**Working within Nigeria's Sharia Courts, *Human Rights Dialogue*, November 5, 2003***Until 1999, Muslim laws in Nigeria applied primarily to civil matters. But since the end of military rule in 1999, twelve of Nigeria’s thirty-six states have extended Muslim, or Sharia, laws to criminal matters [as of 2016, there are nine states with Sharia law and three states apply it in Muslim majority areas]. The implementation of Sharia penal codes has raised a number of concerns among human rights and women’s rights activists inside and outside Nigeria who argue that these laws adversely affect women.* Human Rights Dialogue *spoke with Ayesha Imam about the work of the Nigerian organization BAOBAB for Women’s Human Rights in protecting women’s rights in Nigeria within the context of Sharia law. \*This interview has been modified for the classroom\**

***Human Rights Dialogue*: Could you tell us a bit about the law, especially Sharia law, in Nigeria?**

**Imam**: Nigeria has three operating legal systems. The first is general law, a combination of British colonial law and acts or decrees that have been passed by federal government or states or military regimes since 1960. Next are customary laws, a variety of different laws of different peoples that are not in their pristine forms but were changed during the colonial process, often becoming less favorable to women’s rights. The third system is Muslim laws, referred to also as Islamic laws, or Sharia laws. Until 1999, customary and Muslim laws had been restricted largely to family and personal status law—marriage, divorce, child custody, inheritance. In principle, Nigerians had the choice of abiding by general, customary, or Muslim laws. So there have always been parallel legal systems, with some confusion about which law takes precedence over what and when.

***Human Rights Dialogue*: How was the extension of Sharia law originally accepted in society?**

**Imam**: The immediate context that allowed for the extension of Sharia laws came predominantly as a result of the religious and ethnic resurgences in response to the failures of the independence and nationalist promises, and from a cynical disillusionment with both the political arena and the existing judicial system as corrupt and self-serving. Nigerians also felt uncertainties and difficulties related to the poverty and social problems caused or exacerbated by World Bank structural adjustment programs. Identity politics—the use of ethnicity or religion to mobilize some populations and exclude others—which was institutionalized during British colonial rule and continued to be reproduced in post-independence Nigeria, thus took on some qualitatively new features, including laws that were enacted specifically because they were religious.

Ironically, the new laws were not the result of pressure from the religious right but came from the new governor of Zamfara State, who was faced with a small and recently created state with little infrastructure, few natural resources, and few formally educated people. He needed some way to make himself popular—and that was to claim to undertake “Sharianization.” The governors of eleven other states (most but not all Muslim-majority states) either followed suit or were pushed into passing similar acts for fear of being seen as “anti-Sharia.”

***Human Rights Dialogue*: In your work, do you have problems with vigilante groups and their influence on the Sharia courts?**

**Imam**: Yes, the *hizbah*, vigilante groups of the religious right. These are the “muscle” elements that enforce the new laws. *Hizbah* are generally made up of young men who have no jobs, no prospects, and not very much education. Clearly they enjoy power and authority by becoming part of the hizbah and monitoring people and imposing their views of morality and behavior on others. Police are not by and large the ones initiating prosecutions; in many cases the hizbah groups are forcing the police into it, and then packing the courts in intimidating ways.

***Dialogue*: Have these groups particularly targeted issues that involve women?**

**Imam**: Yes, because women are easy targets. As in most societies, the double standard makes women more responsible for morality than men, and they have not been politically organized to effectively defend their interests as women. We worry about this increasing mobilization of identity politics and the closure of options in the legal system because the trend in Muslim family laws has been positive (although there are still too many conservative or venal judges). The courts have increasingly recognized women’s rights in Muslim family laws over the last twenty to thirty years. We fear that this will be reversed in the current climate of religious right conservatism.

***Dialogue*: What are some examples of this positive trend within Sharia courts?**

**Imam**: There has been progress in many areas of women’s rights. In inheritance, especially of land, women’s entitlements had often been ignored by their families but are upheld in Sharia courts. Sharia courts have also been upholding rights of women to choose husbands and divorce independently, of girls to refuse forced early marriages, of widows and divorcées to have custody of their children and their children’s property.

***Dialogue*: Why do you feel it is important to work within the Sharia courts rather than criticizing them from the outside?**

**Imam**: If we only criticize from the outside, it doesn’t do anything for the victim of the charge. If we go to court and win an appeal, it demonstrates that the victim should never have been charged. We have to critique both externally and internally. We must establish that even when abuses are perpetrated in the name of Islam, they can and must be challenged.

However, if we simply pressure for pardons, that is ineffective politically. A pardon says, “Yes, you committed the offence but we are very kindly not punishing you.” Furthermore, if a pardon seems to be the result of external pressure, it may produce a backlash against the local culture of respect for human rights.

If people don’t recognize rights at an everyday level, then international rights treaties and covenants are dead letters. People must say, “That’s our right and we are going to do something to get it.” When we win appeals, it strengthens the hands of the local women’s and human rights activists and encourages victims to be less powerless in the face of the state and the religious right.