

Baseline Impact Assessment of FORB situation in sub-Saharan Africa

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Introduction

Sub-Saharan Africa, from here on shortened SSA, refers to the 48 African nations located south of the Sahara Desert. As former European colonies in Africa gained independence in the 1950-60s, they chose to keep the national borders drawn by colonial powers a century earlier. Thus, cultural and ethnic groups find themselves both divided by borders and clustered together in the same nation. Across the continent, there are examples of different groups and religions peacefully coexisting in the same society. However, particularly in areas marked by poverty and unequal distribution of resources and opportunities, political instability, poverty and corruption, factors of group identity have led to an exacerbation of societal tensions. For example, in West and Central Africa, violent farmer-herder conflicts rooted in disagreements over land rights that have been ongoing for centuries, have seen a trend in recent years where militant Islamist groups take advantage of the tensions to foster recruitment among the mainly Muslim, semi-nomadic herdsmen and equipping them with heavy arms. As the severity of the violence has escalated, the conflicts have increasingly also taken on a religious dimension. In cases such as this, the role of religion should neither be overlooked nor overemphasized.

Religious overview

SSA can roughly be divided into four subregions: East Africa, West Africa (Francophone and Anglophone), Central Africa and Southern Africa. Religion plays an important role in the daily life of many, making ForB both a sensitive and an important topic. In a 2019 study by PEW, asking people in three SSA countries to rank nine democratic principles from most to least important, Religious Freedom came out highest.ⁱ Christianity is the largest religion on the continent, followed by Islam. Among Christian denominations, both the Catholic church and various branches of Protestantism, including Pentecostalism, have significant presence in the region, and to a lesser degree, Orthodox communities, particularly at the Horn of Africa. Most of the 14 Muslim majority countries in SSA can be found in West Africa and along the Sahel. Additionally, some areas along the continent’s east coast are predominantly Muslim, such as majority-Muslim Zanzibar, which belongs to otherwise predominantly Christian Tanzania. Various forms of animistic and traditional beliefs are also practiced across the continent, playing an important role in the lives of many. Centuries of significant migration from India – both voluntary and forced – has resulted in a significant presence of Hinduism in several countries, most notably in Mauritius where it is the majority religion, as well as Ghana, Nigeria, Sierra Leone, Seychelles, South Africa and the East African countries. SSA is also home to a number of humanists and atheists, as well as smaller communities of Buddhists, Jehovah’s Witnesses, Sikhs, Jews, Bahai’s and minority branches of Islam and Christianity.

Conflicts

In 2020, at least 20 states in SSA experienced active, armed conflicts, most of which were transnational. Conflict-related loss of human lives increased with over 40% from the year before, making it the region with the highest number of conflict-related fatalities in the world. The causes of conflict and instability on the continent are complex and manifold, often rooted in a combination of weak state structures, corruption, unequal distribution of resources, lack of access to basic services, coupled with ethnic and religious tensions.

12 out of the 26 countries listed under Act to the Church in Need (ACN)'s category Red, denoting the existence of religious persecution, are located in the sub-Saharan region. In Open Doors' World Watch list (2022), three SSA countries are found among the top 10 countries where Christians experience most severe persecution, namely Somalia, Eritrea and Nigeria.

Militant Islamist groups

The trend of violent extremism and militant Islamic groups in the region is increasing. According to PEW (2021), the number of countries globally, experiencing religion-related terrorism fell to a record low in 2019. However, sub-Saharan Africa was the only region where the number did not decrease. Some 20 militant Islamist groups have active presence across 14 countries in West and Central Sahel and coastal areas in the East. Some of these groups collaborate closely, others have loose ties, while others are in conflict. Tapping into local tensions and grievances, the militant groups take advantage of marginalized communities to recruit members and gain control over territories. Strategies include kidnapping, forced recruitment, sexual violence, rampant killings, and destruction of property. School children are particularly at risk of being kidnapped, girls of being raped or forced into marriages and sexual slavery, boys of being forcibly recruited as soldiers. Other civil society groups at a particular risk include religious and village leaders and teachers, Muslims and Christians alike, although Christians are increasingly being targeted specifically.

The number of people killed by armed groups in Burkina Faso, Cameroon, Chad, and Mali from January to mid-April 2020 more than doubled compared to the same period in 2019. In Burkina Faso, as of February 2020, 765,000 people had been displaced by terrorist groups, up from 65,000 in the 12 previous months. In Mozambique alone, Act to the Church in Need estimates that Al Shabaab has killed more than 2500 civilians and displaced over 570 000 people between 2018-2021. This pattern and dynamic of radicalization and extreme violence reflects what has been seen in other SSA regions, such as the Lake Chad Basin, the Sahel and Somalia.

Legal restrictions on FORB

The right to have a religion

Religious affiliation is not noted on national ID cards and national constitutions generally include the right to freedom of religion or belief for all. Eight SSA countries have banned one or more specific religious groups by law. This includes Cameroon and Tanzania, where practicing witchcraft is prohibited, meaning that practices considered part of traditional folk religions are de facto illegal.ⁱⁱ In Nigeria, Eritrea some countries, certain Islamic groups are banned by law. In 2019, Nigeria banned all activities of the Shia Islamic Movement in Nigeria (IMN), a minority branch of Islam with 4 million followers in the country, calling their activities "acts of terrorism and illegality".ⁱⁱⁱ In Eritrea, only four religious groups are officially recognized: the Eritrean Orthodox Church, Sunni Islam, the Roman Catholic Church and the Evangelical Lutheran Church of Eritrea. Other religious groups cannot

register and are treated as illegal. For instance, the government only permits Sunni Islam and bans all other practices of Islam.^{iv}

Sharia in sub-Saharan Africa

Several African nations have embedded Sharia into their constitutions, however, the way it is practiced varies greatly. Generally, it is not implemented as harshly as in certain MENA countries. For example, in Somalia, Sharia runs parallel with the secular legal system, and people tend to choose the court system that benefits them the most. For instance, women have the right to inheritance according to Sharia, but not under customary law. This is, however, not unproblematic, as women's rights are not equal to men's in neither court system. Also, an individual's de facto option to choose may vary. Countries on the Horn of Africa that have a large Muslim population, such as Burkina Faso and Senegal, do not have official Islamic court systems, but Sharia still plays an important role in many people's lives informally, as imams are commonly being summoned to regulate family matters, such as marriage and divorce. In Kenya, Uganda and The Gambia, Shariah courts exist as an option for Muslims to bring their personal status matters. In northern Nigeria, there are 12 states that have active Sharia courts. In addition to Nigeria, Sudan is one of the countries in the region that has been known for harsh Sharia laws, however, in 2020, several of these laws were removed by the interim government, including the law against apostasy.^v

The right to change one's religion.

Few countries in SSA have laws that prevent or make converting to another religion difficult. Four countries have laws or policies criminalizing apostasy, including Mauritania, Somalia, Sudan and Nigeria.^{vi} Sudan and Mauritania carry death penalty for leaving Islam.^{vii} Taking Sudan as an example, the government has shown reluctance in implementing the harshest punishment, and in cases of apostasy charges, has rather attempted to negotiate among societal expectations, religious interpretation, and minimal application of the law. A number of apostasy cases in Sudan from recent years have ended with the individual being declared mentally unfit to stand trial and the charges have been dismissed.^{viii}

The right to manifest religion.

Although the practices vary greatly, there are many examples across SSA of religious and faith groups not being able to obtain an official registration. For instance, the government of Uganda requires religious groups to register, but the registration requirements and process are not clear, leading to many churches and faith-based organizations reportedly being shut down by the authorities for failing to comply with the government's registration requirements. In majority-Catholic Angola, no Muslim groups have been allowed to register. This also applies for several Pentecostal churches. In Tanzania, extra-legal practice in majority-Muslim Zanzibar has made the construction of houses of worship dependent on permission from the local community, which is rarely given to Christians.^{ix} Mauritania has a ban on any public expression of religion other than the government's version of Islam. The possession of religious materials are legal, but printing and distribution is not.

18 countries in sub-Saharan Africa have laws prohibiting blasphemy, including Tanzania, Kenya, South Sudan, Ethiopia and Cameroon. However, there are only a few of the total 18 – and none of the countries mentioned above – where blasphemy laws are being actively enacted, Nigeria being one of the few.^{x xi} Outspoken atheist Mubarak Bala has been held in custody in Northern Nigeria since 2020, accused of posting blasphemous utterances on social media. In Mauritania, the government shows reluctance in imposing the country's harsh blasphemy laws, which are punishable by death. For instance, in a case from 2020, eight men were charged with blasphemy. In the end, however, they

were all convicted on lesser counts of violating the “prohibitions prescribed by Allah”, for which they were fined and sentenced to 6-8 months in prison.

Gendered restrictions

Women faced social hostilities for violating dress codes in seven out of 48 countries in sub-Saharan Africa – four of which for violating secular dress codes and three of which for violating religious dress codes. Governments regulate women’s headdress in nine countries in sub-Saharan Africa.^{xii} Women are forced to adopt religious dress code in parts of Kenya, Nigeria, Mali, Cameroon and Tanzania. In majority-Muslim Zanzibar (Tanzania), Christians are expected to follow Islamic practices; Christian schoolgirls must wear the hijab, there have been instances of Christian women being denied access to communal resources such as community wells, and in 2017, three Christians were arrested for cooking food in a private home at daytime during the Ramadan fast.^{xiii}

In northern Kenya, male converts from a Muslim background may be denied inheritance rights, leading both women and men into poverty. According to Open Doors, women have encountered discrimination at hospitals in the northern regions where pregnant women in maternity wards reportedly have been neglected by Muslim medical practitioners, endangering the life of both the mother and baby.

Harassment and violence against religious minorities

In countries with severe instability and political conflicts, religion becomes an additional factor of group division and incitement for violence that often, but not always, target minorities. In the Central African Republic, where militia groups have proclaimed an either Christian or Muslim affiliation, their atrocities have mostly targeted people belonging to the other faith. As a result, many have been killed or forced to flee their homes because of their religion, even though the conflict inherently is a political, not a religious one. A related example comes from South Sudan, where there have been several instances of houses of worship – used as places of refuge for civilians – being attacked by gunmen seeking members of rival ethnic groups.

In Kenya, South Africa and Ethiopia, there have been incidents of violent attacks by state and non-state actors, targeting, mainly Muslim and Christian, places of worship and religious leaders. Uganda has seen an increase in mob violence and killings targeting Christian converts in Muslim majority areas in recent years.^{xiv} This has led to a difficult climate for many Muslims and Muslim leaders in the country, who are increasingly being accused and even prosecuted for suspected affiliation to violent extremist groups. A number of Muslim clerics have been murdered in recent years, and the investigations into the crimes have not yet led to any convictions.^{xv} Atheists and nonreligious find themselves a minority across the region, and several places at risk for harassment, discrimination and even violence. In Sudan, armed vigilante groups have reportedly mobilized to fight against atheism and apostasy from Islam.

Harassment and violence against women

The Sub-Saharan region have high levels of insecurity for both men and women – conflict-related risk of death for men and boys is among the highest in the world. In areas with active militant Islamist groups, men stand a particular risk of being recruited as soldiers or killed if they deny, while women are at risk for sexual violence and abduction, including forced marriage. This affects both Christians and Muslims, however, reports show that the risk is increasing for Christians, as forced marriage is considered a common tactic used by Islamic militants to spread Islam. However, women and girls also face the threat of sexual violence, abduction and isolation from their own family and community

members. For example, in Uganda, female converts to Christianity risk being subjected to forced marriage, forced divorce, house arrest, imprisonment, domestic violence and abandonment by their families. Forced marriages to Muslims often occur as an attempt to return a convert to Islam. In Mali, where 94% of the population are Sunni Muslim, female converts to Christianity are particularly vulnerable to pressure and violence for their faith, including harassment and threats, sexual abuse, physical violence and even killings.^{xvi}

Sub-Saharan Africa is the region where women are denied custody of children at the highest rate. While sometimes enacted through legal means, this also includes instances of children being removed from their mother by community, or even family members, both as a punishment for a woman's conversion to Christianity and for ensuring that the child is brought up according to the family's majority-religion beliefs.¹⁵ In areas where Christian men stand a particular risk of being killed, the widows often face insufficient resources and risk being subjected to damaging widowhood rites and otherwise being treated as a burden to the community.^{xvii}

Conclusion

Religion and faith generally play an important role in the lives of Africans living south of the Sahara, however the right to FoRB remains controversial in many areas. Although people and groups of different religions and belief systems coexist peacefully side by side in most countries, and have done so for centuries, poverty, inequality, political instability and conflicts related to weak state structures, political discontent, ethnic tensions and/or disputes over land and resources, make for fertile ground for violence and extremist ideologies.

There is a trend of violent groups taking advantage of conflicts and tensions already present, and pin religious groups against each other by playing on religious differences and deep-seated notions of identity. Thus, many conflicts are seen to increasingly take on a religious dimension. There is no indication that the threat posed by militant Islamic groups in countries such as Mozambique, Mali, northern regions of Cameroon, Nigeria and Kenya will decrease during the project period. The trend is rather stable or increasing. When it comes to implementation of Sharia laws, examples such as Sudan's removal of its apostasy law, might be part of a trend of new interpretations and less harsh implementation of Sharia laws in the region.

Other than this, there are few indications for change during the project period.

ⁱ PEW 2020, <https://www.pewresearch.org/global/2020/02/27/democratic-rights-popular-globally-but-commitment-to-them-not-always-strong/>

PEW (2021), ⁱⁱ <https://www.pewresearch.org/fact-tank/2021/11/15/41-countries-ban-religion-related-groups-jehovahs-witnesses-bahais-among-the-most-commonly-targeted/>

ⁱⁱⁱ HRW (2019), <https://www.hrw.org/news/2019/07/30/nigeria-court-bans-shia-group>

^{iv} PEW (2021) <https://www.pewresearch.org/fact-tank/2021/11/15/41-countries-ban-religion-related-groups-jehovahs-witnesses-bahais-among-the-most-commonly-targeted/>

^v <https://www.dw.com/en/sharia-law-in-africa-interpretations-legal-system/a-60587789>

^{vi} USCIRF: Apostasy, Blasphemy and Hate Speech Laws in Africa (2019) https://www.uscifr.gov/sites/default/files/Africa%20Speech%20Laws%20FINAL_0.pdf

^{vii} PEW (2022), <https://www.pewresearch.org/fact-tank/2022/01/25/four-in-ten-countries-and-territories-worldwide-had-blasphemy-laws-in-2019-2/>

^{viii} USCIRF: Apostasy, Blasphemy and Hate Speech Laws in Africa (2019) https://www.uscifr.gov/sites/default/files/Africa%20Speech%20Laws%20FINAL_0.pdf

^{ix} CSW, <https://www.csw.org.uk/2021/03/22/report/5204/article.htm>

^x USCIRF (2020), https://www.uscifr.gov/sites/default/files/2020%20Blasphemy%20Enforcement%20Report%20_final_0.pdf

^{xi} PEW Research Center (2019), <https://www.pewresearch.org/fact-tank/2022/01/25/four-in-ten-countries-and-territories-worldwide-had-blasphemy-laws-in-2019-2>

^{xii} Pew (2020), <https://www.pewresearch.org/fact-tank/2020/12/16/women-in-many-countries-face-harassment-for-clothing-deemed-too-religious-or-too-secular/>

^{xiii} CSW, <https://www.csw.org.uk/2021/03/22/report/5204/article.htm>

^{xiv} Aid to the Church in Need, 2021 Report on Religious Freedom in the World

^{xv} Freedom House (2022), <https://freedomhouse.org/country/uganda/freedom-world/2022>

^{xvi} Open Doors (2022), <https://opendoorsanalytical.org/wp-content/uploads/2022/03/WWL-2022-Compilation-of-Pressure-Points-and-Gender-Profiles-for-76-countries.pdf>

^{xvii} Open Doors, Gender Report 2022, <https://opendoorsanalytical.org/wp-content/uploads/2022/03/The-Gender-Report-2022-DIGITAL-PDF.pdf>