an institution is presumed to be always available to entertain cases of human rights protection, preservation as well as violation, and so far, the Courts have intervened in many human rights issues in the country.

The second important institution is the National Human Rights Commission which was established by the National Human Rights Commission Act 1995 Cap. N46 LFN 2004. Its mandate are the protection, monitoring, investigation, studying, enlightening, liaising and cooperating with other organizations, in Human Rights cases as guaranteed by the constitution of Nigeria, the Africa Charter, United Nations Charter, and the Universal Declaration of Human Rights and other international treaties to which Nigeria is a party.

The third institution was the Public Complaint Commission which is given wide powers to inquire into complaints by members of the public concerning the administrative action of any public authority and companies or their officials and other matters auxiliary thereto. Within this broad mandate, the Commission is empowered to receive complains relating to discrimination on the basis of religion. This implies that any Nigerian can petition any public or statutory establishment whenever he perceives that his religious rights are violated, or where certain action(s) are taken against him on the basis of religious belief.

Notwithstanding the existence of the above institutions, there was little evidence to suggest the use of the institutions in addressing matters of religious intolerance, or infringements on religious rights. For example, respondents were of the view that most cases of religious intolerance hardly get reported to the police and reach law Courts. Attempts were made in the course of research to obtain records of cases of religious intolerance from any of the states Police Commands and Ministries of Justices, but none was provided. This does not imply that such issues do not arise or occur, as there are numerous newspaper reports on the occurrence of incidences of religious intolerance. Reasons advanced for the ineffectiveness of the statutory institutions are associated with the slippery, sensitive and fragile nature of issues relating to religion, hence the need to handle them cautiously in order to prevent degeneration to serious conflicts.

Relating to the role of the National Human Rights Commission in addressing problems of religious intolerance or handling of grievances related to religious discrimination, there was no respondent who has indicated knowledge or awareness of the role of the Commission in the protection, handling or enforcement of human rights.

Respondents were least aware of the role of the Public Complaints Commission on matters of handling issues of freedom of religion and belief. For this reason, it was evident that this medium is rarely exploited, except perhaps, in handling public complaints among public sector workers.

The ineffectiveness of the institutions responsible for addressing issues of religious freedom has left a significant gap that is partially filled-up by quasi-formal and informal institutions that normally engage in all forms of interfaith collaboration. This is mainly anchored by either traditional leaders or interfaith religious groups. In resolving issues bordering on religious freedom or tolerance, traditional leaders and faith based groups mediate between parties. These two institutions normally encourage understanding, appeal for calm and minimal use of aggressive behaviours and actions. For this reason, individuals and groups whose religious rights are violated generally report the cases to the traditional leaders and faith based organisations than to the formal government institutions such as the Courts, the Human Rights Commission or the Public Complaints Commission.

Even though traditional institutions are playing a critical role in interfaith dialogues and handling most of the issues relating to religious intolerance, the relevance and effectiveness of their interventions are increasingly declining. Majority of the respondents indicated this occurrence as a result of interventions of the religious leaders often being restricted to admonishing members with a view to moderating the quest for violent confrontations within their domains.

In addition to statutory institutions, there are many civil society organisations, community based institutions and faith based organisations involved in protection of human rights in the country. While some of these engage in ad-hoc interventions, others provide consistent services and engage government, security agencies and the Judiciary in protecting people's rights to freedom of religion and conscience. Additionally, a number of peacebuilding organisations such as Search for Common Ground, KAICIID, West Africa Network for Peacebuilding (WANEP), Interfaith Mediation Centre (IMC), Dialogue, Reconciliation and Peace Center (DREP Center), and others, promote peace education, advocacy and awareness creation that contribute to protection of people's rights to freedom of religion or belief as well as religious tolerance.

## **2.2 Level of Interfaith Collaboration among Religious Stakeholders**

Interfaith dialogue is used to refer to cooperative, constructive and positive interaction between adherents of different religious beliefs at both the individual and institutional level. The objective of interfaith dialogue is to enable people to overcome the division that creates conditions for violent confrontations.

Generally, there was evidence of ongoing interfaith initiatives and collaboration among religious stakeholders in the states visited, where leaders of different faiths come together to dialogue and facilitate mutual understanding and respect, that allows them to live and to

cooperate with one another in spite of their differences. It is important to mention that most of the interfaith dialogues in the states studied were organised mostly by two groups of stakeholders: civil society organisations and governments at various levels. The degree to which interfaith dialogue takes place varied between all the States studied, being higher in those States that witnessed protracted conflicts than those States that had lesser degree of conflicts. Recent examples include the the Bureau for Interfaith in Kaduna, the Plateau state Inter-Religious Council in Plateau State, the Centre for Islamic Civilisation and Interfaith Dialogue (CICID) in Kano State, Christian/Muslim Peace Movement/Interfaith Dialogue in Bauchi, and the Kogi State Inter-religious Council (KOSIREC).

According to respondents, interfaith dialogues were organized to provide inspiration and guidance for the population to move toward non-violent means of conflict resolution particularly in those areas where disputes involve adherents of different faiths. This was most pronounced in the States of Plateau and Kaduna. Respondents were of the view that such interfaith dialogue were very effective in mitigating against religious fundamentalism and religious fanaticism that contributed in scaling down acts of arson, looting, killing and damage to properties especially in the immediate aftermath of violent conflicts between followers of different religions.

Analysis of responses indicated that there are different levels of interfaith initiatives , which could differ based on the actors involved and the purpose for which the dialogue was convened to achieve. This can be described as follows:

- i) High level religious leaders convene to discuss and speak collectively as advocates for peace. This was mostly adopted in times of violent conflicts especially in the States of Plateau, Kaduna and Adamawa. To a lesser degree, the same approach was adopted in Bauchi and Kano States. Most of these initiatives were convened by either the Federal or State governments to halt violent conflicts and promote rapid restoration of social order. However, these initiatives were rarely sustained once the violent confrontations stopped. On the other hand, there are a number of civil society organisations that focus their activities on high level interfaith dialogue, adopting a longer-term and more programmatic approach to interfaith mediation. Most of the activities target specific groups and rarely go beyond the level of the top leadership to reach out to adherents at the lower level. These types of initiatives “normally” end with the funding duration of project interventions.
- ii) Interfaith dialogues are organised at the local levels often facilitated by local authorities such as local government administrations, traditional leaders and grassroots civil society groups. In such dialogues, leaders of different faiths come together to promote cross-community interaction to appeal to disputing groups to halt aggression. This type of dialogue is also intended at assuaging youths and other aggrieved parties by creating a semblance of unity among the leaders of the religions to which groups pay allegiance.

In addition to interfaith dialogue, it was also found in some States that training sessions on religious freedom were organised to provide capacity for interfaith dialogue and increased cooperation. These types of training were mainly organised and funded by civil society organisations. Such training targeted various cadres of religious actors; including the elderly, youth and women.

Examples were provided by respondents across the States during the survey. For instance, a dialogue outfit owned by Anglican Communion, Kaduna Diocese in Kaduna State, where both

Christian and Muslim leaders are invited to teach Religious tolerance. "The Diocese has been engaged in so many interfaith activities, one of which was headed by one of our former Bishops from the Kaduna Diocese" (Respondent, Kaduna State)

Similarly, the Kaduna State Bureau for (Religious) Interfaith is charged with the responsibility of fostering religious dialogue and harmonious coexistence, organising periodic meetings and consultations among religious leaders to discuss topical issues affecting peaceful and harmonious coexistence. "*There are interfaith dialogue platforms at local government levels, often convened in cooperation with local government chairmen and both the Christian and Islamic religious leaders*" (Respondent, Kaduna State).

In Adamawa State there is an NGO known as "Christian-Muslim alternative to conflict" aimed at bringing both Muslims and Christians for round table dialogue on issues of common interest. "*We (implying Christians) collaborated with some Muslims to form an NGO known as 'Christian-Muslim alternative to conflict' for sole purpose of promoting understanding between Muslims and Christians*" (Respondent, Yola, Adamawa State). One of the Respondents interviewed from Adamawa State emphasized that one of their core activities is Dialogue with other religious groups, promoting peace-making, reconciliation, and empowerment.

In Plateau State there were various instances where both Muslims and Christians Religious leaders collaborated to address issues of religious conflicts (Respondent, Jos stressed). Similarly, the Plateau State Peace building Agency was established in 2016 with the aim of promoting the culture of harmonious coexistence within the different ethno religious groups that make up the state (Respondent, Jos, Plateau State).

Furthermore, there are also a series of interfaith meetings and seminars conducted periodically, to strengthen the collaboration among religious stakeholders. These types of events are mostly promoted by civil society organisations and faith based organisations. In Adamawa State for example, a respondent in Yola mentioned that "... this year (i.e. 2019), the organization had series of meeting with the Muslim Council to discuss tolerance among the two religious groups, after which we went round the 21 local governments in the state to do the same" (Respondent, Yola, Adamawa State). To hold successful interfaith meetings, some respondents were very conscious of the core requirements of successful interfaith dialogue such as sensitivity to the location (venue of the meeting), the opening prayer, electing leadership, the content of the agenda, making favourable impression and proper room setup.

An analysis of the overall opinions of respondents from all the States studied indicated that the objectives of interfaith dialogue, conferences and meetings was to achieve a consensus for tolerance and understanding of religious differences necessary for peaceful relations. The specific purpose of such interfaith events could be summarised as follows:

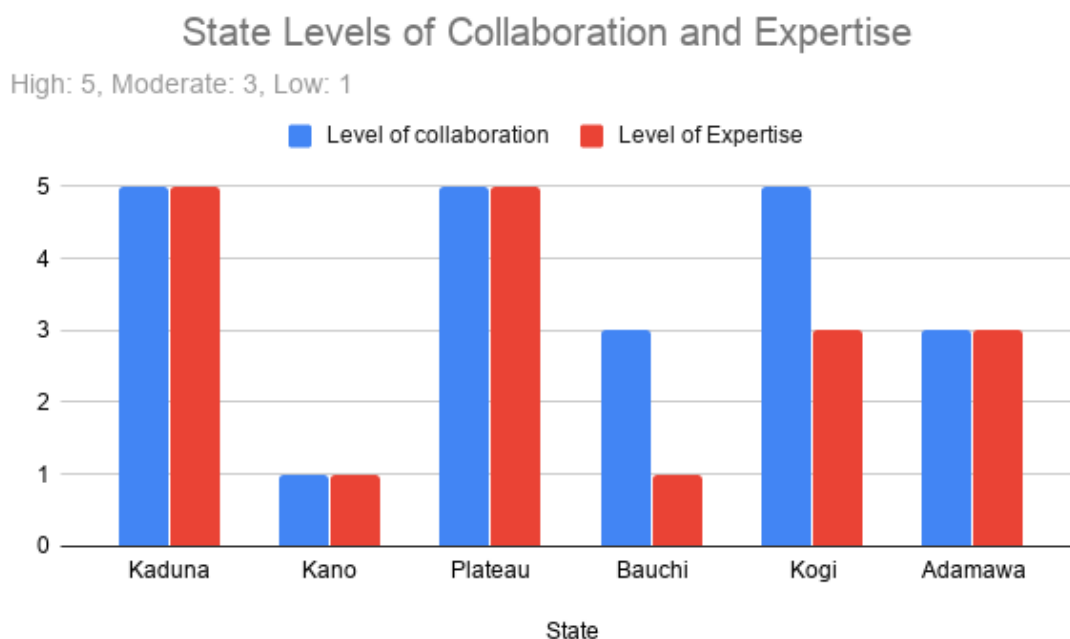
- i. to strengthen the responsibility of the clergy on issues related to tolerance, diversity and youth participation.
- ii. to introduce messages/tools to communicate content of the guide and religious tolerance.
- iii. to develop strategies and plans of action to activate the role of religious institutions to highlight activities on the issue of dialogue; and
- iv. to raise awareness among the clergy and the general populace on the importance of social harmony and peaceful coexistence.

## Collaboration, Capabilities and Expertise for Interfaith Dialogue

Areas of collaboration among the religious bodies as well as the existing expertise for interfaith dialogue were studied. It was identified that there are a lot of areas of collaboration between the Christian and Islamic faiths. One of the most frequently mentioned in all the States was in the area of producing educational materials to deepen understanding of the Muslim-Christian faiths. Thus, Christian and Muslim scholars have worked together to develop curricula and content particularly for primary and secondary school level of studies. This was positively welcomed by respondents, with some advocating that such cooperation should be extended into developing curricula and training content for tertiary institutions to enshrine a culture of good interreligious understanding and cooperation.

There are differences between levels of collaboration and capabilities across the States. There is a higher level of collaboration in Kaduna, Plateau and Kogi States. There were moderate levels of collaboration in Bauchi and Adamawa States but the level of collaboration is lowest in Kano State. In terms of expertise, the stakeholders demonstrated higher levels of expertise in Plateau and Kaduna State than the other States, with Bauchi and Kano demonstrating the least levels of expertise.

**Figure 1: Showing levels of collaboration and expertise between the States under the study.**



Skills for interfaith dialogue are low among key stakeholders, including government agencies, faith based groups and grassroots community based organisations (CBOs).

### **2.3 Platforms for Stakeholders Conversation on Religious Tolerance**

Religious tolerance is very important in ensuring peaceful relations in pluralistic and multi-religious communities. Therefore, advancing religious tolerance is very important in Northern Nigeria because of the deep seated acrimony and inadequate accommodation of the differences in faith.

Stakeholders interviewed during this assessment identified engagements at community levels and events organised by security agencies as existing platforms for conversation on religious tolerance. The other platform is the media, where preaching or messages of peace are broadcasted to the general public.

Traditional authorities are a significant factor of influence in Northern Nigeria. To followers of Islam, the Sultan is considered the symbolic head of the Islamic community, while Emirs, who are subservient to the Sultan, are considered the symbolic head of the Islamic community within their respective Emirates. Whereas to followers of Christianity, this could vary depending on their ministries. The Archbishop is the highest official within Nigeria in the case of the Anglican or Catholic Churches, while some pentecostal churches could utilise official nomenclatures such as General Overseer or Head Pastor. It is also significant to note at this point that Christianity in Nigeria does not draw from the same structures that combine socio-political and religious leadership together in the way that the Islamic religion does. As such, Christian leaders may not hold as much influence over issues outside the religious purview as their Muslim counterparts.

Community engagements often involve representatives of religious group(s) within defined communities. Here, the key leaders are brought together to engage in conversation and interaction on peace building, often as a result of intolerance over religious issues. In the course of the engagement, the conveners or mediators use religious text to dissuade participants on the negative consequences of intolerance and violent actions, citing examples from texts, sermons or write-ups of leading religious scholars and leaders. Ample opportunity is provided to discuss the drivers of the problem and its various manifestations. Participants are allowed to reflect and suggest alternative peaceful ways of resolving the problem. Towards the end of such meetings, agreements are reached on how best to amicably resolve the problem without recourse to violent behaviours and actions. Messages of the outcome of the dialogue are agreed upon and ways of disseminating those messages to the wider community are agreed upon. Responsibilities are assigned to specific leaders and mechanisms for providing feedback are agreed upon. Through this mechanism, a significant number of issues and challenges relating to religious intolerance and disputes have been addressed in many of the States studied during this assessment.

Such community engagements are often organised by religious bodies, traditional institutions and or political leaderships. The major religious bodies identified by respondents were the Christian Association of Nigeria (CAN) and the Jama'atul Nasril Islam (JNI). However, there are other bodies that organise such engagements such as the Catholic Diocese, the Anglican Communion, Jama'atul Izalatul Bid'ah Wa-Ikamatus Sunnah (JIBWIS) and many other smaller interfaith religious organisations. There are also interfaith based civil society organisations such as NIREC that are active in facilitating dialogue, organising events at various levels.

Traditional leaders are active players in organising and facilitating interfaith dialogue. It is only this group of stakeholders that often go beyond the adherents of Islam and Christianity to involve traditional religious worshippers. From responses during this study, the interfaith

events organised by traditional leaders are highly beneficial in promoting religious tolerance. In addition to interfaith meetings, the leaders are also involved in the amicable resolution of interfaith disputes and grievances such as those relating to spaces for religious worship, resolution of disputes over interfaith marriages and allegations over abuse of religious texts and symbols.

Political leaders such as State Governors, LGA Chairmen and elected representatives at various levels also organise interfaith dialogues within their domains. These political leaders are often involved only during periods of religious or ethnic crises. In such situations, the religious leaders are brought together to deliberate and issue joint statements appealing for restoration of social order and respect for constituted authorities. Platforms created by political leaders to address violent conflicts that have religious connotations were reported as very important in halting violent confrontations during this context study. There were contrasting views by some respondents, who see interventions by political leaders as resulting in escalation of religious conflicts than assuaging religious conflicts. Such opinions were expressed in Kaduna, Adamawa and Plateau States. Nonetheless, a greater proportion of respondents perceive interventions by political leaders as positively contributing to religious harmony and peace.

Media platforms are very important mediums for promotion of religious understanding. The radio and television are the most important, where religious scholars with good knowledge of interfaith matters are invited to discuss topical religious issues. Appeals are made for understanding, tolerance and accommodation of other religions. While the radio was reported to be most effective in the rural areas, the television was reported to be more effective in the urban areas. Examples include Sheikh Nuruddeen Lemu of the Islamic Education Trust who organised a simulcast Television and Radio Programme called the “Interfaith Forum” online and on African Independent Television (AIT), a national television broadcast network.

Another platform is provided by the security agencies, particularly in those States witnessing ethno-religious conflicts such as Plateau, Kaduna, Adamawa and Bauchi States. Both the Police and Military do organise meetings and peace events often in collaboration with local institutions such as LGAs or community leaders. Sometimes, it is organised in collaboration with religious bodies such as CAN and JNI. The engagement of security agencies paves way for enlightenment that contributes in advancing religious tolerance. At the national level, stakeholders mentioned a number of meetings and symposiums on religious dialogue convened by diverse stakeholders including the security agencies, prominent among them being the Nigeria Inter-Religious Council, which organises quarterly meetings that bring people from all states together for dialogue, including the states being considered in this study. The platform provided by security establishments was perceived as a vital platform for stakeholders' conversation on religious tolerance in Northern Nigeria, and that such engagements contribute in de-escalating tensions and increased protection of life and properties.

## **2.4 Initiatives on Advancing Religious Freedom and Tolerance**

Most of the respondents interviewed in the States visited were of the view that religious tolerance leads to peaceful society, promotes development and supports enhanced national security. One of the respondents in Kano State mentioned how one of the religious crises in the State in the 1990's affected a substantial amount of property and led to closure of markets, which caused a lot of losses to many people. In Bauchi State, a respondent noted that during

one of the religiously induced crises, the progress of the State was affected as schools remained closed for a week and many businesses could not function. In Plateau State, a significant number of respondents pointed at the Jos International Market that was totally burnt down during ethno-religious crisis which dampened the social and economic development of the entire State in 2002. References were also made to the crisis in some of the rural areas particularly in Adamawa, Plateau and Kaduna States that prevented farming and livestock rearing activities, causing food shortages and loss of livestock assets.

According to respondents, all the examples cited above were relatively recent events within the last 25 years. Respondents indicated that when there was peace and social harmony among the religions, people were moving freely and settling wherever they wanted. People of different faiths were cooperating and working together, developing their communities, LGAs and communities. But with the advent of the religious crisis, economic and commercial cooperation was highly affected, and this could be attributed to some of the reasons for the increased poverty in many States.

All respondents from both faiths were unanimous in their opinion that one of the most important duties of religious leaders and clerics is the promotion of peace. For example, one of the respondent explained that: "... one of the cardinal duties of the Bishop is to promote human tolerance, not only in religion, but tolerance in totality of life, through preaching, dialogue, meetings and sensitization" (Respondent, Jos, Plateau State).

In the States studied, there are various initiatives aimed at promoting peaceful coexistence and religious tolerance as earlier explained. However, there was very little reference to freedom of religion or belief. For this reason, there are few organisations and intervention projects targeting the promotion of freedom of religion or belief. Stakeholders interviewed could only identify ART.38 as the only known Project promoting the freedom of religion or belief.

According to respondents, most religious scholars have limited or no interest in promoting the concept of freedom of religion or belief. Religious leaders often object to change of religion, sect and denomination by any person belonging to their faith, sect or denomination. They are however very pleased to welcome persons from other faiths or denominations who convert to their religion, sect or denomination. It was explained that most preachers focus their sermons in maintaining the mass of their followers, while also enticing others to join and follow them.

Some of the religious leaders interviewed in the course of the research argued that they do not resist religious freedom. For example, respondents refer to several Biblical and Qur'anic texts that permit freedom of religion or belief. One of the respondents was of the view that "...if God had wanted; He would have made all the people (of the World) Muslims or Christians..... and nobody could have said no because He is Mighty, and He can do everything ....". The respondent concluded that for this reason, "... people must tolerate one another if we must live together" (Respondent, Kaduna State). Despite this assertion, a higher proportion of respondents interviewed indicated their opinions that the space of free choice and practice of religion is highly limited in the country. For this reason, most people maintain the religion of birth to avoid cultural, social, economic and other forms of exclusion and discrimination that they could suffer on account of change of religion.

Respondents provided examples of where people who changed religion were subjected to so much intimidation. There were a lot of unsubstantiated claims of even killing people on account of change of religion. Furthermore, attempts at preaching to convert adherents of one faith into



another faith or belief had been violently resisted in many parts of Northern Nigeria. Hence preaching invoking other faiths was reported to have triggered violence within some of the States studied such as Kano, Bauchi, Kaduna and Plateau. Historical examples include the March 1987 religious violence in Kafanchan, Kaduna state, which was alleged to have been triggered by a Christian preacher, who was a convert from Islam, and was said to have preached monotheistic sermons that delegitimised Islam in comparison to Christianity. Most recently, a Prominent Nigerian Atheist, Mubarak Bala, was arrested in April 2020 for posts made on popular social media website Facebook - an act which was condemned by the U.S. Commission on International Religious Freedom (USCIRF) and Humanist UK, the leading British humanist society.

In terms of practical interventions, the most important carried out by stakeholders are convening of meetings or dialogue sessions and building capacity for peacebuilding in interfaith matters or general community coexistence. A number of organisations, both local and international, were mentioned as those promoting these interventions. Some of those mentioned include government agencies, security agencies and numerous local NGOs. International organisations mentioned by respondents include Search, Plan International, UNDP, USIP, Mercy Corps, CRS and Centre for Humanitarian Dialogue (HD), among others. Some organisations mentioned by respondents such as ICRC are providing food assistance and rarely engage in direct peace promotion activities.

The important stakeholders targeted by these initiatives are youths and women groups, religious leaders, community leaders and faith based organisations. While some of these target adherents of the same religion separately, others combine both Christians and Muslims and bring them together for either dialogue or training. No specific target for traditional religious followers was identified in the course of this research.

## **2.5 Cases of Blasphemy and Apostasy induced Violence**

In recent years Nigeria has grappled with a number of violence which has to do with religious intolerance. In the course of this research, there was resistance from many respondents to speak on blasphemy and apostasy. In the States where this survey was carried out, there was hardly any response that tended to link any violence with any particular act of religious intolerance, particularly blasphemy and apostasy.

This research team could recall several cases of violence which were said to be caused by either blasphemy or apostasy as they were widely reported in the print and other media. For instance in Kaduna State, there was serious violence which led to loss of several lives and destruction of several properties worth millions of Naira in 2001. The said violence was said to be triggered by a newspaper publication (Thisday Newspaper) in respect to some protests against a beauty pageant competition which was scheduled to take place in the State. A correspondent of the newspaper was alleged to have made a blasphemous publication against the prophet of Islam, triggering protest and mass violence, but curiously this research did not seem to obtain response tending to show as above.

Similarly in the same Kaduna State, violence was widely reported in the media in Kajuru Local Government in 2018 which was said to have been the result of some girls belonging to one

faith proposing to marry male members of another faith. Again, respondents in Kaduna State made no reference or inference to those events as evidence of religious intolerance.

Also, in Kano State, it was widely reported in 2015 that some Muslims had made blasphemous comment against the Prophet of Islam which led to several protest across the State for the arrest and prosecution of the alleged culprit. The alleged culprit was eventually arrested and taken to Court for prosecution, but a crowd of people stormed the Court premises with a view to taking laws into their hands. It took the effort of the security agents to evacuate the suspect and he was taken to safety. This research could not establish the fate of the said suspect and whether or not his trial is still on, or has been completed. Despite deliberate questioning of the Kano State Ministry of Justice and the Kano State Police command, none made reference to that case. However, Premium Times had published on 25<sup>th</sup> June, 2016 that nine (9) of the accused persons were convicted and sentenced to death. There was no information as to the action taken regarding the judgement.

Even in Plateau State, where incidences of religious intolerance were reported as rampant occurrences in the course of over decade long inter-communal violence across the State, those incidences were not attributed to religious intolerance by the Respondent but to other forms of intolerance (such as ethnic, political, economic, historical and cultural factors).

Virtually all respondents in Kogi, Adamawa and Bauchi States did not see any of the violence as religious intolerance. In their views, all the cases of violence recorded are mostly ethnic rather than religious. It was explained that those conflicts that tended to take a religious dimension happened only where the warring sides belonged to different religious faiths, but not because the causes had anything to do with religion.

Overall, the research team could not obtain any official record of cases of religious intolerance in any of the State Police Commands in all the six States studied. Similarly, no record of prosecution of any case bordering on religious intolerance was obtained in all the Ministries of Justice where the survey was conducted. This could be due to:

- i) the actual absence of such records within the institutions;
- ii) unwillingness to speak of such cases;
- iii) such cases never get reported officially.

Conclusively therefore, it could be deduced that most cases of blasphemy or apostasy are rarely addressed through the formal institutional systems. Again, the constitutional provisions relating to freedom of religion or belief are rarely enforced. For this reason, individuals and groups often take the laws into their hands in dealing with these issues whenever they arise..

## **2.6 Lessons Learnt from Implementation of ART.38 Project in Nigeria**

Advancing Religious Tolerance (ART.38) is being implemented by Search for Common Ground with a focus on addressing interreligious violence and weak mechanisms for redress on matters of violations of religious freedom in Northern Nigeria. The Project implementation commenced in September 2018 and so far, several consultative engagements have been organised with diverse stakeholders in pursuance of the achievements of the Project goal and objectives. The Project is working with legal advocates, religious leaders, policy makers, the media as well as other wide ranging stakeholders.

From the review of reports of the progress of implementation as well as interviews with religious leaders and policy bodies that directly participated in implementation of ART.38 carried out during this context analysis, there are a lot of lessons learned from the implementation. The lessons can be summarised as follows:

- i) The Project was perceived by respondents that participated in its implementation as adopting the right approach in creating awareness on the issues of religious tolerance and freedom. There was consensus that there are few initiatives and Projects promoting freedom of religion and belief in the country, and there was the need to have more organisations working in this area.
- ii) The implementation of the Project has revealed the inadequate skills and capacity among religious leaders to discuss and engage among themselves in the promotion of religious freedom. Preaching religious tolerance and freedom requires unique skills and capacity and a good understanding of the content of the religious text of other religions. This knowledge and capacity is very low, thereby allowing inappropriate preaching that limits the religious spaces for tolerance and freedom.
- iii) Religious leaders are increasingly recognising the importance and relevance of religious harmony and understanding in promoting and ensuring peaceful and progressive communities. Nigeria as a pluralistic society will be affected negatively by religious intolerance.
- iv) There is inadequate research that has focused on investigating occurrences, trends and incidences of religious tolerance and freedom in the country. Again, there has been inadequate documentation of records of legal cases relating to aspects of freedom of religion or belief.
- v) There is sufficient space for interfaith dialogue in the country, particularly in Northern Nigeria where ethnicity and religion interplay to constrain the religious spaces, increases hostility and promotes violent confrontations. Supporting capacity for interfaith dialogue will be highly beneficial in fostering non-violent resolution of disputes and arriving at consensus on core issues as they relate to religious freedom.
- vi) There is weak enforcement of the laws in Nigeria that protect the freedom of religion or belief. Again, the provisions for punishments in the Penal Codes are weak thereby allowing breach of peoples' right as it relates to freedom of religion or belief. Generally, awareness of legal provisions that guarantees freedom of religion or belief are not adequately understood even among key stakeholders. For this reason, there is weak enforcement of constitutional guarantees for freedom of religion or belief.
- vii) Judging from the levels of participation of diverse stakeholders in the implementation of the ART.38 Project, stakeholders are keen to contribute towards advancement of the freedom of religion or belief and reduction in the levels of conflicts. Hence, there is a need to engage more stakeholders in the implementation of the ART.38 Project, such as more participation of judicial officers, the Police and Judges, among others.

## **SECTION III: CONCLUSIONS AND RECOMMENDATIONS**

### **3.1 Conclusions**

Advancing religious tolerance plays an important role for peaceful coexistence and harmonious societies. While religious tolerance is widely accepted and promoted by religious leaders and other peacebuilding institutions, there is inadequate attention on freedom of religion or belief. It is very important to recognise and promote interreligious dialogue and freedom of religion or belief as integral parts of building peaceful and prosperous communities and nations especially in areas with multiple faiths and ethnicities as exists in Nigeria.

Many challenges facing freedom of religion or belief could be deduced from the outcome of this research. Enforcement of laws protecting religious freedom are weak and inefficient. Since religion is more of a matter of a social value than that of laws, litigation may not be the most effective way of addressing grievances relating to acts of religious intolerance. For this reason, alternative dispute resolution mechanisms need to be deployed, implying the need for capacity training on these mechanisms among the religious bodies and institutions of government responsible for guaranteeing religious freedom such as security and judicial officials. Through this approach, matters of religious unrest and disputes can be more amicably resolved than adopting recourse to judicial processes which will invariably create higher levels of adversaries.

There is inadequate knowledge, skills and support base for promoting religious freedom and belief in the country. Many religious bodies have inadequate financing and exposure to understand the global trends in advancing religious freedom. For this reason, many jurists and leaders of religious organisations do not gain much from the works of international jurists and scholars on matters of religious belief. This implies the need for creating awareness and exposure platforms to local and national leaders of religious institutions and organisations by strengthening funding for interfaith dialogue and exchanges, as well as on intra-faith and inter-faith dialogue. For example, reference to Religious texts and declarations, such as the Cairo Declaration on Human Rights in Islam will be highly beneficial to the Muslim communities when dealing with matters of religious freedom and protection of human rights.

Evidently, there are weak levels of education particularly at the grassroots, and the kind of messages normally made available do not significantly promote religious freedom in Northern Nigeria. There is the need to strengthen education delivery with focus on advancing the concept of religious liberty in line with international instruments. This will require strong partnership with the media, and a careful packaging of enlightenment messages that will be appealing to adherents of the two major faiths – Islam and Christianity. This may also require positive use of social media in advancing this concept of religious liberty and working together with religious bodies and scholars to endorse and to propagate these messages.

### **3.2 Recommendations**

Considering the importance of peaceful coexistence and harmonious relationship between Muslims and Christians, there is the need to strongly advance religious tolerance. The following recommendations are offered for key stakeholders including Search, Policy makers, religious leaders and civil society organisations:

#### Search For Common Ground (Search):

- i. There is the need to enhance capacity and effectiveness of religious leaders to serve as champions in advancing religious freedom and tolerance. Provision of training on the use of alternative dispute resolution (ADR) mechanisms for religious leaders and other institutions involved in dealing with matters of religious beliefs and adjudicating matters of religious intolerance such as Judges, judicial officials and security agents will be most valuable in enhancing capacities for amicable resolution and management of intra and interfaith conflicts.
- ii. There is a need to encourage religious leadership support of concepts of freedom of religion or belief, including respect for the right to change of religion, sect and denomination by any person belonging to their faith, sect or denomination.
- iii. Religious leaders and interreligious groups need to be supported to share ideas and exchange skills and values amongst themselves on ways of managing incidents of religious intolerance.
- iv. Search needs to strengthen the participation of judicial officers, security agencies (especially the Police) in the implementation of the project to further strengthen protection of freedom of religion or belief.
- v. There is a need for Search to provide additional publicity about the ART 38 Project for the benefit of the wider community in Northern Nigeria.

#### Policymakers:

- vi. There is the need to review the provisions in the Penal Code relating to matters of religious freedom and infringements of religious rights. This is because the provisions were made several decades ago and need to be updated in the context of the current realities and changes in means of communication, preaching and social interactions.
- vii. Security and judicial officers require skills and capacity to deal with issues of religious freedom and belief. The officials need to be acquainted with capacity to properly understand the constitutional and legal provisions relating to religious freedom. They also require capacity to more effectively handle and adjudicate on matters related to religion. Therefore, there is the need for governments at all levels to include these issues in the curricular for training security and judicial officials, while also making budgetary provisions for regular refresher training of these officials.

#### Religious leaders and Civil Society Organisations:

- viii. Religious leaders and civil society actors need to develop partnerships and networks with key institutions of government and law enforcement to strengthen synergy and cooperation in the management intercommunity relations and guaranteeing peaceful and harmonious

coexistence and freedom of religion or belief. It is important to deepen interventions that strengthen unity and cooperation through social reorientation activities on peaceful and harmonious relationships and broadening the scope of religious understanding and knowledge.

- ix. Muslims and Christians need to respect diversity and need to promote people's right to life, to physical integrity and to fundamental freedoms, such as freedom of conscience, of thought, of expression, and of religion. This may include the need to develop mechanisms for advancing the concept of religious liberty as against religious tolerance. There is the need for support to produce additional IEC materials and textual religious writings on freedom of religion and belief with the objective of promoting tolerance and respecting diversity among adherents of religious beliefs.
- x. Clerics/clergies should be recognized and supported as important stakeholders in peace building and conflicts management. Provision of capacity for ADR as well as increasing knowledge of the other religion among religious scholars will highly contribute in providing safer spaces for religious freedom. Furthermore, there is the strong need to mobilise and support clerics from both the two major faiths to champion campaigns for freedom of religion and belief in the country.
- xi. There is the need for robust civil society organisations' participation in advancing religious freedom in the country. Civil society should support additional research to further document the sources of intolerance, including the role of ethnicity and other identity related issues that are reinforcing religious intolerance. Research is also needed to document religious hate speech, as well as the strategies adopted by the promoters of religious hate speech with a view to identifying the best interventions required to address these challenges.

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## APPENDIX

### Annex 1: Instrument for Field Data Collection

#### a) Questions for All Target Respondents

- 1- Name of Respondent (Optional).....
- 2- Organization: .....
- 3- Address: .....
- 4- Phone Number(s):.....
- 5- Year of establishment: .....
- 6- Major functions of the Organization:
  - a. ....
  - b. ....
  - c. ....
  - d. ....
- 7- View of the Organization about Religious tolerance:
  - a. ....
  - b. ....
  - c. ....
  - d. ....
  - e. ....
- 8- Organization experience in dealing with issues of religious intolerance
  - a. ....
  - b. ....
  - c. ....
  - d. ....
- 9- How the Organization is promoting religious tolerance/intolerance
  - a. ....
  - b. ....
  - c. ....
  - d. ....
- 10- Have members of the Organization been subjected to religious intolerance?  
Yes No
- 11- What factors are responsible for Religious intolerance?
  - a. ....
  - b. ....
  - c. ....
  - d. ....

12- To what extent do you think that adherence of religious injunctions relates to religious tolerance?

- a. ....
- b. ....
- c. ....
- d. ....

13- Type of activities undertaken to promote religious tolerance by your organization

- a. ....
- b. ....
- c. ....
- d. ....

14- Activities/practices carried out in this state that inhibit religious tolerance

- a. ....
- b. ....
- c. ....
- d. ....

b) Questions for Specific Target Respondents

15- Existing legal framework for handling cases of Religious intolerance (DPP)

- a. ....
- b. ....
- c. ....
- d. ....

16- Record/information on cases relating to religious (Security agencies)

- a. ....
- b. ....
- c. ....
- d. ....

17- Procedure for handling reported cases of religious intolerance (Security Agencies)

- a. ....
- b. ....
- c. ....
- d. ....

## Annex 2: Further Reading

### 1.3.1 Freedom of Religion

#### a) Freedom of Religion in Islam

The bedrock of the Islamic case for religious liberty is the Qur'an's vision of the human person. The Qur'an's anthropology views every human being as a creation of God, blessed with intellect and free will. God created humans "*in the best of moulds*" (Q95:4) and in doing so honoured humanity and conferred on it special favours (Q17:70). The Qur'an emphasises that human beings have inherent worth and dignity. Further, it holds that God gave humankind the intellect and ability to discern between right and wrong (Q17:15; Q6:104).

According to respondents, the Qur'an emphasises free choice of religion. Some verses were cited as an evidence, where Allah says: "*The truth [has now come] from your Sustainer: Let, then, him who wills, believe in it, and let him who wills, reject it,*" (Q18:29). He says also: "*Whoever chooses to follow the right path follows it but for his own good; and whoever goes astray goes but astray to his own hurt*" (Q17:15). Resoundingly, the Qur'an declares that "*there shall be no coercion in matters of faith*" (Q2:256). Belief is an individual choice or, rather, it is a choice involving the individual and God. Therefore, forced conversions are simply unacceptable, and anyone who would use force rather than persuasion to promote religion must ignore the view of the person central to the Qur'an.

The holy Quran bestows freedom of religion on every individual and strongly disapproves of using force and pressure. The religious ascendancy of Islam is couched in a logical and persuasive manner in the holy Quran but one cannot find a single verse asking its adherents to use coercion to compel others to embrace Islam. On the contrary, compulsion in matters of religion runs counter to the tolerant spirit of the holy Quran.

The holy Quran also does not approve forceful conversion. God Almighty says: "*There is no compulsion in religion*". Islam believes in nonviolent ways such as discussion and dialogue and gives paramount significance to cogent argumentation. According to the Muslim respondents, the holy Quran instructs its followers: "*Invite to the way of your Lord with wisdom and good instruction, and argue with them in a way that is best. Indeed, your Lord is most knowing of who has strayed from His way, and He is most knowing of who is [rightly] guided*".

The text in the Qur'an advises the prophet to stick to justice and leave the ultimate consequences to the God Almighty:

*"For this then, call you and remain steadfast as you have been commanded and follow not their desires and say,*

*"I believe in whatever Book Allah has sent down and I have been commanded that I may do justice between you. Allah is our Lord and the Lord of you all. For us are our deeds and for you are your deeds. There is no argument between us and you. Allah will gather us together, and towards Him is the return"*.

The holy Quran instructs Muslims to refrain from criticising the gods and deities of other religions: *“And do not insult those they invoke other than Allah, lest they insult Allah in enmity without knowledge, thus, We have made pleasing to every community their deeds. Then to their Lord is their return and He will inform them about what they used to do”*.

b) Freedom of Religion in Christianity

The understanding of a true religion gives rise to freedom of religion and practice of worship to God Almighty in the case of the Christian religion. The Christian faith is based on the belief in God, the creator of heaven and the earth, the maker of mankind and the sustainer of the universe. *“In the beginning God created the heavens and the earth”* (Genesis 1:1). After the creation of heaven and earth, God created man in his image and likeness, *“then God said: let us make mankind in our image, in our likeness, so that they may rule over the fish in the sea and the birds in the sky, over the livestock and all the wild animals, and overall the creatures that move along the ground”* (Genesis 1:26).

The Christian view for religious freedom is a clear injunction in both the Old Testament and the New Testament of the Bible that offers freedom of choice to worship and religious practices. However, religious freedom is seen as a gift of God to mankind as a choice after man was created. The man was given a choice to choose freedom, to choose good or evil. *“the Lord God commanded the man, you are free to eat from any tree in the garden, but you must not eat from the tree of the knowledge of good and evil, for when you eat from it you will certainly die”* (Gen. 2:16-17). The freedom stage of man in the book of Genesis is seen as an obligation for decision making to lead rule over the creatures with a judgemental ability to open for a choice to worship also as a freedom of practice.

The historical context of the Israelites in the Holy Bible revealed the choice of mankind. He has the ability to make right and wrong decisions and choices on who is to be worshipped. For instance, Joshua as a leader after the death of Moses the Prophet, made a decision and a choice to worship God the maker of heaven and did not impose or force this on any follower at that time because he understood the rights and freedom of worship. This is what he said *“Now fear the Lord and serve Him with all faithfulness. Throw away the gods your ancestors worshipped beyond the river Euphrates and in Egypt, and serve the Lord. But if serving the Lord seems undesirable to you, then choose for yourselves this day whom you will serve, whether the gods your ancestors served beyond the Euphrates, or the gods of the Amorites, in whose land you are living. But as for me and my household, we will serve the Lord”* (Joshua 24:14-15).

The Bible emphasized on freedom of worship to God the maker of the heavens and earth, where there was a call to the Israelites that they should worship Him with the whole of their heart and with love for Him as God who is to be worshiped, *“Hear, O Israel, the Lord our God, the Lord is one, Love the Lord your God with all your heart and with all your soul and with all your strength”* (Deuteronomy 6:4-5). However, this was a command for the Israelite as worshippers of God not to turn away from their obligation of worshipping God.

According to respondents, the Christian view on religious freedom is guided by the biblical teaching about freedom of worship and choice of religious practices. This is derived from the teaching of the servant of God, Joshua, the successor of Prophet Moses, said *“But if serving the Lord seems undesirable to you, then choose for yourselves this day whom you will serve.....”* Joshua 24:15).

The teachings of Jesus Christ also constitute religious freedom. In his approach, religious tolerance is seen as righteousness and holiness. Jesus Christ teaches righteousness and holiness as a yardstick of religious freedom. *Jesus said "for I tell you that unless your righteousness surpasses that of the pharisees and the teachers of the law, you will certainly not enter the kingdom of heaven"* (Mathew 5:20). The teaching of the Apostle Paul encourages Christians to make efforts to ensure religious freedom for peaceful coexistence *"make every effort to live in peace with everyone and to be holy; without holiness no one will see the Lord"* (Hebrews 12: 14).

The above quoted examples from the Holy Bible guides Christians to see the word of God as a divine guidance for promoting peaceful coexistence. If the followers of Christianity were to adhere to the biblical teachings of the religion, there will be peaceful and harmonious coexistence among Christians and between Christians and followers of other religions.

### 1.3.2 Religious Tolerance

#### a) Religious Tolerance in Islam

In the Quran, tolerance is viewed as a necessary prerequisite for coexistence among the Muslims and between Muslims and followers of other faiths. Islam recognises the existence of different religions as during the time of the period, these religions were in existence. He admonished and called on Muslims to respect the religions of others. For this reason, tolerance was mentioned in the Holy Quran as very important in establishing peaceful societies. There are specific Quranic verses that acknowledge differences of belief and cultures among people. The Quran places emphasis in maintaining good relations between adherents of various religions because according to the Quran, religious freedom is an important basis for sustainable peace. The Quran calls all believers to *"Enter into complete peace and follow not the footsteps of the devil"* (*al-Baqarah verse 208*).

*"Sura al-Isra verse 70"* speaks of human beings as being given an honourable position among all of creatures. This is followed by assigning the human kind the responsibility of caring for all other creatures as the *khalifa* (vicegerent) of God on earth. Similarly, *"al-Ma'idah verse 32"* and *"al-An'am verse 98"* speaks about the common origins of humanity which makes all human beings to be related to each other.

Tolerance is linked with justice and equality. The Prophet Muhammad (SAW) was commanded in the Quran to be just among people, and his example is to be upheld and imitated by all faithful Muslims. *Suratul al-Nisa verse 135* emphasizes that justice and equality are a must for Muslims. No single human being is capable of, and is in a position to judge others. *Al-Nahl verse 124* addresses the fact that judgment belongs to God alone and each person will receive their reward from the Lord based on their works. Islam teaches its followers to preserve human life regardless of religion, race and ancestry.

The Quran asks Muslims to engage in dialogue with others, especially the *ahl al-kitab* (people of the Book). *Surah Ali Imran verse 64* instructs Muslims to *'come to an equitable proposition between us and you that we shall not serve any but Allah and (that) we shall not associate aught with Him'*.

Islam practices tolerance and Muslims are directed to be forgiving and generous. However, Islam has clear verses and teachings that urge Muslims to fight to defend their religion, dignity and nations when threatened by external or internal forces. Islam therefore accepts only things that do not conflict with the teachings of the religion. However, very clear and strict guidelines and procedures are established to regulate the actions of Muslims relating to fighting the enemies of the adherents of the religion. These types of verses and rulings in Islam are perceived by many secular scholars as evidence of intolerance in Islam.

b) Religious Tolerance in Christianity

Tolerance in Christianity means to acknowledge the existence of other faiths, beliefs and practice of other religions with respect to as its core value. Tolerance is therefore the ability to relate with believers of other faiths, which requires endurance and forbearance of the difference between Christianity and the teachings, values and practices of the other religions.

Jesus Christ admonishes and enjoins Christians to be tolerant and to persevere in the face of intimidation, molestation and tribulation. There are numerous Biblical verses promoting tolerance and explaining its virtues before God Almighty. Thus, when Christians are tormented by adherents of other faiths or rulers, they are expected to be patient and tolerant. Christians are enjoined to show tolerance to other people even when such people belong to other faiths and beliefs. In the book of John, Jesus Christ said “If the world hates you, keep in mind that it hated me first” (John 15:18). In the Book of Luke, Jesus Christ said: “blessed are you when people hate you, when they exclude you and insult you and reject your name as evil, because of the son of man” (Luke, 6:22).

The Biblical teaching of Jesus Christ on intolerance is a yardstick for Christian living in pluralistic religious communities. In the Book of Matthew, the teaching of Christianity is very clear as it relates to intolerance shown to Christians. Jesus said “you have heard that it was said, love your neighbour and hate your enemy” but, I tell you “love your enemies and pray for those who persecute you, that you may be children of your Father in Heaven. He causes His sun to rise on the evil and the good and sends rain on the righteous and the unrighteous” (Matthew, 5:43-45).

Overall, Jesus teaches Christians to be tolerant with every person, and not to respond in a violent way to any form of intolerance towards the religion as the children of God who will inherit the kingdom of Heaven

### **1.3.3 Religious Coercion and Blasphemy**

a) Religious Coercion and Blasphemy in Islam

Qur’an has a specific verse that expressed and defined tolerance in the religion of Islam, with several verses explicitly prohibiting the coercion of persons who worship gods or believe in other religions to proclaim Islam. Similarly, during the lifetime of the Prophet, at no time was anybody coerced to embrace the Islamic faith. People were allowed free-will to make choices of belonging to religions of their desires. For this reason, forced conscription into the Islamic faith is forbidden.

The Qur’an declares in numerous passages that Prophets are only commanded to deliver the divine message of God Almighty; it is not within their power to ensure its acceptance or

implementation "...But what is the Mission of Messengers but to preach the clear message"(Q16:35) & "But if they turn away, Thy duty is only to preach the clear message" (Q 16:82), "It is true thou wilt not be able to guide every one whom thou loves; but Allah guides those whom He will and He knows best those who receive guidance" (Q28:56) , "...And the duty of the Messenger is only to preach publicly (And clearly)" (Q 28: 18). Religious coercion would create a theologically unacceptable situation: if people were coerced into belief, their positive response to Prophetic teaching would become devoid of value (see for example the work of Al-Razi, F. 2004, *Tafsir al-Kabir. Vol. 1. Beirut: Dar al-Kutub al-'Ilmiyyah*).

In Islam however, there is a group against whom religious coercion is made mandatory, and this relate to apostates from Islam (i.e. those who are Muslims but decide to change or convert their faith to another religious belief). Conversion from the Islamic faith to any other faith is not permissible in Islam. As a rule, the classical Muslim law demands that apostates be asked to repent, and to return to the religion of Islam. If they refuse to repent and revert back to Islam, they are to be tried by appropriate authority or Court of Law for apostasy and the verdict for such is the death penalty. The Quran contain verses that prescribe capital punishment for apostasy as in "...And if any of you turn back from their faith and die in unbelief, their works will bear no fruit in this life and in the hereafter; they will be companions of the fire and will abide therein" (Q 2: 217) .

However, where a person or group of persons are forced to abandon Islam, is not considered an apostate as in "Anyone who after accepting faith in Allah, utters unbelief except under compulsion, his heart remaining firm in faith..." (Q 16:106). Some Islamic jurists maintain that the apostates should be given ample opportunity to repent; but there is a great variety of views concerning the time allowed for this purpose.

#### b) Religious Coercion and Blasphemy in Christianity

In the Old Testament, blasphemy is not permitted. The death penalty is prescribed for whosoever blasphemes against God or His Prophet. For example, in *Leviticus 24:11-16*, It was said: "The son of the Israelite woman blasphemed the Name with a curse; so they brought him to Moses. (His mother's name was Shelomith, the daughter of Dibri the Danite. (12) They put him in custody until the will of the Lord should be made clear to them. (13) Then the Lord said to Moses (14) Take the blasphemer outside the camp. All those who heard him are to lay their hands on his head, and the entire assembly is to stone him. (15) Say to the Israelites: 'Anyone who curses their God will be held responsible;(16) Anyone who blasphemes the name of the Lord is to be put to death. The entire assembly must stone them. Whether foreigner or native-born, when they blaspheme the Name they are to be put to death.

In some prophetic messages in the Old Testament, there is the law which shows repercussion for blasphemy that attracts punishment of slavery and bondage in the hands of their enemies (*Isaiah 52:5*).

In the New Testament the teaching of Jesus Christ on blasphemy indicates that it is an unforgivable sin in the context of the Holy Spirit. The blasphemy against the Holy Spirit will not be forgiven and its guilt is an eternal sin. However, blasphemy against Jesus himself shall be forgiven (Mark 3:28-29)

It was said in Mark 3:28-29; "Truly I tell you, people can be forgiven all their sins and every slander they utter; (29) but whoever blasphemes against the Holy Spirit will never be forgiven;

they are guilty of an eternal sin.” In Luke 12:30, Jesus said: For the pagan world runs after all such things, and your Father knows that you need them. Thus, based on the teaching of Jesus Christ in the New Testament, man has no right or power to judge any other on blasphemy against God, and neither his Prophets have such rights, as judgment and punishment belongs to God (Daniel 11:36, 2; Peter 2:1) In Daniel 11:36, “The king will do as he pleases. He will exalt and magnify himself above every god and will say unheard-of things against the God of gods. He will be successful until the time of wrath is completed, for what has been determined must take place.

In 2Peter 2:10 – 12 10, it was said: “This is especially true of those who follow the corrupt desire of the flesh and despise authority. (11) Bold and arrogant, they are not afraid to heap abuse on celestial beings; (12) yet even angels, although they are stronger and more powerful, do not heap abuse on such beings when bringing judgment on them from the Lord”.