

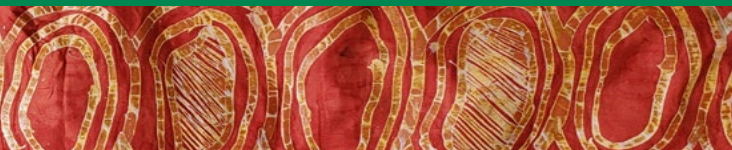


# RELIGIOUS FREEDOM:

A GUIDE TO  
YOUR RIGHTS



# NIGERIA





# FINDING COMMON GROUND

As people, we have the freedom to choose, share, and live what we believe. We generally hold our religious freedoms and beliefs dear as guiding principles in our lives. Just as we value our own religion and beliefs, we should highly value all people's rights to religious freedom and belief. Knowing the importance of these freedoms, how can we share the principles of freedom of religion in our communities? Is there a way to find common ground when we interact with people holding different beliefs?

The following strategies may allow you to find common ground in your community:

## **BECOME INFORMED**

Before you can protect the religious beliefs of yourself or others, it is important to be informed and understand the rights and basic principles of freedom of religion. This brochure contains some relevant information with regards to your rights and the basics of freedom of religion. Seek to stay aware of changes in religious freedoms by watching developments that affect these freedoms in the news.

## **LISTEN TO ALL SIDES**

Listen and show concern for other people's religions and sincere beliefs. Even if you disagree with the beliefs or convictions of another, focus on seeking to understand and to be respectful of his or her perspective. People's words, beliefs, and actions are influenced by many factors. You should be sensitive to the feelings of others as you explain and pursue your positions, and you should ask that others not be offended by your sincere religious beliefs.

## **PRACTICE CIVILITY**

In order to live as a community with differences of opinion and beliefs, it is critical to know how to debate and not



just what to debate. Your communications on controversial topics should not be contentious. All people should treat one another with civility and respect while striving to be accurate and fair. When your positions do not prevail, you should accept unfavorable results graciously and civilly. Remember to reject persecution of any kind, including persecution based on race, ethnicity, religious belief or nonbelief, and differences in sexual orientation.

## **PROMOTE TOLERANCE**

People must be able to peaceably live together while having differences. To live peaceably does not mean you need to abandon your positions; rather, it means you should strive to live peacefully with others who do not share your values or accept the teachings upon which they are based. Strive to teach values and standards of behavior to those around you without having them distance themselves or show disrespect to any who are different.

## **BUILD TRUSTED RELATIONSHIPS**

Build trusted relationships in your community among people of diverse opinions. You will be better able to find ways to protect the rights of others in a way that benefits everyone as you get to know more people and as those people come to understand each other's beliefs. Concentrate on what you have in common with your neighbors and fellow citizens. Then, as you work together, speak out for religion and the importance of religious freedom.



# RELIGIOUS FREEDOM IN INTERNATIONAL LAW

In addition to the protection of religious freedom in each country, there are also different international instruments or legal documents that protect this right. In 1948, the right to freedom of religion and conscience was introduced by the Universal Declaration of Human Rights. Since then, there have been different covenants and conventions that establish and develop this right at the international level.

## WHAT PROTECTIONS DO I RECEIVE UNDER INTERNATIONAL LAW?

International instruments establish that all people are equal before the law, regardless of their religion. These laws also state that no one may be discriminated against on the basis of religion, as this is an offense against human dignity and is condemned as a violation of human rights and fundamental freedoms.

## WHAT FREEDOMS DO THESE INTERNATIONAL INSTRUMENTS INCLUDE?

- **Freedom of thought, conscience, and religion.**  
This freedom includes freedom of thought on all matters, freedom to hold beliefs, freedom of commitment to religion or belief, and freedom of personal conviction. It does not allow any limitations on the freedom to have or adopt a religion or belief of one's choice. No one can be compelled to reveal his or her thoughts or adherence to a religion or belief.
- **Freedom to change religion or beliefs.**  
All people have the right to leave their own religion or belief and to adopt another or to remain without any belief at all. The use of physical force, penal sanctions, policies, or practices to force a person to adopt, change, or maintain a certain religion or belief is prohibited.
- **The freedom to manifest and profess your own religion or beliefs, individually and collectively, both publicly and privately.**  
Everyone enjoys the right to peacefully manifest and share one's religion or belief with others, without



being subject to the approval of the State or another religious community. This right is not limited to members of registered religious communities. Moreover, registration should not be compulsory for religious communities or organizations in order to enjoy their rights.

- **The freedom to manifest your religion through teaching, practice, worship, and observance.**

The freedom to manifest religion or belief in worship, observance, practice, and teaching includes a broad range of acts:

- Worship and observance extends to ritual and ceremonial acts giving direct expression to belief, as well as various practices integral to such acts, including the building of places of worship, the use of ritual formulae and objects, the display of symbols, and the observance of holidays and days of rest.
- Practice and teaching of religion or belief includes acts integral to the conduct by religious groups of their basic affairs, such as the freedom to choose their religious leaders, priests, and teachers; the freedom to establish seminaries or religious schools; and the freedom to prepare and distribute religious texts or publications.

- **The freedom of parents and guardians to have their children or pupils receive religious or moral education that is in accordance with their own convictions.**

Children enjoy the right to have access to religious education in accordance with the wishes, religious beliefs, or convictions of their parents or guardians. Likewise, children should not be forced to receive religious instruction that is contrary to the wishes of their parents or guardians. In accordance with the principle of the best interests of the child, the State should encourage an atmosphere of religious tolerance in schools and promote respect for pluralism and religious diversity.

## **ARE THERE ANY LIMITATIONS TO THESE FREEDOMS?**

Yes. There are some limitations that are given by law, and their purpose is to protect public safety, order, health, morals, and the fundamental rights and freedoms of others. However, restrictions may not be imposed for discriminatory purposes or applied in a discriminatory manner.



# FREEDOM OF RELIGION AND WORSHIP IN NIGERIA

## 1. WHAT IS THE RIGHT TO FREEDOM OF RELIGION AND WORSHIP?

The right to freedom of religion is the right to have, adopt, preserve, or change your own religion. Closely tied to this right is the right to worship. The right to worship includes the right to believe, profess, and practice, individually or collectively, the acts of worship or rituals of your preference. Likewise, people are free to abandon their religion, to not profess religious beliefs, and to refrain from practicing religious acts and rites.

The right to freedom of religion also protects people from being subjected to discrimination, coercion, or hostility because of their religious beliefs, as well as from being forced to testify about such beliefs.

## 2. WHAT IS THE RIGHT TO FREEDOM OF BELIEF?

This is a person's fundamental right to follow his or her personal reasoning and convictions and not to be subject to actions that are against his or her deeply held judgments of right and wrong.

## 3. WHAT ARE THE LAWS THAT PROTECT RELIGIOUS FREEDOM?

The Nigerian laws that defend religious freedom are:

- Sections 10, 15(2), 17(3)(b), 38, 41(1)(a)-(b), and 222(b) of the 1999 Constitution of Nigeria. Section 38 sets out the expansive nature of the freedom of religion in Nigeria and serves as the primary source of protection for religious freedoms. However, the remaining sections add important details as to the nuance of those rights.
- Other constitutional rights that reinforce religious freedom include the rights to privacy under Section 37, freedom of expression under Section 39, freedom of association under Section 40, and the right to move freely under Section 41.



- Section 7 of the Child Rights Act. Section 7 explicitly provides for a child's right to religious freedom in many different circumstances.
- Article 8 of the African Charter on Human and People's Rights, also known as the Banjul Charter. The Banjul Charter has been ratified as law in Nigeria and guarantees free practice of religion.

#### **4. DOES NIGERIA HAVE AN OFFICIAL RELIGION?**

No. The 1999 Constitution of Nigeria states that the federal and state government will not establish an official religion.

#### **5. WHAT CAN I DO WHEN MY RIGHT TO FREEDOM OF RELIGION AND WORSHIP IS VIOLATED?**

The right to freedom of religion and worship is assured by the Constitution, with Section 46 providing protection of your rights in court. Depending on the nature of your case, a legal action may be brought in a high court to obtain relief. All court decisions should be respected and followed, even if the decision is not in your favor. Court decisions which are decided using a flawed method can be appealed to a higher court, with the Supreme Court of Nigeria being the highest court.

Peaceful methods of resolving religious freedom conflicts should always be pursued, as no one has the right to take the law into his or her own hands. When judicial intervention is not possible or desirable, another option for conflict resolution is to involve religious, tribal, or community leaders. Through a third party, these leaders may communicate and suggest solutions to a religious freedom conflict.



# RELIGION IN THE PUBLIC SQUARE

## 6. CAN I EXPRESS MY RELIGIOUS VIEWS IN PUBLIC?

Yes. The right to religious freedom established in the Constitution states that every person has the right to participate individually or collectively, both in public and in private, in ceremonies, devotionals, or actions of the respective religion, provided that they do not constitute a crime or offenses proscribed by the law.

## 7. CAN I SHARE OR PREACH MY BELIEFS TO OTHERS?

Yes. Along with freedom of expression in public and in private, there is a right to share religious beliefs, ideas, thoughts, and opinions with others. The freedom to disseminate a creed or belief implies the possibility of making its doctrine and teachings known to others. People may share beliefs peacefully with others to gain adherents to their faith. Likewise, people can come together to establish a religion, to adhere to an existing religion, or to change their religious affiliation.

This right does not only protect the worship of a deity or the observance of religious practices but also includes the expressions of atheist groups, heterodox religious groups, or associations that partially promote religious aspects of its members. However, when believing, professing, and preaching their religion, all people have the duty to submit to the rules of conduct which have been established for the purpose of promoting justice, peace, good manners, and other values that must be preserved in the society.

## 8. CAN I BE PART OF A RELIGIOUS ENTITY OR ORGANIZATION?

Yes. People have the right to associate and participate in religious activities as communities, which includes the right to establish places of worship or gathering for religious purposes, to freely exercise their own ministry, to establish their own hierarchy, and to provide religious instruction in places of education maintained wholly by the community or denomination. One restriction placed on this right in Nigeria is that people do not have the right to form, take part in, or be members of secret societies.





## **9. WHAT ARE THE GOVERNMENT AUTHORITIES THAT REGULATE RELIGIOUS ENTITIES?**

While one government agency does not oversee all religious matters in Nigeria, several agencies interact with religious organizations. For example, a religious group must register with the Corporate Affairs Commission before building places of worship, opening any bank accounts, receiving tax exemptions, or signing contracts.

When faced with matters requiring special religious considerations, the government receives counsel from the two main bodies that represent religions in Nigeria—the Nigeria Supreme Council for Islamic Affairs (NSCIA) and the Christian Association of Nigeria (CAN).



# RELIGIOUS FREEDOM IN THE WORKPLACE

## 10. WHAT INFLUENCE DOES FREEDOM OF RELIGION HAVE IN THE RELATIONSHIP BETWEEN AN EMPLOYER AND AN EMPLOYEE?

The laws that govern the employment relationship between employer and employee have not established additional protections for employee religious beliefs. Even so, the Constitution prohibits discrimination based on religion, so the employer should not impose religious obligations on its employees or force an employee to act in a way that is contrary to the employee's religious beliefs. An employee's religion should not impact his or her wages, nor should an employee's appointment be terminated because of his or her religious belief.

## 11. WHAT IS THE RELATIONSHIP BETWEEN RELIGIOUS FREEDOM AND WORKING HOURS?

According to the Labour Act, workers are entitled to 24 consecutive hours off work every 7 days. Employees should note that heavy workloads and employer expectations can lead to working beyond the hours and days set forth in employment contracts, potentially impacting observance of religious worship and/or prayer. Employees should discuss these situations with their employers. Employers should work to accommodate employees' religious beliefs and the expression of these beliefs.

## 12. CAN I WEAR RELIGIOUS CLOTHING TO WORK OR REFUSE TO WEAR PART OF A UNIFORM BECAUSE OF MY RELIGIOUS BELIEFS?

While these actions are not specifically protected by law, the Constitution provides for freedom of religion and prohibits religious-based discrimination. Employees should notify their employers in a timely manner of any needs or special circumstances that arise due to religious beliefs or practices. If an employee needs to wear religious clothing or cannot comply with the required attire or uniform established by his or her employer, then the employee should discuss this at the beginning of employment. This allows the employer to be aware of such circumstances and honor the religious freedom of employees more adequately.



# RELIGIOUS FREEDOM IN SCHOOLS

## 13. CAN THERE BE RELIGION CLASSES IN PUBLIC SCHOOLS?

Yes. The Universal Basic Education Curriculum includes a course on religion and national values, which incorporates perspectives from Islam and Christianity.

## 14. IS IT MANDATORY FOR STUDENTS TO ATTEND RELIGIOUS EDUCATION OR RELIGIOUS OBSERVANCES IN THEIR SCHOOLS?

No. The 1999 Constitution prohibits schools from requiring a student to participate in or attend religious instruction, ceremony, or observance for a religion that is not the student's own religion or is a religion that is not approved by the student's parent or guardian.

## 15. CAN STUDENTS REFRAIN FROM ATTENDING SCHOOL OR SCHEDULED SCHOOL ACTIVITIES BECAUSE OF THEIR RELIGIOUS BELIEFS?

Students should attend six years of primary education and three years of junior secondary education. Any absence from school should be justified by a written note from a parent or guardian, and consecutive absences should be limited so that students do not fall behind in their education. Schools should be respectful of students who, because of their religious beliefs, do not participate in activities scheduled for Saturday, Sunday, or any other day established by their religion in which they refrain from performing certain activities. Parents or the interested parties should communicate with school leaders from the outset to discuss the religious reasons for not participating in school activities.

The right for children to receive education should remain in focus at all times, and inclusive school policies should be promoted to respect religious freedom and allow more children access to education. However, ultimately, the rules and customs of each state and school should be respected, and peaceful means of asserting religious freedom rights should be pursued.



## **16. CAN STUDENTS MODIFY SCHOOL UNIFORMS BECAUSE OF THEIR RELIGIOUS BELIEFS?**

Whether a student can adjust a school uniform to accommodate for religious clothing or symbols depends on, among other factors, the level of modification to the uniform and the state the student resides in. School uniforms are seen as a way to promote unity and discipline in schools, and changes to the uniform often create community debate. In 2016, courts in the states of Lagos and Osun ruled that students of public schools in the state have the right to wear the hijab without discrimination, even if the school has a restrictive uniform policy. Smaller modifications, such as adding or removing a hijab or crucifix cross, is an area where communities can practice greater religious respect and tolerance. Larger modifications, such as completely or nearly completely covering the uniform or face with religious clothing, should be avoided so that the purpose of school uniforms is respected.



# MILITARY AND PUBLIC SERVICE

## **17. IS THERE MANDATORY MILITARY OR PUBLIC SERVICE, AND IF SO, ARE THERE ANY RELIGIOUS EXEMPTIONS?**

Although mandatory military service does not exist for everyone, Nigerian students who complete a university education must also complete one year of service in the National Youth Service Corps to be eligible for employment. There are no religious exemptions to this service, as one objective of the service corps is to help youth overcome religious intolerance.



## RELIGION AND JUSTICE

### **18. CAN I REFRAIN FROM TAKING AN OATH IN LEGAL PROCEEDINGS BECAUSE OF MY RELIGIOUS BELIEFS?**

Yes. A person may give an affidavit without oath, so long as the person affirms that taking any oath whatsoever is against his or her religious beliefs. A court may also provide exceptions for people with no religious beliefs. Religious beliefs should be discussed with the proper authority prior to the day of legal proceedings to allow sufficient time to determine whether accommodations can be made.

### **19. CAN JUDGES MAKE DECISIONS BASED ON THEIR RELIGIOUS BELIEFS?**

No. According to Nigerian judicial ethics, judges must ensure that all people are treated equally and protected from any display of prejudice based on race, gender, religion, or other grounds. Judges are cautioned to avoid comments, expressions, gestures, or behaviors that reasonably may be interpreted as showing disrespect. While decisions involving customary law and Sharia law may involve religious beliefs, all decisions should be based on reason, law, and wider custom rather than the judge's personal beliefs.

### **20. IS THERE ANY PROTECTION FOR STATEMENTS MADE IN CONFIDENCE TO RELIGIOUS LEADERS?**

No. There are no special protections or clergy privileges provided for statements made in confidence to religious leaders. Even so, the Constitution provides that a court or tribunal may exclude persons who are not direct parties to a suit to protect the private lives of the parties. Thus, when religious leaders obtain information because of their position or the confidence placed in them, the leaders may not have to disclose that information if doing so disturbs the privacy of the direct parties to a suit. Whether religious leaders must share the information is ultimately decided by the court, and the decision may be affected by other laws designed to protect public safety, order, health, or morals.



