A LEGAL EXAMINATION OF THE CHALLENGES TO RELIGIOUS FREEDOM IN NIGERIA*

Abstract
In recent times, the right to freedom of religion has suffered increasing hinderances and challenges and has become so difficult to be enjoyed. From government repressive activities to religious rivalry and intolerance, violence and extremism the situation has become worse. Government policies and programs have not helped matters as on daily basis government tend to be breaching the principles of secularism which the laws seem to have provided for. The doctrinal research methodology is adopted in this work; where primary sources such as, statutes and case law and secondary sources including journal articles and textbooks are freely considered. It is the findings of this work that, the primary causes of challenges to freedom of religion are centered on religious intolerances and in a more destructive measure, from religious extremism. This has resulted in violence destruction of lives and properties. It is therefore, among others, recommended that; efforts be made by government at all levels, aim at educating religious adherents and their leaders on the need to tolerate one another and co-exist peacefully

Keywords: Religious Freedom, Human Rights, Legal Examination, Nigeria

1. Introduction

Certain human conducts have remained hindrances and challenges to the proper enjoyment, recognition and enforcement of the right to freedom of thought, conscience and religion in Nigeria. Unfortunately, civilization, democracy, development and global and regional cooperation and interventions in form of promulgation of laws such of international covenants, treaties[1] and the establishment of international and regional institutions[2] for the promotion of religious freedom seems not to have adequately controlled or ameliorated and mitigated this worrisome situation of in Nigeria.

2. Legal Examination of the Challenges

Religious Extremism, Violence and Persecutions

Cases of religious extremism, violence and persecution are prevalent in Nigeria. Religious Violence, persecution and of course, ethnic violence have existed and been perpetrated in Nigeria even before the independence of the country.[3] Early wars, crisis, jihads in Nigeria are said to have been caused, sustained or escalated due to religious considerations, sentiments and quests for religious dominance and rivalry[4]. Usually, these violence, conflicts and persecutions are commonly, between members of the two major religions; the Christians and Moslems particularly in the northern parts of Nigeria[5]. However, of recent, there seems to be some pockets of conflicts or crises between Christians and some indigenous religious worshippers such as the African Traditional Worshippers in the middle belt and in some southern parts of Nigeria[6]. Some of these incidents of violence usually occurred in actual, perceived or suspected acts of blasphemy by members of the adverse religious groups. For instance, the violence in Kafanchan in 1987 which commenced from the State College of Education was predicated on allegations of a blasphemous preaching by a convert from Islam to Christianity. The convert was alleged to have misinterpreted the Holy Qur'an. This led to the destruction of churches and mosques, which of course affected the free expression and enjoyment of

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[1]For instance, the Universal Declaration on Human Rights, Covenant on Civil and Political Rights and the Covenant on Social Economic and cultural Rights.

[2]International and Regional Institution such as the United Nations and its Commissions, the African Union and its Commissions.

[3]I Jubrin, 'The Politics of Religion in Nigeria, the Parameters of the 1987 Crisis in Kaduna State' [1989] (45-46) *Review of African Political Economic, 65-82*. Religious Conflicts in Nigeria are said to have started as far back as 1948 in the town of Tafawa Balewa, Bauchi State and in the 1980s there were increase in violence due to the death of Mohammad Marwa.

[4]*ibid,* and see also I Eze-Anaba, (ed) *Integrating Human Rights in the Shari'a Court System in Nigeria* (An Analysis of Papers at the Training Workshop for Shari'a Court Judges) (Lagos: Legal Defence and Assistance Project 2004) 71; ON Ogbu, 'Sharia and International Human Rights Law' in MO Unegbu and I Okoronye (eds) *Legal Development in the New World Order: Essays on International, Comparative and Public Law in Honour of Prof. U. O. Umozurike (OON) (*Enugu: SNAAP Press Ltd 2009) pp125-152.

[5]In Northern Nigeria, some of the devastating religious violence are those of Kasuwan Magani in 1980.Zango Kataf and Gure-Kehugu, 1987, Kafanchan, in 1987, Ilorin and Jere in 1989, Tafawa Belewa 1991 and Zaga Kafa in 1992. See K O Sulaiman, 'Religious Violence in Contemporary Nigeria; Implications and Options for Peace and Stability and Order' [2016] (29) (1) *Journal for the Study of Religion,* 85-103.

[6]Some over jealous religious leaders in the southern Nigeria have without the consent of traditional worshippers, destroyed some worship places including shrines, thereby rendering the worshippers frustrated. Here some worship Ala (the earth), Ogu, Ofo, Ancestors through which they also get to the God Almighty. See C O Okeke *et al*, 'Conflict between African Traditional Religious and Christians in Eastern Nigeria. The Igbo Example.' in *Sage, Journal* athttps://doi,org/10,117/2158244017709322, accessed 30th September, 2024.

the right to freedom of religion in the area[7]. These incidences of religious violence have put extreme fear on victims who are lucky to be alive, their relatives and family members who in most cases are forced to abandon their businesses, homes and places of worship. Those who had the courage to still hold onto their religions or beliefs, do their businesses, worship or hold their religious activities in secret to avoid attacks and being killed.[8] Most preachers are now afraid to preach publicly or in the usual or expected places or even say or express their held opinions or beliefs on religious issues, for fear of being attacked or killed and their belongings destroyed [9]

3. Government Acts of Repression and Impunity on Religious Minorities

Government at all levels in Nigeria seem not to be sincerely concern about the frightening level of religious intolerance and violence in Nigeria. Government at all levels, pay lip services to promoting and enforcing religious rights and do little or nothing to tackle obvious activities and conducts that are denying or infringing on the rights of citizens to enjoy their right to freedom of thought, conscience and religion[10]. Also, government had on various occasions, by their actions and policies violated religious freedom. It has failed to be decisive in handling violence situations on religious ground and obvious discriminatory conduct on religion by individuals and even its agencies and personnel.[11] Government is conducted in ways that obviously promote the division of the country on religious and ethnic lines and government seems to be benefiting from these divisions politically and otherwise. Some other persons in positions of authority have specific bias against minority religious groups. They discriminate against them in their policies and programs and in favour of the majority religious groups.[12]

Some laws in Nigeria are also clearly against minority religious groups. For instance, the Company and Allied Matters Act (CAMA) has of recent, been seen as a law meant to discriminate against Christians and other minority religious bodies in Nigeria and thereby discouraging and repressing them from the enjoyment and practice of their religions and beliefs[13]. The Act has provisions that are meant to regulate the activities of some religious bodies including the investigation of all their activities, such as their sources of income and their finances. Most public writers see this as being discriminatory against Christianity as the law seem to have excluded other religious bodies from this provision. This is beyond the use of violence usually employed to scare, intimidate and force minority religious groups out of their beliefs, abode and practices.[14]

Some government officers have also been accused of making repressive and discriminatory presentations in public and official gatherings and have openly promoted a particular religion against others.[15] Minority Christians, particularly those in northern Nigeria have been subjected to serious discrimination by the Fulani Emirate System of rulership who are accused of denying Christians the right to acquire land for the building of churches[16]. During General Muhammad Buhari military regime, the Rural Grazing Area (RUGA) policy of government which was widely perceived to be in favour of Fulani herdsmen who are said to be almost Muslims, was widely opposed and critisised. Despite this opposition and criticism, the policy was publicly and emphatically promoted and even ultimatum issued by the Arewa Youths under the umbrella of Coalition of Northern Groups (CNG) to the President Buhari to within 30 days implement the RUGA Policy. This Policy was targeted at compulsory acquisition of land anywhere in Nigeria for the herdsmen without following due process and seemingly, in favour of a particular set of people and religion[17]

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[7]Sulaiman, *art cit.*

[8]A Bature, 'Religious Freedom in Nigeria-Extremism and Government Inactions' in https://www.usinf.gov accessed 30th August, 2024.

[9]*ibid*. See also T Okafor, 'CSO Accuses Churches of Destroying 16 Shrines in Anambra, *Punch Newspaper*, (Lagos, 5th March, 2018) <https://www.punchng.com >accessed 12th November, 2024.

[10]*ibid* and see also A Bature, *art cit.*

[11]*ibid* and A Barkindo and J J Dyikuk, 'Nigeria, the Church and Religious Freedom: Challenges and Opportunities to Secure this Right'. *The 2022 Cornerstone Series on Translation Diplomatic Engagement to on-the-Ground Improvements in Religious Freedom* (Washington DC: Religious Freedom Institute 2022) at https://wwwreligiousfreedominstitute.org accessed 9th August 2025.

[12]*ibid*

[13]Cap C20 LFN, 2024, (as amended in 2020) s.839 (1) & (2) which gives the CAC the powers to interfere in the management of Associations which include churches where their affairs are being run fraudulently. See S Omotosho, Section 839 of the Companies and Allied Matters Act, 2020 (CAMA 2020). 'Much Ado About Nothing: in legal Pages'at,<https://www.legalpages.com.ng> access 2nd September, 2024.

[14]*ibid*

[15]In December, 2019, the then Chief Justice of Nigeria, Hon. Justice Ibrahim Tanko Mohammed was heard promoting and advocating the teaching of Sharia law in Nigeria universities in Arabic language in his comments at the Year's Annual Judges Conference held at the Ahmadu Bello University Zaria and the former Minister of State, Foreign Affairs, Dr. Nurudeen Mohamed was also heard at the 2012 Organization of Islamic Council (OIC) meeting in Mecca, Saudi Arabia advocating that, Nigeria is an Islamic state with the largest Christian population. See Barkindo, *art cit*

[16]*ibid*.

[17]*ibid*

The government of Nigeria recently made and projected policies that tend to divide Nigeria on religious line and promote the non-separation of religion from politics, government and the State. Ogbu[18] has argued that, while most Christians have always supported the separation of Nigerian nation from religion, most Muslims advocate the fusion of religion, the state and law and to many Muslims, Sharia ought to control the entire life of a Muslim from birth to death. That the true situation of Nigeria today is explicit that, there is no time in the history of Nigeria that, the country has been this extensively divided on religion grounds and those factors that hold the country together played down, more than ever before[19]. In Christian dominated States in Nigeria, however, it cannot be rightly asserted that respective governments of the states in that region or even a Christian led Federal government are entirely absolved from accusations or allegations of carrying out some repressive and lawless acts or policies against minority religious groups or beliefs in the areas, Muslims have accused some Southern and Christian dominated state governments of having favoured Christians against Moslems. These allegations are limited as compared to the northern and Moslem leaders seeming open and aggressive favouritism for Islam against Christianity. These allegations are usually made sparingly mostly on southern state government sponsorships for pilgrimage and the building of churches by some state governments in the region[20]

The favouritism for the major religious groups and against religions minorities, are in some cases carried out for political reasons, in the sense that, votes and other political supports are usually given back to those in power by the favoured religious groups during elections

4. Limited Legal Strategies

Granted that the Constitution of the Federal Republic of Nigeria 1999 (as amended) and some other international and regionals laws and instrument[21] contain copious provisions aimed at promoting the right to freedoms of religion, these provisions of the laws also contain riders and limiting provisions that rather diminish the enjoyment of the right to freedom of religion to a large extent[22]. These laws contain one or more provisions limiting, restricting or out rightly derogatory from the right to freedom of religion in some circumstances that those in authority have some discretion to exercise in the enforcement of this right. For instance, those in power are constitutionally empowered to decide which religion or religious activity is against public order, morality or health. And where such religion or it practice is found to contravened these values, the state cannot allow the religion or it practice or protect such religion or its members against any infringements on their rights.

In Nigeria the exercise of these discretions by successive government in determining which religions or belief are against public policy, morality, health and order and when a country is in emergency periods, have been variously abused. Most times when these decisions are taken, they are usually taken on subjective, inordinate grounds and highly influenced by bias religious, ethnic or political sentiments[23].

Worse still is the fact that, some of these minority religious adherents are timid, afraid or too over religious and spiritual that they cannot resist or respond to physical and psychological attacks on them. They usually handover or leave such acts of violations against them to the judgment of God or pray over them and thereafter fail to take any lawful or legal actions to seek redress against them. Some of these minority religious groups even have the belief that, taking a matter to court is a sin against their belief and God.[24]

Most of the Christian denominations teach and believe in endless forgiveness and dialogue at all times, hence they see no need seeking legal redress when their fundamental rights including their rights to freedom of religion are breached or infringed upon. This seems to encourage those who trample on their rights to freedom of religion and other rights to continue doing so unfettered. The above stated facts seem to be the reasons for the paucity of legal

[18]*ibid,* Barkindo, *art cit,* also cited and quoted in NO Ogbu, 'Is Nigeria a Secular State? Law, Human Rights and Religious in Context' [2014] (1) *Transnational Human Rights Review.* Osgoode Hall Law School, York University, 135-178.

[19]*ibid,* and see also, Ikenga KE Oraegbunam and A Ememali, 'Adoption of State Religion in the Interpretation of Section 10 of the Constitution of the Federal Republic of Nigeria 1999 (as amended)' [2025] (6) *African Customary and Religious Law Review,* 1-6*,* where the authors argued in favour of the position of Ogbu that, Christians in Nigeria are in favour of separation of religion from the Nigeria state while most Muslims argue for the fusion of religion, the state and law.

[20]Recently the Akwa Ibom State Governor Emmanuel Udom was reported to have used taxpayers' money to build an exotic church. See A Sanuse; Governor Emmanuel Udom Using Taxpayers' Money to Build Exotic Church, Sahara Reporters July 24, 2019.

[21]International treaties or instruments such as; ICCPR, ICSECR UDHR etc.

[22]All the laws or instrument have derogatory provisions to these rights, however, Article 18(1) of ICCPR, guarantees the absolute right to or adopt a religion belief. See Section 45 CFN 1999 (as amended) in contrast.

[23]IL Umeanolue 'Religion Influence on Politics in Nigeria' in African Journals on line at <https: //www .a j ol.info> accessed 2nd September, 2024.

[24]Barkindo and Dyikuk *loc cit.*

pronouncement of law courts on religions matters despite the daily occurrence of breaches of religious rights in Nigeria. Even the few pronouncements by law courts on religious matters have also been described as being discouraging. The few pronouncements tend to over consider the much talked about sensitive nature of the subject matter; religion and its volatile nature in the country when deciding religious matters.[25] The same situation, also seems to have caused the judiciary to shy away from making or taking decisive and courageous decisions when it comes to religious matters. This unfortunate and unbecoming attitude by the courts was recently exhibited by the Court of Appeal in the case of Mo*hammed v Mohamed*[26] where the court of Appeal in Kano overturned the decision of the Sharia Court of Appeal, Ilorin that held that, Administration of Estate Law should take precedence over Islamic law. The court held that, Estate of a person who lived and died as a Moslem, regardless of his marriage to a Christian under the Marriage Act should be govern by the Islamic Law. That, Late Major Adeniyi's faith remains central and his marriage to a non- Muslim did not alter the application of Islamic law to the distribution of his estate.

The above decision raised a lot of controversies as most commentators saw the decision as being unfair to the Christian widow and over emphasis on religion more than statutory law.[27] It is our opinion that, late Major Adeniyi having married the 1st Respondent under the Marriage Act, and the marriage having not been pronounced null and void before his death, remains valid until is dearth. Therefore, the Administration of Estates Law should apply in the distribution of his estate and not his religious law. This type of judgement can discourage others who are suffering the same religious discrimination to approach the courts for redress since the judgement seems not to have done justice to the widow.

However, in the case of *Shalla v the State*[28] the Supreme Court upheld the decisions of the Court of Appeal that upheld the decision of the High Court of Kebbi State, Birnin Kebbi. The decision that found the six accused persons guilty for conspiracy and culpable homicide and were sentenced to death for killing one Abdullar Alhaji Umaru for allegedly making certain remarks which were insulting to Prophet Mahammed (SAW). The six accused persons found the deceased guilty for alleged blasphemy, and decided that he ought to be killed as prescribed in the Holy Quran. And on that allegation, the six accused persons, went in search of the deceased, caught him and slaughtered him with a knife.

The court condemned this barbaric and lawless act, and held that, it is only a law court that can try and sentence a citizen for any offence. The court also as well condemned the act of insult to any religion or belief and that the Appellant and others have no judicial powers or any powers to try, convict and sentence the deceased to death and go on to execute the deceased[29]. This would surely act as a deterrent to the perpetrators of religions violence that have in various ways intimidated many persons out of their religions or beliefs.

5. Suppression of Indigenous Minority Religious Groups and Beliefs

Nigerian people, laws and institutions of government perceive and treat the indigenous minority religious groups and beliefs as being part of customary laws and tradition or their practices.[30] This might be correct to some extend in the sense that, traditional minority religious practice are indigenous, customary and traditional. This has made them to be viewed and treated as inferior to the foreign or received religions.

Historically, when the colonial masters came to Nigeria, they introduced the English legal system and ensured that it took over or to a large extent dominated the traditional or customary laws, beliefs and practices that were in existence before their coming. They introduced the requirement of the law for customary law to be established by, giving evidence to prove it, taken judicial notice of them or their becoming notorious before the courts can rely on them. And that, a party who wants the Court to interpret the custom and apply same in his favour must prove same by calling witnesses who are conversant with the customary law to give evidence proving the existence of such

[25]*ibid*

[26]Suit No CA/IL/SH/1/2022 (unreported judgment delivered by the Court of Appeal, Kano Division, on August, 2024) See also U Chioma, 'Marriage Act Does Not Override Islamic Law – Court of Appeal Rules; Islamic Laws Governs Estate of Moslem Major Despite Marriage to Christian. The Nigerian Lawyer at Nigerialawyer.com accessed 2nd September, 2024.

[27]*ibid*

[28]Suit Number; S.C. 245/2004 (unreported judgement delivered by the Supreme Court on 5th October, 2001)

[29]However, in the case of *Commissioner Police v Shari-Aminu,* Suit Number: CR/43/2020 the Court of Appeal held that the Sharia law against blasphemy is not unconstitutional.

[30]EA Unobe, 'Class Formation, State Construction and Customary Law in Colonial Nigeria' at https://journal.codetria.org accessed 9th September, 2024.

customary law before the court can rely on it in his favour, While the English laws need no such proofs.[31]This had been adopted and it remains the law and practice in Nigeria till date[32].

In addition to the above stated statutory requirement for a customary law to be upheld and applied by the law courts, the customary law must be subjected to certain statutory tests which it must pass and satisfied before it can be applied. It must not be repugnant to natural justice, equity and good conscience. This test was not defined by any law and what the level or standard of the satisfaction of same should be, was also not stated by the law. This rendered customary law and its practice; including traditional religious practices very uncertain and illicit until proved by evidence. This also gives the law courts a blanket and opened discretion to decide the customary law and practices that are not repugnant to natural justice, equity and good conscience. This is further subject to the judges' mounting these courts, intellectual abilities, training, understanding, knowledge and values which are subject to human natural or acquired sentiments and limitations. This in most cases, lead to the wrong perceptions, understanding and application of these customary laws[33] by the Courts.

Secondly, for a custom to be applied by the law courts, it must not be inconsistent or incompatible with any statutory provisions. Any such incompatibility or inconsistencies shall result in the annulment of such customary law to the extent of its incompatibility or inconsistency[34]. Thirdly, the customary or native law must not be against or contrary to public policy or morality. This is also a very uncertain and indefinite provision or requirement that will very likely be undermined or over stretched by subjectivity and inordinate considerations [35] The issue of what public policy is came up in the case of *Okonkwo v. Okagbue*[36]. The Supreme Court of Nigerian attempted to explain what public policy is in the following way:

> Public Policy means, the ideas which for the time being prevail in a community as to the condition necessary to ensure its welfare, so that anything is treated as against public policy. If it is generally regarded as injurious to the public interest.

The Court further explained that public policy must objectively relate to contemporary mores, aspirations and sensitivities of the people of this country and to the consensus values in the civilized international community, which we share[37]. By the above explanation by the Supreme Court, it follows that there must be consensus, and values shared by all as obtainable in the international community for a custom to be applied in courts. It is based on these requirements of the law that some customs and native practices which are integral parts of practices of African Traditional Religions and other native religions are declared inapplicable or struck down because they failed to meet the repugnancy or public interest tests[38]. This has clearly made customary law to be inferior to English law which of

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[31]*ibid* and see also the Case of *Ukeje v Ukeje* (2014) LPELR-22724(SC) where female children were granted the rights to inherit their father's estate in equal standing with the male counterparts as against the well-established custom to disentitle them initially. Some commentators particularly from Igbo land have condemned the decision, described it as an erosion of their aged long custom and that the decision was taken based on English law. See T Okafor "Female Inheritance: Supreme Court, Igbo Culture in Head-on Collision" *Punch Newspaper,* (Lagos, 8th September, 2020).<https://www.punchng.com > accessed 2nd July, 2024

[32]*ibid.* see also Evidence Act 2011, Cap 14 LFN, ss.14 (2)(3) 56 & 58 the cases of *Angu v Attah* (1916) P. C 1874-1928, 43; *Rotimi v Savage* (1944) 17 NLR, 77; *Sinowo v Fagbenro* (1954) 21 NLR 3; *Giva & Ors v. Erinmilokun,* 1961) 1 SCNLR 337; *Taiwo v Dosunmu* (1966) NMLR 94; *Cole v Akinyele* (1960) SCNLR 192; *Alake v Pratt* (1955) 15 WACA, 20; *Romaine v Romaine* (1990) JELR 43127(SC)

[33]*ibid*. See also ES Nwauche, 'Law, Religion and Human Rights' [2008] (80 *African Human Right Law Journal, 568-595.*

[34]*ibid*

[35]This can be likened to the provisions of Section 45 of the Constitution of the Federal Republic of Nigeria, 1999 (as amended) on the derogation from these fundamental rights on grounds of public order, health and morals. See the case of *Ogwuche & Anor v Federal Republic of Nigeria* (unreported) Suit number: ECW/CCT/JUD/31/18 delivered on 11th December, 2018 by the Community Court of Justice, ECOWAS and it was on grounds of public policy that the decision of the Supreme Court of Nigeria in the case of *APC v. Sheriffs & Ors* (2023) LPELR- 59953 SC was highly criticized. The question is, whether public policy is also public opinion? See also S P A Agibade; The Supreme Court: Public Policy, and Justice. A Review of the Supreme Court Decision in *APC v Bashir Sheriff & Ors*, in *Mondaq* at <https: //www.mondaq.com> accessed 9th September, 2024. This can be extended further to the issue of opinion and honest belief on something. See the case of the *Federal Republic of Nigeria v Process & Industrial Development Limited* (2023) EWHC 2638 (Comm)

[36](1994) 9 NWLR (pt. 368) 30 1 also cited by Nwauche*, art cit*.

[37]*ibid*

[38]*Agbail v Okogbue* (1991) NGSC 4 283; *Mojekwu v. Mojekwu* (1997) 7 NWLR (pt. 512; *Odenze v. Nwosu* (2007) NGSC 94; *Anaekwe & Anor* v *Nweke* (2014) 9 NWLR (pt. 1412) 393; *Ukeje v Ukeje* (2014) LPELLR – 22724 (SC).
), *Kazeem v Zenith Bank PLC*. (2018) JELR 91449.
D. A Heslop, Politic*al System*, J Abella, et al (eds) *Encyclopedia Britanniea*, (8thedn, Smith John Publishers, Chicago, 2009, at <https:www.britannica.com>accessed 6th March, 2024.

course was drafted, nurtured and developed based on the custom and practices of the England which are the common law and not base on the customs of Nigeria[39]

Sharia law was also from beginning in Nigeria classified and treated as part of Nigerian customary law. However, the States where it is practiced in Nigeria from beginning, and unlike their counterparts in southern Nigeria, have been opposing this classification and this led to the making of the Penal Code and now the formal introduction of the Sharia legal system in most parts of northern Nigeria. And finally, the formal codification of these laws as it is the case in English law[40]

Again, the Criminal Code Act has provisions that prohibit unlawful trial by ordeal and juju, witchcraft, directing the application or practices of same, permitting unlawful trial by ordeal and prohibited juju worship. It also prescribed punishments including terms of imprisonment for those found guilty of these offences, and the destruction of places where unlawful ordeal or prohibited juju worship and the use of criminal charms are held.[41]

Some of the practices of the indigenous or African religious groups or beliefs are similar or in some ways confirm with some of these practices prohibited or criminalized by the Criminal Code Act, which are actually classified, described as, unreasonable, fetish, dirty, uncivilized or against public policy, morality and health. However, the Supreme Court has held in the case of *Oyenge v. Ebere*[42], that oath taking which is one of the beliefs of the African Traditional Religion worshipers and other native religions or beliefs was lawful and binding on parties. This is so despite the facts that it can end in the death of one of the parties who lied or put up a false claim over an issue or ownership of property[43], (particularly land) which is the subject matter in dispute. This is similar to some of outlawed or prohibited practices in the Criminal Code Act.

These prohibited beliefs, religious, traditional, cultural or customary practices and their adherents who are also in the minority are gradually being extinct due to this suppressive attitude of the government and its institutions against them. Recently a member of the House of Representatives, Musa Abdullahi introduced a bill in the floor of the house titled, 'Religious Discrimination (Prohibition, Prevention, etc.) Bill 2021' which he purported seeks to enforce the provision of the Constitution on religious freedom. The bill was rejected after stiff and credible condemnation and opposition from members of the Christian religion on the grounds that, the bill was primarily meant to introduce and legalise the use of *hijab* in all schools in Nigeria [44]

There also exist instances where some religious leaders and pastors, while exhibiting their spiritual powers, have in the purport of cleansing some communities, destroyed and burnt done shrines and places worship of the minority traditional worshippers in most cases without the consent and approval of the worshippers and owners of these shrines and places of worship. This is one of the discriminating ways these minority religious groups are being intimidated out of their religions.

Recently in Anambra state, the government made the Anambra Homeland Security Law, 20025 intended to manage the state internal security, fight violent crimes, including kidnapping, control local and private security outfits, and to hunt down illicit quests for wealth and illegal native doctors and spiritual activities in the state[45] The very first culprits of this law were all the minority Christian pastors and traditional worshippers fondly called native doctors who are also in the minority. They have been charged to court for various offences, a few tried and found guilty, convicted and sentenced to various terms of imprisonment and the shrines and worship places of some destroyed by state forces while implementing this law. This is a clear attack on the minority religious groups.

6. Interferences by Foreign Forces in Nigeria Religious Affairs.

Some religious crises are attributable to the sponsorship or encouragement by foreign powers or external forces[46] Having shown that violence is one of the factors hindering the expression and enjoyment of religious freedom in

[39]*ibid*. And see the case of *Mohammed & Ors v. Mohammed & Anor* (2024) LPELR – 6283 (CA) on the Dichotomy between natural law and Islamic law.
[40]Nwauche, *art cit* 14.
[41]Criminal Code Act (CCA) Cap C38, LFN, 2004, ss 207, 208, 209, 210, 211, & 213. Also cited in Nwauche, *loc cit*, and see generally IKE Oraegbunam, 'Crime and Punishment in Igbo Customary Law: The Challenge of Nigerian Criminal Jurisprudence', [2010] (7) (1) *OGIRISI, New Journal of African Studies.*1-30.
[42](2004) 13 NWLR (pt. 889) 20.
[43]*ibid*
[44]M Maina 'Nigeria's Anti-Religious Discrimination Bill Targeting Christian Entities: Church Leaders' in asiafrica.org at <https://www.aciafrica.org> accessed 9th September, 2024.
[45] This came with the creation of the Agunchembu and the Operation Udo Ga-Achi security outfits particularly for the enforcement of the law.
[46]Sulaiman, *art cit.*

Nigeria, it is very clear that, presently, the Boko Haram and other religious extremists are at the fore front of this violence and intimidation, and taking the violence to more devastating level.

This group of religious extremists have been designated as a foreign sponsored terrorist organization and a Global Terrorist Organization. This group is responsible for various attacks in northern region of Nigeria as well as in the Lake Chad Basin in Cameroon, Chad and Nigeria that has killed thousands of people from 2009[47].

It is from Boko Haram the two splinter groups JAS[48] and ISWAP[49] come from. The ISWAP is said to generally kill but spares non-combatant Muslim. The ISIS West Africa[50] is also active in the Chad Basin and has caused serious havoc in Nigeria, Chad, Niger and Cameroon as well. These groups are well connected and also enjoy some foreign origin and even sponsorship by foreign individuals or groups and Nigerians who are resident or based outside Nigeria[51].A Federal High Court sitting in Abu Dhabi, United Arab Emirate (UAE) sentenced six Nigerians to imprisonment for sponsoring Boko Haram in Nigeria. The decision of the Court though a welcomed development, it was however criticized on the part of the punishment or sentences giving to the accused persons who never denied sending huge sums of money to the Boko Haram[52].

The issue of Islamisation of Nigeria is also relevant here. The allegation of the attempts to Islamise Nigeria is as old as Nigeria[53]. These attempts are usually attributed to foreign sponsorship or also from Nigerians who are resident or based in foreign nations. This can be seen in the various steps taken by successive Nigerian government to register Nigeria as a member of some international Islamic organization such as the Oganisation of Islamic Cooperation (OIC) etc. Though, successive government have always denied the public position that, there are serious attempts at Islamising Nigeria, the actions and inactions of the government reveal some truth in the allegation or suspicions.[54]

Islamisation being the process of bringing someone or something under the influence of Islam or under Islamic rule, it thus entails the change or conversion of the government, institutions and the citizens of Nigeria as a whole to or into Islam or Islamic rule. The Terrorist groups earlier discussed above abhor anything that is not Islam or Islamic. They purport to be fighting against western education and religion and to over throw the present government arrangement and replace it with a salafi-Islamic State in its areas of operations.[55] Churches in Nigeria as well also enjoy violence free foreign sponsorship that has seriously promoted their spread and dominance particularly in Southern Nigeria. None of the major religious denominations do not have elements of or foreign origin, connection and sponsorship[56]. It is only the traditional African or native religious groups that seem not to have foreign origin, connection or sponsorship hence their low level of existence, growth, popularity and even prosperity.

7. Conclusion and Recommendations

The unlawful quest for political dominance has added so much to the escalating levels of religious intolerance and breaches on the right to freedom of religion in Nigeria. Low level of the recognition and enforcement of religious rights, government repressive activities and policies on religion has also added to the endless challenges to religious freedom. Ethnicity is also a factor in this seeming neglect by government and individuals as everyone seems to be protective of their ethnic groups against the law. It is therefore recommended that issues of religions be separated from politics and governance. Laws and institutions on religious matters be enhanced so that the enforcement and enjoyment of this right could also improve. Deterring sanctions and penalties by provided against religious violence and intolerance.

[47]N Price, Designation of Six Individuals for Their Support to Boko Haram, US Department of State (Gov) at https://www.state.gov> accessed 2nd September, 2024.
[48]JAS Stands for Jama'atu Ahlis Al-sunna Lidda'awati wal-Jihad.
[49]ISWAP stands for; Islamic State West African Province.
[50]ISIS means, the Islamic State in Iran and Al-shan West Africa.
[51]Price, *loc cit.* A Federal Court of Appeal in the United Arab Emirates sitting in Abu Dhabi has sentenced six Nigerians to jail for transferring $782.000 from Dubai to Boko Haram in Nigeria.
[52]Two of the sponsors were sentenced to life imprisonment while four were sentenced to 10 years imprisonment. The sentences were said to be light considering the seriousness of the offence.
[53]While historical jihadists were interested in islamising the Hausa land, it was in 1986 that a more-clearer attempt was made at Islamising Nigeria by trying to register Nigeria as a member of OIC.
[54]AK Tobi, 'Islamization in Nigeria and Malaysia: Processes and Impact on Human Rights' [2024] (12) (5) *Open Journal of Social Sciences*, 45-67.
[55]*ibid*
[56]A Abodunde, *A Heritage of Faith: A History of Christianity in Nigeria* (United Kingdom: Pierce Watershed Publishers, 2017) pp 45-98.