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**Voices at Risk: Gendered impact of Insecurity,** insurgency, terrorism on women, girls and women’s human rights defenders in Nigeria

**Voices at risk: Impact of insecurity, insurgency, terrorism on women, girls and women’s human rights defenders in Nigeria**

**Research Report**

**by**

**Vision Spring Initiatives**

**Contribution to the Security Playbook publication by the Action Group on Free Civic Space (AGFCS)**

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Finally we thank everyone who comes across this piece of work, while we welcome your criticisms, spare time to demand a safe society where human rights of women and girls are protected.

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**Chapter 1**

1. **Executive summary**

This research report is Vision Spring Initiatives contribution to the Security Play Book; a project coordinated by Action Group on Free Civic Space (AGFCS) with support from the Fund for Global Human Rights. The research makes visible the many layers of challenge faced by women, girls and human rights defenders which often go unnoticed, un-documented and when documented often trivialised due to the patriarchal nature of the country. Nigeria has a long history of stifling dissent by latching onto or, using laws developed for national security to harass, survey, intimidate, arbitrarily arrest and detain human rights defenders. Our task is to put a search light on how intimidation, arbitrary arrest, stifling dissent impact women, girls and human rights defenders and make recommendations towards ensuring gendered approach in countering terrorism, ending arbitrary arrest and abuse targeting women and girls.

Surveillance, intimidation, arbitrary arrest and detention subject all human beings to abuse but not equally so. It touches on all citizens but heavier on vulnerable groups such as women, girls and women human rights defenders. The stifling of dissent by latching onto or, using laws developed for national security to harass citizens by a democratically elected government has adverse impact on citizens of any nation but certainly impacts all citizens differently. Nigeria has a long record of stifling dissent by targeting activists for specific abuses such as beatings, arbitrary arrest, unlawful detention, ill-treatment in detention, interrogation for long hours, and intrusive government surveillance. The government through its various agencies also restrict freedom of expression, assembly and association by censoring or gagging and placing sanctions on newspaper and television houses for providing important and relevant information to the public, harassing civil society organisations, and using undue force to break up peaceful protests as witnessed in recent times and one of the most recent being the #ENDSARS movement.

While these patterns of repression are well documented, scant attention is paid to the toll of this repression on women, girls, women human rights defenders, sex workers and other women in their diversity. A few women have died or lost their loved ones or hit by stray bullets even when they do not engage in protests. As this report shows, women in Internally Displaced Persons camps (IDPs), activists, abducted women and girls have faced the worst injustice in comparison to men who have been either accused of civil disturbance or at the fore-front of peaceful protests.

Violence against Women and Girls in Nigeria are sustained by gender norms that embody gender inequalityand unequal power relations, Nigerian women and girls are consistently exposed to violence and the trend and intensity of the violence is alarming. [[1]](#footnote-0)At least one in every three Nigerian females has experienced one form of violence or the other.

Nigeria is still a patriarchal society. According to the most recent nationally representative data by the Nigerian Demographic and Health Survey (2018), 25% of men across Nigeria believe that it is acceptable for a man to beat his wife if, among others, she refuses him sex, goes out without telling him or burns the food. Most women and girls experience violence between the ages of 15 and 49. These abuses reflect, or are made worse by gender inequality in the society and the laws that institutionalise them; Penal Code and portions of the Criminal Code present women as ‘chattels’ while cultural dictates and institutionalised public morality dictates women’s life; proscribing their manner of dress, limiting their movement and role in public life and imposing humiliating corporal punishment or beating even by intimate partners. All these violate the 1999 Constitution of the Federal republic of Nigeria especially its Section 24 on non-discrimination and other statutes and laws that Nigerian has signed and ratified.

Based on key informant interviews, desk reviews and focus group discussions conducted with diverse women in the 6 geo-political zones in Nigeria, this report documents the patterns of abuse women are subjected to by state and non-state actors; traditionally sanctioned norms of restricting women’s movement including during cultural festivals. Women face restriction of movement, injustices sanctioned by regressive cultures and are targeted differently for a range of abuses, making their lives unbearable!

The situation described above necessitated inclusion of this chapter in the Security Play book tohighlight the broader problem of entrenched impunity for human rights abuses women face, including sexual violence.

Women survivors of violence including sexual violence during peaceful protests or other organised civil agitation lack protection as well as remedies when they face rights violation. The cases they face are trivialised, in some situations it is said that ‘good women’ do not protest! While some of the women we interviewed during the research stated that they could access medical assistance, they are reluctant to seek redress for fear of reprisal attack or name calling. Nigeria is currently undergoing Constitutional review. The reform must include review of punitive laws which lead to mob actions; it must support an expansion of the Constitution to prescribe punishments for rights violation and must have robust implementation agenda that supports equality of all citizens. All forms of restriction on free speech, assembly, stifling of minority voices and attack of women during demonstrations and other obstacles to justice for survivors of sexual and gender based violence must end.

Government must do everything within their power to support free speech, assembly and protect women and girls who become vulnerable during civil unrest.

**Structure of the report**

This report has been structured into three (3) chapters. Chapter 1 covers introduction / overview and structure. Others include the methodology of the report- study aim and method, research questions and study description. Chapter 2 contains the main study covering topics such as impact of insecurity, insurgency, terrorism on women, girls and human rights defenders; vulnerability of women and girls to acts of terrorism; patterns of attacks faced by women activists and human rights defenders; laws protecting rights and freedoms of women during conflict situations, gaps and challenges, cultural norms, religious and patriarchal norms that stifle women’s expression and reinforces gender based violence and recommendations for mainstreaming gendered approach in counter terrorism initiatives. Chapter 3, comprise of conclusion and recommendation to different stakeholders.

1. **Study aims and Methodology**

This research has the following aims:

- Document the use and misuse of digital laws and technologies to surveil civic actors and silence dissent, establishing the role of private telecoms, content moderation platforms, global and local media organisations.

- Investigate and establish the public and private actors behind the influx of sophisticated hacking tools and surveillance platforms in the country in order to arbitrarily survey and intercept communications.

- Document the narratives (including half-truths, errors, myths) political agents are pushing toward interpreting dissent, non-violent agitations and violent demonstrations as terrorism and designating agitators as terrorist groups?

- Conduct field visits to selected flashpoints profiling victims and real life incidents (case studies) to deepen understanding of how terrorism laws are overstretched to rope agitators, protesters, local movements and opposition politicians into felonies.

- Identify entry points and opportunities for reform of the security architecture to defend and expand the civic space.

Use data analytics, incident-tracking, and algorithm mapping of current trends to forecast future threats to the civic space in Nigeria.

**Study Design**

The first step was to identify activists and research personnel in the states of the study whose contributions are critical to ensuring that the report captures the true state of the nation with regards to the subject of the study. The next step was to develop means of reaching respondents noting the challenges posed by the Covid-19 pandemic, especially the 3rd wave. It was agreed that the study will utilise as much as possible online service in accordance and compliance with the covid-19 regulations by the government. There were series of meetings (2 face to face meetings) with staff and writers engaged for their contributions and zoom meetings leading to the decision to develop research protocols such as focus group discussion and key informant interview tools. The research adopted same questions across the states while it was agreed that researchers could ask specific questions they consider relevant towards results required and in consonance with the research objectives.

**Research Questions**

The research followed a predetermined set of questions reviewed and agreed upon by other partners. They included the following:

* What are the methods, laws, tactics, measures used to justify the arbitrary and flexible use of the terms ‘terrorism’ and ‘extremism’ to surveil, suppress democratic freedoms and crush dissent? Which entities or processes within and beyond government chiefly invoke and apply these overbroad methods?
* Are there distinctions or similarities between the trends and threats observed in the northern and southern regions of the country?
* What are the levers and opportunities for advocates to disrupt the misuse of security framework and offer potential for reform?
* To what extent are these misuses/misapplications tied to, influenced by and fuelled by transnational CT norms and trends?
* What opportunities exist in short-term (1 - 4 years) and long-term (5 - 10 years plus) to disrupt, to reform, and over long-term to transform the influence of security on civic space?

**Data Collection**

Data was collected using focus group discussions and key informant interviewing through face to face meetings and zoom and telephone conference by research officers who had knowledge of data collection and ethical considerations in research and in compliance with government regulations on COVID-19. To get representative figure from the six geo-political zones, a total of 60 persons were reached through focus group discussions of 5 per persons per session, covering the 6 geo political zones. A total of 20 persons were interviewed using questions developed for the Key informant interviews with majority of them being women human rights defenders. A total of 5 survivors of sexual and gender based violence and other forms of violence during protests were interviewed.

At least 10 states covering the 6 geo-political zones were reached while specific zones considered hot spots were targeted. The states include Bornu, Adamawa, Owerri, Lagos Ogun, Benue, Edo and Delta Cross River and the FCT Abuja.

**Chapter 2**

| **Section A** |
| --- |

**Document whether the rising insecurity—insurgency, terrorism, banditry, kidnapping, farmer—herders’ clashes, in the northeast, militancy in the Niger Delta, secessionist agitations in the east and west, of Nigeria have impacted men and women differently?**

**Introduction**

*Nigeria’s twelve years’ conflict in the North East has killed over 350,000 persons and displaced millions according to several reports*.[[2]](#footnote-1) The Niger Delta militancy was the first major regional conflict after the civil war that ended in 1970.

*Between 1997 and 2005, conflict was largely confined to the Niger Delta region. After 2006, conflict rapidly spread to the northern states of Yobe and Borno[[3]](#footnote-2),*  followed lately by the secessionist agitations for Biafra and Oduduwa nations in the South East and South West respectively.

Several reasons have been adduced for the conflicts in different part of the country but the most common to each of them is agitation for resource control and reactions to oppressive state institutions which always try to silence dissenting voices or expression of different opinion on how the country is governed and resource management.

*Studies also found that the fight for resource control strengthens the segmentation around already existing ethnic or linguistic cleavages thereby escalating conflict (Gleditsch and Urdal 2002:286; Gurr and Harff 1994)[[4]](#footnote-3)*

This article is targeted at examining the gendered impact of ongoing conflicts in Nigeria based on reports of state and non-state actors, writers and reviews by authors. Several arguments have been put forward on why women participate in conflicts and or terrorism but it is believed that gender has played significant role in the ongoing conflict in the North East.

*Gender intersects with terrorism in many ways. The patterns of women’s and men’s involvement in terrorism, including voluntary and forced association/recruitment, motivations and roles, may differ. Terrorism can also have different impacts on women and men as victims. The roles that women and men fulfil in supporting or carrying out acts of terrorism may also have a gendered element but men continue to hold the vast majority of ideological and military leadership positions in terrorist groups and constitute the majority of those engaged in violent operational roles (although women do occupy violent operational positions in some groups).* *Account of men and women across the world imply that the burdens of war are carried by men but women and children disproportionately suffer the consequences of* ***conflict:*** *famine, disease, sexual abuse and emotional trauma caused by loss of loved ones, property and means of subsistence[[5]](#footnote-4)*

Patriarchy is heavily entrenched in Nigeria as a whole and even worse in the northern region where Boko haram operates which could also have affected the participation of women in the insurgency as noted in this UNODC document

*“Boko Haram’s ideology, for example, casts men in hyper-masculine combat roles, which reinforces gender norms amongst male recruits. The group has also used gender norms as a way to enhance its operational effectiveness, using women as suicide bombers, to smuggle weapons and ammunition, act as spies and messengers, in a subversion of gender stereotypes that cast women as inherently peaceful and beyond suspicion[[6]](#footnote-5).*

From the above citations, it is obvious that conflicts are the products of decisions made mostly by men based on various reasons but most women and children who participate in conflict are either forced or coerced or join because of personal unpalatable experience they might have suffered or would suffer if they did not join.

In April 2014, 270 girls were abducted from their dormitory near Chibok in North East Nigeria, also in February 2018, another 113 girls were abducted from their school in a town called Dapchi including Leah Sharibu who is still in captivity of the insurgents because of her Christian faith. Several women and children are also abducted regularly by the insurgents when they raid villages and communities. Although men and boys are sometimes forced or conscripted into the group but women and girls are particularly impacted more due to their vulnerabilities and gender roles.

*“Women in Nigeria have paid a heavy price in the conflicts that have been ravaging the country, especially in the past two decades. They have endured unprecedented levels of sexual violence, along with related HIV infection, involuntary pregnancies and health complications, increased food insecurity and internal displacement.*” [[7]](#footnote-6)

**Are Women as Involved as Men in the Conflicts?**

*It is usually assumed that men are more violent than women and that women are more inclined to be supportive of peace but there is growing evidence and recognition that women, as well as men, are actively involved in armed conflict.[[8]](#footnote-7)*

*Women are also perpetrators of violence through the recruitment of new members, the promotion of violent organisations’ objectives or through suicide bombings. This involvement may be due to a range of factors, including the desire for revenge or for redemption through individual sacrifice. Poor living conditions, lack of education and professional opportunities and broad marginalisation of women*. It is also suggested that women involvement in armed conflict may also be connected to the fact that *“some women see Boko Haram as a way to emancipate themselves from traditional laws and practices gain better access to religious education or a more equal share of inheritance than through customary law”.[[9]](#footnote-8)*

*While men have disproportionally been killed, women are an overwhelming majority among the estimated 1.8 million internally displaced persons (IDPs) in the North East either as former wives, slaves or fighters, many bear the stigma of association with the insurgents and are barred from reintroduction into their communities.*

*Women and girls were particularly abducted as a way of punishing communities that oppose it and as a way of imposing their will on the communities. Women were also used by the insurgents as assets by awarding them to fighters and as incentives to recruit males as combatant. Women were also used as spies, messengers, recruiters and smugglers and as suicide bombers[[10]](#footnote-9).*

*Many have highlighted the role that revenge or retribution plays in galvanizing female participation and note the prevalence of widows among female militants. Interestingly, some have suggested that economic incentives can motivate participation; in underdeveloped countries, economic growth “might be linked to women’s diminishing share of the labor market,” pushing them to join “terrorist groups out of desperation,” A Human Rights Watch report published in November 2013 claimed that Boko Haram raided villages and “after storming into the homes and throwing sums of money at their parents, with a declaration that it was the dowry for their teenage daughter, they would take the girls away[[11]](#footnote-10).*

From the foregoing, it is obvious that majority of women participants in the conflicts are used as objects, assets and means of achieving the insurgents’ goals, thereafter, the same women when they become free from the control of the armed group suffers stigmatisation and rejection by the community.

**Has the Conflict impacted men and women differently?**

Reports from humanitarian agencies shows that women and girls sufferings continues even after release from boko haram claws. For instance, the reports of *UNHCR and its partners from Jan-December 2019 shows that a total of 1,666 reported incidents of SGBV from IDPs and returnees in the 3 BAY (Bornu, Adamawa & Yobe) states through community-based protection monitoring were received. The analysis of data showed that women and children under 18 continued to bear the brunt of the crisis even in the IDP camps after enduring child and forced marriage, physical assault, rape, survival sex, sexual assault and denial of resources and other forms of human rights violations during captivity. They are also compelled to deal with stigmatization and rejection from the community upon their release.*

*The report shows that the conflicts has greatly affected the dignity of women, men, boys and girls. This has further entrenched pre-existing gender disparities, exposure to sexually transmitted infections including HIV, unwanted pregnancies, and obstetric fistula caused by sexual violence. Overall, this has led to poor sexual and reproductive health outcomes. Sexual abuse and other violations against women and children are widespread inside and outside of IDP camps, and a culture of impunity for perpetrators contributes to the continued violations.[[12]](#footnote-11)*

Men and women farmers have suffered a great deal of material and human losses in central and southern Nigeria as a result of herdsmen-farmer conflicts in recent years, in fact, the conflict has become a threat to the survival of the country as thousands of people especially women and children now lives permanently in internally displaced camps.

*The surge of attacks and counter-attacks has exacted heavy humanitarian and economic tolls, with potentially serious political and security repercussions. The humanitarian impact is particularly grave. From September 2017 through June 2018, farmer-herder violence left at least 1,500 people dead, many more wounded and about 300,000 displaced persons, mostly women and children*

*Women and children are particularly hard-hit, many having lost the male head of households, a huge loss in a largely patriarchal society. Some were raped by attackers. Thousands of pregnant women and nursing mothers in IDP camps have little or no health and sanitary facilities. As most camps have no perimeter fencing and sleeping spaces are not gender-segregated, girls and women are exposed to the risks of sexual harassment, assault and rape, both by outsiders and by fellow IDPs, and vulnerable to desperate survival mechanisms involving sexual exploitation. Many women and children are traumatized by the killings, raising concerns for their mental health, with possibly long-term effect[[13]](#footnote-12)*

Several articles have identified the different roles played by women during the Niger-Delta conflict. *As Ekine (2008) points out, peaceful protest organised by the Itsekiri women involved the taking over of a Chevron-Texaco airstrip at Escravos export terminal in Delta State. The women occupied the terminal for ten days. Courson (2007) notes that in 2002, Ijaw women in Gbaramatu and Egbema Kingdom in Delta State also occupied the Chevron Abiteye flow station, and in August 2002, several women from the Ijaw ethnic groups, Urohobo and Itsekiri in Delta State marched to the Shell Petroleum Development Company (SPDC) and Chevron Nigeria Limited in Warri, Delta State to demand improved socio-economic conditions, social support and services, from the oil companies (Ukeje et al., 2009). Often the militants hijacked peaceful demonstrations organized by women to attack the multinational oil companies in the region (Ukiwo, 2010). According to Ekine (2008) between 1990 and 2007 about sixty-seven protests were organized by women in the Niger Delta region to fight environmental and human rights abuses[[14]](#footnote-13).*

*Women acted as spies, emissaries, spiritualists and fighters in the militancy and there were also reports of women involvement in oil bunkering activities[[15]](#footnote-14)*

There are no reports that women were conscripted to participate in the Niger Delta militancy unlike the Boko haram conflicts, but women still participated either as combatant, spies, emissary, protests, peace building and oil bunkering activities although the nature and reasons for the conflicts in Niger Delta and North East is totally different coupled

*Failure of leadership has been severally adduced for separatist’s agitations in Nigeria starting from an explosive booklet titled The Trouble with Nigeria published in 1983 by the Late Chinua Achebe. ‘The trouble with Nigeria is simply a failure of leadership… Nigerians are what they are only because their leaders are not what they should be’[[16]](#footnote-15).*

No matter the reasons for secessionist agitations in the East and Western part of the country, communities and individuals have suffered from the resultant conflicts with state actors. Although, there are no available studies to examine the extent of women’s involvement either as agitators or victims and or survivors of the ensuing regional conflicts, it is believed that women must have suffered losses such as losing their husbands, children and brothers to extra judicial killings by armed state actors or killed by stray bullets during exchange of fire with agitators. From the various accounts of the different conflicts in Nigeria highlighted above, it is evident that women suffer more than men during and after conflict. Apart from men dying or getting wounded during conflicts, the impacts of conflicts lingers longer with women due to *exposure to sexually transmitted infections including HIV, unwanted pregnancies, obstetric fistula caused by sexual violence, physical assault and loss of dignity among others.*

| **Section B** |
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**Documenting governments’ counter-terrorism and militarised responses and its impact on vulnerable populations especially women and children; the role of state actors in the exploitation of women in conflict and militarized zones and sanctions faced**

*The military features of Nigerian democratic government are defining traits of militarizing the Nigerian political system. This is explained according to Professor*[*Dent (1978)*](https://journals.sagepub.com/doi/full/10.1177/2158244020922895)*that the amount of soldiers and their enormous influence on Nigerian civil rule are more than the quantity of teachers and their influence over all aspects of the polity.* [*Obi (2007)*](https://journals.sagepub.com/doi/full/10.1177/2158244020922895)*explains that Nigerian militarized political system is beyond the experience of military rule in the country; it has developed to include the political legacy characterized with cultural impunity, the consideration of active-combative posture and suppression over dialogue and negotiation, and the participation of high-ranked retired military officers in civil rule.*

*According to*[*Fayemi (2012)*](https://journals.sagepub.com/doi/full/10.1177/2158244020922895)*, the prevailing political culture in Nigeria is reflecting the three decades of militarism and authoritarian control of the country. The on-going process of democratization is reflecting a reconfiguration of the political, economic, and military elite rather than opening of the political system to broaden political participation[[17]](#footnote-16).* This is just to provide context on militarized civic space in Nigeria’s democratic culture which is shrinking citizen’s voice and participation in governance. The insurgency in the North East, militancy in Niger Delta and the secessionist’s agitations and the fact that the current president is a former Military head of state whose tenure was marked by several human rights abuses have just compounded the shrinking civic space in government response to the conflicts

*Three broad counter-terrorism strategies have been identified in the long term conflicts bedevilling Nigeria. First is the national government response through some administrative measures including: the multi-track approach, which involved persuasion, dialogue, and consultation with political, religious, and community leaders in the states and communities affected by activities of terrorist group to counter the narratives of radicalization and other negative doctrinal elements (*[***Olojo 2017***](https://www.mdpi.com/2077-1444/11/2/96/htm#B131-religions-11-00096)*,*[***2019***](https://www.mdpi.com/2077-1444/11/2/96/htm#B132-religions-11-00096)***)***

*Furthermore, other initiatives were launched such as the ‘Buhari Plan of 2016’ for effective and transformative engagement between the government, religious organizations, and communities affected by the activities of Boko Haram in the northeast (see*[***African Union 2018, p. 17***](https://www.mdpi.com/2077-1444/11/2/96/htm#B8-religions-11-00096)*). The newly established ‘Presidential Committee on the North-East Initiative’ was saddled with the responsibility of developing a comprehensive strategy towards rehabilitating, reintegrating communities, rebuilding and reconstructing the northeast (*[***Punch News 2016***](https://www.mdpi.com/2077-1444/11/2/96/htm#B152-religions-11-00096)*). The launching of the ‘Operation Safe Corridor’ was aimed at addressing challenges associated with terrorist recruitment, violent extremism, deradicalization, rehabilitating and reintegrating repentant Boko Haram terrorists back to society after undergoing various stages of thorough psycho-spiritual therapy and evaluations by religious clerics and psychology experts (*[***DW News 2019***](https://www.mdpi.com/2077-1444/11/2/96/htm#B53-religions-11-00096)*)[[18]](#footnote-17)*

*Despite the attacks on religious institutions by Boko Haram, under the broader Coalition of Civil Societies with over 5000 registered agencies, the two dominant religions engaged in various ‘non-violent’ engagements to fight against the forces of violent extremisms, radicalization, and terrorist recruitment across the Lake Chad region (See*[***Mahmood and Ani 2018***](https://www.mdpi.com/2077-1444/11/2/96/htm#B104-religions-11-00096)*). Religious leaders also use their understanding of the true doctrinal principles to discourage the narrative and ideological propaganda employed by Boko Haram to recruit fighters (*[***Olojo 2017***](https://www.mdpi.com/2077-1444/11/2/96/htm#B131-religions-11-00096)*,*[***2019***](https://www.mdpi.com/2077-1444/11/2/96/htm#B132-religions-11-00096)*). Furthermore, through effective collaboration between these religious bodies and civil society organizations, several initiatives, peace concerts, and peacebuilding outreaches were implemented in various areas affected by the threat of Boko Haram. The third counter terrorism strategy employed in Nigeria is the joint military coalition between member states of the Lake Chad Basin Commission under the Multinational Joint Taskforce (MNJTF) which reports suggested that it achieved some success by limiting the territorial expansion of the terrorist organization to other parts of the continent and degrading its capacity to carry out coordinated attacks (*[***Iwuoha 2019***](https://www.mdpi.com/2077-1444/11/2/96/htm#B89-religions-11-00096)*)[[19]](#footnote-18)*

As the Niger-Delta militancy continued, the government adopted different methods by establishing, Education Trust Fund, Niger Delta Development Commission, Oil Mineral Producing and Development Commission among others. The militarization of the region was the most visible approach whereby Joint Military Task Force (JMTF) was formed by the government and regularly deployed to maintain orderliness and quell the activities of militants such as vandalization of oil facilities, taking of oil workers as hostages, and illegal oil business[[20]](#footnote-19). Deployment of joint military task force was unable to quell the militancy until the amnesty programme which encouraged the militants to surrender and sustained till date. The same approach of deployment of joint military task force have also been employed to tackle the insurgency and banditry (terrorists) in the North East for over ten years and also against the secessionists’ agitations in the East and West of the country, several account have identified loopholes in the strategies and the fact that it was gender blind at inceptions.

*According to Babatunde (2018) on the militancy in Niger Delta, “inspite of the losses women suffer as a result of environmental despoliation, they are largely excluded from the token compensation paid for pollution and devastation of their farmlands and fishing waters because they are not usually recognized as land owners and owners of water resources”*.

Several reports have shown that the Nigerian government is more focused on the military response to the different conflicts in the country while politicization, corruption and lack of political will to tackle the conflict have been largely blamed for the never ending war. It is also reported that the counter terrorism response is often gender neutral.

*“A gender-neutral approach (which does not differentiate between the impact of terrorism and counter-terrorism measures on women and men and assumes that they share the same experiences, needs and concerns) can be problematic because it may in fact reflect the assumption that only men’s experiences of terrorism and counter-terrorism are relevant. This is due to the fact that since men typically dominate decision-making at the household and community levels, a gender-neutral approach may reflect largely male priorities[[21]](#footnote-20)*

*Nigeria’s commitment to offering amnesty to low-risk repentant ex-Boko Haram fighters is no longer news. About 893 ex-insurgents have been rehabilitated since 2016. The Federal government, through the Defence Headquarters, inaugurated the Operation Safe Corridor (OSC) as part of the state responses to the insurgency. However, the programme appears male-focused and the processes for females with links to Boko Haram are not clear. Violent conflict affects women differently; as victims, accessories or perpetrators. Since 2009, hundreds of women and girls have been abducted, sexually abused and forced into marriages to jihadist fighters. The trauma of losing spouses and children to the conflict further leaves unforgettable memories for some of these women. The travails of women in the Boko Haram conflict both as* victims and as perpetrators are uniquely different and must be addressed with women-tailored solutions

*Many women released by the military claim they didn’t participate in the rehabilitation and reintegration programmes at Borno State-run Bulumkutu Rehabilitation Centre for women and children. Some also claim they went through the process for a maximum of three months while others maintain that they were released directly to communities or camps for internally displaced people. The amnesty programme must be accompanied by an approach that specifically caters for the needs of women in the programme. The Operation Safe Corridor must adequately provide for psychosocial support for women that are among the repentant insurgents.*

*It is usually assumed that men are more violent than women and that women are more inclined to be supportive of peace. At the same time, though, there is growing evidence and recognition that women, as well as men, are actively involved in the armed conflict. Therefore in line with the United Nations Security Council Resolution 1325 and various conventions on gender mainstreaming such as Namibia Plan of Action, CEDAW, gender lens must be applied and should be an integral part of the planning and implementation of amnesty programme for equal representation of both men and women and towards actualizing sustainable peace and development in the region[[22]](#footnote-21)*

**Learning from counter terrorism**

A government crackdown after violent confrontations in June and July 2009 in Maiduguri and several other cities led to the extrajudicial execution of Yusuf by the Nigerian police, as well as the killing of a number of other sect leaders and at least 1,000 supporters.  Many members fled to rural areas and neighbouring counties, where they reorganised and began to engage in revenge terror and guerrilla attacks, led by Abubakar Shekau, Yusuf deputy commander. Boko Haram recruited women and men, primarily from Maiduguri and other urban areas, with a mixture of coercion and incentives. In 2013, the security forces and civilian vigilantes (the Civilian Joint Task Force, CJTF) forced it out of Maiduguri, but as its insurgency spread to rural areas, more women were recruited or forced to join from villages, cutting across classes. Many married Boko Haram members[[23]](#footnote-22)

*Despite the Nigerian government’s repeated*[*claims*](http://www.africanews.com/2018/01/02/pres-buhari-insists-that-boko-haram-has-been-defeated/)*of military victory against Boko Haram, violence persists in the country’s northeast.*[*Abductions*](https://www.africaportal.org/features/preventing-boko-haram-abductions-schoolchildren-nigeria/)*,*[*ambushes*](https://www.reuters.com/article/us-nigeria-security/about-20-nigerian-soldiers-missing-after-boko-haram-clash-sources-idUSKBN1K628N)*, and deadly*[*suicide bombings*](http://www.bbc.com/news/world-africa-43967738)*continued in the first half of 2018. Although military operations have degraded Boko Haram’s capacity to hold territory, Nigerian security forces are failing to protect the region’s vast rural areas from militant attacks. In the areas surrounding Lake Chad, the Islamic State in West Africa (ISWA)—which split from Boko Haram in 2016—seems to have*[*gained*](https://www.reuters.com/article/us-nigeria-security/islamic-state-ally-stakes-out-territory-around-lake-chad-idUSKBN1I0063)*a stronger foothold. Hundreds of thousands of civilians are still displaced and living in internally displaced persons (IDP) camps and neighboring host communities, unable to access their land or return to their villages.[[24]](#footnote-23)*

*Women’s and girls’ importance for Boko Haram stems from their roles and how they are perceived in society – both in the North East and in Nigeria as a whole. As wives, they enhance social status and provide sexual or domestic services (sometimes forced), thereby becoming valuable incentives for potential male recruits. Their adherence, willing or forced, to the movement’s version of Islam can also contribute to the spreading of its ideology among other women, but possibly also young men. Women can perform roles very different from traditional stereotypes. As the war evolved, women have become recruiters, spies, domestic labour, fighters and forced or willing suicide bombers[[25]](#footnote-24).*

Several reports on human rights in Nigeria have indicted the Nigerian Military (State Actors) and some non-state actors- hunters, vigilantes, civilian joint task force and humanitarian aid workers of violations and abuses of women and children especially in the IDP camps *“There was little progress on accountability for security forces abuses. Neither the report of the Presidential Judicial Panel set up in August 2017 to investigate the military’s compliance with human rights obligations, allegations of war crimes, and other abuses nor that of a Presidential Panel of Inquiry set up in 2018 to investigate abuses by the Police Special Anti-Robbery Squad (SARS) have been made public.*

*Security forces continued the crackdown on members of the Shia Islamic Movement of Nigeria (IMN) protesting the detention of their leader Sheikh Ibrahim El Zakzaky and his wife Ibraheema since December 2015, despite court orders for their release. In July,*[*Nigerian*](https://www.hrw.org/africa/nigeria)*police fired at the group’s procession in Abuja, Nigeria’s federal capital, killing 11. A journalist and a police officer were also killed in the violence, while dozens of IMN members were wounded or arrested.*

*Forty UN agencies and international humanitarian organizations, including  United Nations High Commissioner for Refugees and United Nations Development Programme  launched in January, the*[*2019 Nigeria Regional Refugee Response Plan (RRRP)*](https://www.unhcr.org/news/briefing/2019/1/5c50156f4/boko-haram-violence-surges-unhcr-seeks-us135-million-aid-displaced.html)*with an appeal for $135 million to provide aid to civilians displaced by the Boko Haram insurgency in the Lake Chad Basin region. The Chinese government also pledged funds to support the purchase of Military equipment, but all the International actors, notably the UN, US, and UK continued to support the Nigerian government’s effort to tackle security challenges and provide humanitarian aid to vulnerable communities but failed to publicly condemn government security forces abuses[[26]](#footnote-25)*

“*The warning signs are flashing bright red: increased numbers of attacks and killings over the last five years with a few notable exceptions; increased criminality and spreading insecurity; widespread failure by the federal authorities to investigate and hold perpetrators to account, even for mass killings; a lack of public trust and confidence in the judicial institutions and State institutions more generally; high levels of resentment and grievances within and between communities; toxic ethno-religious narratives and “extremist” ideologies - characterised by dehumanization of the “others” and denial of the legitimacy of the others’ claims; a generalised break down of the rule of law, with particularly acute consequences for the most vulnerable and impoverished populations of Nigeria*”[[27]](#footnote-26).

From the foregoing, it is evident that women and children continue to endure series of violations and human right abuses from counter conflict responders and the government have turned a blind eye to their cries and humiliation.

| **Section C** |
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**Patterns of Attacks Faced by Women Activists / Human Rights Defenders**

**Introduction**

The 1999 Nigerian Constitution in its Chapter IV on fundamental human rights guarantees the rights of every Nigerian, which include the right to life, the right to dignity of a person, right to association, among others, aligned with the Universal Declaration of Human Rights Chapter II, Section 15.2 of the same, states that “accordingly, national integration shall be actively encouraged, whilst discrimination on the grounds of place of origin, sex, religion, status, ethnic or linguistic association or ties shall be prohibited.” Nigeria is a signatory to the African Charter on Human and Peoples’ Rights, which guarantees rights protection regardless of race, political or any other opinion, national or social origin, fortune, birth, and other status.

At the national level, the Violence against Persons Prohibition Act (VAPP) Act[[28]](#footnote-27) enacted in 2015 protects the rights of all Nigerians from all forms of violence against persons in **private** and **public** life, and provides maximum protection and effective remedies for victims and punishment for offenders.

On the flip side, the provision of the Penal Code applicable in the Northern part of Nigeria specifically encourages violence against women. The beating of a wife for the purpose of correction is legal by use of (Section 55 (1) (d) of the Penal Code). The Criminal Code applicable in Sothern part of Nigeria in its Section 353 stipulates that indecent assault of any man can attract 3 years’ punishment while under section 360 indecent assault of a woman or girl attracts 2 years’ punishment. The Nigerian legal system is such that laws that prohibit abuse of women differ from the Northern region to the Southern region. In the Northern region, 12 states have adopted the Islamic (Shariah) law. The Islamic law is only applicable to Muslims, while the non-Muslims are subjected to the federal criminal code applicable in the Southern region. The tripartite law systems create confusion and allow states to interpret laws to suit them. There is also interaction of laws and norms which negate the drawing of line between private and public spheres. Nigerian women have faced worst forms of injustice either through misapplication of laws that are supposed to protect them or over zealousness on the part of the implementers.

**Case Studies**

There have been women leaders, who took bold and difficult decisions to protect lives, sustain peace and stand for those whose rights had all but disappeared. In 2011, the Abuja Environmental Protection Board (AEPB) in partnership with other state actors were abducting women and girls and tagging them as ‘prostitutes’. In the process of this abduction, some of the women and girls were sexually and physically abused and slut shamed into silence. Dorothy Njemanze a human rights Activist and the Executive Director of Dorothy Njemanze Foundation heard of these abductions and started to investigate, as she investigated, she was abducted by the same task force which included the Abuja Environmental Protection Board (AEPB), Police, Army, Civil Defence and road safety; these abductions were done in partnership with Federal Society Against Prostitution and Child Labour in Nigeria (SAPCLAN).



The Abuja Environmental Protection Board was established for the enforcement of all environmental legislations and abatement of all forms of environmental degradation and nuisance. According to the law nuisance refers to wastes generated either solid, liquid and gas particulars. It is still not clear how this law applies to arrest and abuse of women; Following the abuse suffered in the hands of law enforcement officers, Dorothy Njemanze was determined to seek justice for herself and other women who could not speak up for themselves; she began digging deeper and found other women who had undergone one form of abuse or the other. She wrote petitions to the Ministry of Women Affairs, Human Rights Commission and the Federal Capital Territory Minister stating that these arrests were a violation of human rights. She was snubbed and further slut shamed but this did not deter her. With the help of African Women Development Fund, the case was reported to ECOWAS court.

The ECOWAS court delivered judgement in favour of Dorothy Njemanze and 3 others

The ECOWAS Court on the 12th of October 2017, delivered a landmark judgment in the case between Dorothy Njemanze and 3 others v The Federal Republic of Nigeria. The case centred on the violent, cruel, inhuman, degrading and discriminatory treatment the Plaintiffs suffered at the hands of law enforcement agents in Abuja Nigeria. Dorothy has been known to speak up against abuse and violence against women and girls, including being in the fore-front of protests and actions that challenge injustice.

While some women when attacked or cyber bullied withdraw, some are relentless in their quest for justice. In 2015 400 school girls were abducted. Obiageli Ezekwesili and other activists through the formation of #bringbackourgirls movement fought for their release. Their efforts paved way for the release of some of the girls. While Obiageli who was a former Minister for Education also known as ‘Madam due process’ has been accused of seeking attention and possible position in the government, this has not deterred her as she remains resolute in her demand for the realisation of the rights of women and girls in Nigeria.



*Culled from Guardian August 2, 2018*

In October 2020 public protests against repression and abuse by Special anti-robbery squad (SARS) poured into the streets from Lagos to Abuja, Cross River to Kaduna, Benue to Imo state, Imo state to Enugu. Ayisha Yesufu at the risk of her own safety joined the movement demanding social justice. She has been described as a ‘bad Muslim’ because of her actions and demand for the rule of law. A Muslim man put up an iconic photo of Aisha Yesufu protesting with other end SARS protesters and marked red X, condemning her for her activism.

He stated that her action is un-Islamic and dissociated her actions from Islam. He wrote on the photo: "*Don't be deceived by the hijab-wearing revolutionary. Islam is free from her actions."*



*Picture source: lindaikejiblog*

#ENDSARS was a decentralised movement established to end police brutality. It called for disbanding of the Special anti-robbery squad (SARS) a notorious unit of the Nigeria police with a long record of abuses. The pattern of assembling policing forces to protect government over the people, to prey on local communities and suppress dissent has been in existence and continued well into the 20st century; the Aba Women’s War of 1929 is one to remember.



Culled from the Guardian October 11 and 12, 2020 Peaceful protesters during the #ENDSARS movement

Kiki Mordi is a Nigerian journalist, media personality, filmmaker and writer. She is currently a BBC Africa Eye reporter and the head of presenting with WFM 91.7. On 7 October 2019, Mordi and her team at the BBC Africa Eye released a 13-minute Sex for Grades documentary exposing sexual harassment of students by lecturers in University of Lagos and University of Ghana. Mordi, who was disguised as a 17-year-old admission seeker in the video, stated that it took her team nine months to complete the investigation. In an interview with Sahara Reporters, Mordi revealed that she has received subtle threats since concluding the investigation. The challenges faced by women and threat to their life even while in the course of justice poses a challenge to their mental well-being. Her doggedness yielded positive results for women and girls as the Nigerian Senate passed the anti-sexual harassment bill on 9 July 2020, while proposing up to 14 years jail term for offenders.

Arbitrary arrests of Nigerian citizens are gaining ground and were a common feature during the #ENDSARS movement. There is also unlawful charging of citizens by police and other law enforcement agencies. An 18-year-old girl, Kemisola Oguniyi was arrested during the #ENDSARS protest and gave birth in prison custody in Ondo State. She was later alleged to be part of those who set Alliance Peoples’ Congress (APC) Secretariat in Akure on fire during the #EndSARS protest that took place in October 2020. Oguniyi and three others, Ayodele Bukunmi, Ojo Samuel, and Ani Obinna, were remanded in prison custody during the protest. It took the intervention of activist before she and her son were released.



*Culled from This Day newspaper June 18, 2021 Ms. Ogunniyi and her baby delivered in prison custody.*

Modupe Odele alongside the Feminist Coalition helped arrange legal defence for #ENDSARs movement protesters which was a nationwide protest calling for an end to decade of police brutality and extra judicial killings. Shortly after as she planned to travel out she was stopped from flying and her passport taken. Sharing this on twitter she said:

*“I was stopped and my passport taken, some minutes before boarding the flight. No reason was given, other than “you are under investigation.”*

*“Holding on to my passport without giving me any reason for it is a breach of my constitutional right. I’ve not been informed of any investigation against me, I’m not running. I am here. Investigate. Ask me questions but do not continue to hold on to my passport with no reasons,”* Odele shared on Twitter.

The seizure of Odele’s passport arrived amid claims that the federal government had compiled a no-fly list which had names of young people who had provided some form of logistic or other support during the protests.

On November 5, with Odele repeatedly tweeting that she had not been handed back her passport and that no one had given her a reason for the seizure, the Nigeria Immigration Service (NIS) said it did not seize Odele’s passport because of her #EndSARS activities, but because it was enforcing a restriction order. It was never established who issued the restriction order. (Pulse news)

*Many women’s human rights defenders interviewed spoke about the challenges of carrying out their work in a highly patriarchal society;*

*According to Bose Ironsi the Executive Director of Women’s Rights and Health Project (WRAHP)– there is no name we have not been called. Some of us are said to be the ones controlling our husbands, others say that we are bad women and must be watched to ensure we do not influence other women. They often say to us that women who engage in protests or organise other women to challenge government actions are a negative influence on other women.’*

*According to Mufuliat Fijabi the Chief Executive Officer at Nigerian Women Trust Fund, women’s work and activism is not appreciated – some think women are just making noise. Our actions as female activists are not recognised and we are often dismissed as trouble makers.’*

*The results from the focus group discussions held in the 6 geo-political zone paint sad pictures of how society treats and sees the role of women; on the question of how government seeks to silence women through its various agencies, we recorded the following responses:*

Adek Bassey, Adamawa, “we work directly with women and girls in the IDP camps and every day we see fear in their eyes. Fear of not being able to make decisions for themselves. Even as women’s rights defenders our lives are not safe because we have heard people question our work and sometimes we hide in shadows. ‘’

Simisoluwa Awe, Ekiti, 23, “women are the higher receivers of insecurity and all forms of violence. In Ekiti, we have systems that are in place to end gender-based violence and we still see the difference in numbers of men and women that are impacted by insecurity. Men are the major perpetrators of violence and insecurity.”

On the question of whether they have faced abuse, sexual violence, slut shaming and cyber bullying, we recorded the following responses:

Tawakalit Kareem, Lagos, “One time, a young man called me Ashawo - prostitute - on social media (Twitter) because I condemned a situation where a boy and girl were punished in very despairing ways for same offense committed’

Sarbyen Sheni, Plateau, “I use my social media to do a lot of calling out and I would not say I have been harassed because insult doesn’t kill anybody. During the #ENDSARS protest there was fear of being locked up and your bank account suspended and I know a few persons that it happened to but it didn’t happen to me.”

Kofoworola Bello, Rivers State, “I was cat-called and harassed on my way from the airport and the sad thing about this was that police was around the area and the ignored the scenario despite my efforts to get their attention”

Juliet Nwobodo, Kano, “I speak about gender-based violence on the social media. One time I asked my younger sister to speak about child marriage and I got a lot of negative comments from Hausa men and I had to turn off the notifications on the post.”

Maymunah Abdulrahman, Kogi , “I was in a gathering and I started commenting about how sexual violence is an epidemic and I was silenced by the men.”

Faith Onu, Ebonyi, “my friend was touched in public by men because of what she wore and at the cause of defending her, I was also beaten and people kept looking.”

In appraising government effort at ending insecurity in Nigeria and the role women play our respondents have this to say:

Wemimo “I think that generally the efforts to counter terrorism by the government is very poor. There has been no shown thought specifically at women and girls and vulnerable groups in attempts to end insecurity”.

Adek Bassey, Adamawa, “we need urgent solutions from the government and we need them to be gender-specific because the ones we have currently are not”

Tawakalit, Lagos, “when it comes to tackling insecurity, we need to tell our duty-bearers that this matter is serious and it affects women and girls’ lives.”

Monsurat Kolawole, Lagos state, 16, “I think the government should review the laws enacted on gender equality/sexual harassment. Also more provision should be made for their empowerment”

Olaniyan Monsurat, Oyo, “I don’t think government’s effort to tackle insecurity have any gender specific impact on women and girls”

Elizabeth Ogayemi, Ogun, 23, “unfortunately the systems available to counter terrorism and insecurity are not even functioning. We have laws and we are not really implementing those laws.

Simisola Awe, Ekiti, 23, “I think the issue is that the government is not seeing insecurity from a gender lens.”

Sarbyen Sheni, Plateau, “I will say a lot of government interventions are not gender-mainstreamed. Women and girls are prioritized more in CSO interventions because when you look at the national interventions on insecurity, women are not prioritized.”

Khalifa Amad, Jigawa, “No, the government has failed in this regard. Here in Jigawa, we have several cases in our court but mostly ended in judgment against survivors. The governments effort is not yielding positive result.”

Some of their recommendations are captured below:

Adek Bassey, Adamawa, “there are laws like the VAPP Act but the implementation is low”

Amina Haruna, Kaduna, “for states that have domesticated the VAPP Act we need to push for implementation and for states that are yet to domesticate the VAPP Act should do so”

Nimisire Emitomo, Abuja, “I think these laws need to be effected. Unless all perpetrators are prosecuted in all states, then the laws are no doing what they are supposed to do.”

Simisola Awe, Ekiti, 23, “except for gender policies that have taken into cognizance conflicts and insecurity, there is no escape.

Sarbyen Sheni, Plateau, “security agencies need to be trained and have gender-responsive programs where women and girls are not seen as second-hand commodities or collateral damage but they are also prioritized during emergencies. The government should invest in building secured cities so that when perpetrators and Boko Harams are caught, they face full justice.”

Chidera Gift, FCT, “the government should improve the security system and train security personnel not to sweep gender-based cases under the carpet.”

| **Section D** |
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**What laws protect the rights and freedoms of women in conflict situations, war-torn zones or, offer safe spaces for women and children in danger in situations where national interest overrides certain freedoms? What gaps exist in these laws?**

Nigeria has ratified several international laws and treaties that protect the rights and freedoms of women and children trapped in conflict situations and war-torn zones in Nigeria, one of which is the International Humanitarian Law, also known as the law of armed conflict, which essentially seeks to “to protect people who are not or are no longer taking part in the hostilities, and to restrict the methods and means of warfare employed”.[[29]](#footnote-28) The Geneva Conventions of 1949 is a subset of international humanitarian laws which clearly state that women must be protected and cared for, even in conflict situations. Articles 12 of the First and Second Conventions, and Article 14 of the Third Geneva Convention state that “women shall be treated with all consideration (the regard) due to their sex”. Article 14 of the Third Convention further states that women “shall in all cases benefit by treatment as favourable as that granted to men”. Women are also accorded fundamental guarantees in Articles 75 and 4 of the Protocols Additional I and II to the Geneva Conventions of 12 August 1949. These protocols state that all persons (including women and children who do not take a direct part or have ceased to take part in hostilities) shall be treated humanely in all circumstances, without any adverse distinction based upon factors such as sex. Article 27 of the Fourth Convention and Article 76 of the Additional Protocol II also specify that women shall be protected against any attacks on their honour, in particular against rape, forced prostitution, and any other form of indecent assault. Essentially, women and children in armed conflict situations and war zones are fundamentally protected from violence to the life, health and physical or mental wellbeing, corporal punishments, taking of hostages, acts of terrorism, outrages upon personal dignity, slavery and slave trade in all forms, pillaging, and threats of violent acts (Article 4, Additional Protocol II). Children, particularly those who are under the age of fifteen, who are orphaned or separated from their parents as a result of the war or conflict, and those who cannot be adequately cared for by a near relative or friend, also have rights to protection, care, education, practice their religion and nutrition. They are also protected from recruitment into armed forces or groups, or taking part in hostilities (Articles 24, 50 & 89, 4th Convention; Article 77, Additional Protocol I; Article 4, Additional Protocol II) [[30]](#footnote-29),[[31]](#footnote-30).

Nigeria also adopted the United Nations Security Council Resolution 1325 and other related Resolutions on Women, Peace and Security (UNSCR 1820, 1888, 1889, 1960, 2106, 2122, 2242, 2467, and 2493) to protect the rights of women in war and conflict situations. These resolutions emphasize the need for women’s equal participation in conflict prevention, peacekeeping, resolution, and peacebuilding; condemn the use of sexual violence as weapons and tactics of war; call for the provision of multisectoral services to women affected by conflict; call for increased funding for gender-responsive training; emphasize the need for survivor-centred approaches; draw attention to the needs of women who bore children resulting from sexual violence in conflict; urge member states (including Nigeria) to promote all the rights of women; amongst others. [[32]](#footnote-31),[[33]](#footnote-32) The resolutions were further domesticated in the National Action Plan for the Implementation of UNSCR 1325 and Related Resolutions on Women, Peace and Security in Nigeria developed in 2013 and reviewed in 2017 by the Federal Ministry of Women Affairs and Social Development to ensure prevention of conflict and all forms of violence against women and girls, institute coping mechanisms and systems for averting and mitigating disasters; ensure the rights of women and girls are protected and promoted in conflict and peace and also to prosecute such rights violations; increase participation and engagement of women and inclusion of women’s interests in decision-making processes related to conflict prevention and peacebuilding; ensure specific relief and recovery needs of women and girls are met and women’s capacities to act as agents in crisis, recovery and post-conflict situations are reinforced; and ensure increase in the capacity and resources to coordinate, implement, monitor and report on women, peace and security plans and programmes.[[34]](#footnote-33),[[35]](#footnote-34)

The General Recommendation No. 30 on women in conflict prevention, conflict and post-conflict situations by the Committee on the Elimination of Discrimination against Women reiterate the obligations of States who ratified the Convention on the Elimination of Discrimination against Women to protect, respect and fulfil women’s human rights, even during international and non-international armed conflict, states of emergency, internal disturbances, situations of foreign occupation, protracted and low-intensity civil strife, political strife, ethnic and communal violence, suppression of mass uprisings, war against terrorism and organized crimes[[36]](#footnote-35) – some of which fit the bill with regards to the Boko Haram and the Islamic State in West Africa Province (ISWAP) crises in the North-West, East and Central; militancy in the South-South; Indigenous People of Biafra (IPOB) separatist agitations in the South-East; and the Oduduwa Republic separatist agitations in the South-West.

Article 11 of the Protocol to the African Charter on Human and Peoples Rights on the Rights of Women in Africa (2003) emphasize that State Parties ensure the protection of women who are not soldiers or fighters in the event of war. It also specifies protection for women who are asylum seekers and protects children under the age of eighteen from recruitment into armed forces or from taking direct parts in hostilities.[[37]](#footnote-36)

The Convention on the Rights of the Child ratified by Nigeria in 1991 is founded on the core principles of non-discrimination, devotion to the best interests of the child, their rights to life, survival and development, as well as respect for the views of the child. It sets the standards for healthcare, civil, legal, education and social services,[[38]](#footnote-37) and also specifies the rights of children in conflict situations, and obligations of the State to children in such situations. Article 38 and 39 enjoins States to respect and ensure respect of the International Humanitarian Laws relating to children in armed conflicts. States are expected to take measures to protect and care for children who are affected by armed conflict, and to promote their physical and psychological recovery and social reintegration into environments that fosters their health, self-respect, and dignity.[[39]](#footnote-38)

Locally, one of the National Gender Policy’s objectives on Gender, Peace and Conflict Management developed by the Federal Ministry of Women Affairs and Social Development in 2006 sought to protect women and children in conflict situations by ensuring that the government is transparent in dealing with the root causes of various injustices in Nigeria; ratifying the African Union and United Nations Conventions and Protocols on small arms and light weapons; promptly evacuate families from conflict zones; respecting the sanctity of residential areas during armed conflicts; and upholding respect for the laws of war during armed conflicts.[[40]](#footnote-39)

Nigerian women and children have the rights to life; dignity of human persons; personal liberty; freedom of thoughts, conscience and religion; freedom from discrimination as contained in Chapter IV of the 1999 Constitution of the Federal Republic of Nigeria. Although Article 47 provides exemptions to an individual’s rights to life and personal liberty in addressing situations that may exist during periods of emergency to a reasonably justifiable extent,[[41]](#footnote-40) the bulk of the laws, policies, recommendations and treaties in existence protect the rights and freedoms of women and children in conflict situations and war-torn areas.

However, major gaps exist in the domestication of these laws. By virtue of Article 13(1) of the 1999 Constitution, “No treaty between the Federation and any other country shall have the force of law except to the extent to which any such treaty has been enacted into law by the National Assembly”. Balogun (n.d.) explained that “an international treaty despite its benefits, cannot be regarded as a source of domestic law nor binding unless and until such has been transformed i.e. enacted in law by the National Assembly in accordance with the [aforementioned] provision”.[[42]](#footnote-41) Of the aforementioned international treaties, only the Geneva Conventions, United Nations Security Council Resolutions and Convention on the Rights of the Child have been domesticated into the Geneva Conventions Act 1960, National Action Plan for the Implementation of UNSCR 1325 and Related Resolutions on Women, Peace and Security in Nigeria 2017-2020, and the Child Rights Act 2003 respectively. Although Nigeria ratifies a ton of these laws, there is a gaping hole when it comes to follow through. The unenforceability of these treaties in courts of law invalidate the points of their existence and make them ineffective in regard to implementation in Nigeria.

Enforcing and implementing these laws in Nigeria are also major obstacles to ensuring the rights and freedoms of women and children in conflict situations and war-torn zones. A case in point is the ineffectiveness of the implementation of the Geneva Conventions to the Boko Haram/ISWAP crises in Nigeria’s North-East, West, and Central. Women and children have been subjected to sexual violence, sex slavery, kidnapping, educational deprivation, pillaging, food insecurity, and other acts of terrorism. In 2018, Amnesty International documented cases of thousands of women who were raped and sexually assaulted by Boko Haram members, soldiers, and Civilian Joint Task Force members in satellite and internally displaced persons camps in North-East Nigeria.[[43]](#footnote-42) Women and children have also been directly involved in armed conflict by the terrorist organisations. The United Nations Children’s Fund reported that non-state armed groups in North-East Nigeria have recruited and used more than 3,500 children as combatants and non-combatants between 2012 and 2017. Children also being used as person-borne explosive devices (PBED) in suicide attacks by these armed groups have also seen significant increase, as 199 children were recorded to have been used in the same way between 2017 and 2019. [[44]](#footnote-43) It is disheartening to note that the lives, health, and wellbeing of women and children are not prioritized in Nigeria.

| **Section E** |
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**Cultural Norms, Religious and Patriarchal Narratives that Stifle the Expressive Rights of Women and Reinforce Gender- Based Violence Against Women Activists/Human Rights Defenders in Nigeria**

**Introduction**

Several cultural, religious and patriarchal norms and narratives stifle the rights of women and directly reinforce gender-based violence against women activists’/human rights defenders in Nigeria, one of which is gender discrimination. The patriarchal systems that reinforce the society’s cultures, religions and traditions blatantly discriminate against women in different dimensions. Women are discriminated against in their homes, politics, places of worship, educational institutions, and workplaces, to mention a few. Odiaka (2017) explained that “At home, they are not considered equal partners when making decisions, even if they are expected to make substantial financial contributions to the household. Women are rarely considered for leadership positions of social institutions that include men. Political life in Nigeria is based on male norms and values, and men determine the standards for political participation and the rules that govern the electoral process, greatly limiting women’s participation in politics.”[[45]](#footnote-44) Women are expected to be subservient, incapable of rational and transformative thoughts, and essentially “seen but not heard”. Women are also subjected to traditional and/or religious practices such as “widowhood practices, wife inheritance, female genital mutilation, male child preferences, malnutrition and lack of access to food and other stereotype beliefs in male and female child upbringing and education.” (Igbuzor, 2009 as cited in Kangiwa, 2015, 756)[[46]](#footnote-45)

Gender discrimination also reflects in the provisions of certain laws operational in Nigeria. Section 55(1) of the Labour Act (Cap L1 LFN 2004) prohibits a woman from being employed on night work in a public or any agricultural undertaking and Section 56(1) prevents women from engaging in any underground work in any mine. Section 282 and 385 of the Penal and Criminal Codes respectively provide that a husband cannot be charged with marital rape. Section 353 provides that a person who unlawfully and indecently assaults a man is guilty of a felony and liable to imprisonment for three years, as opposed to two years stipulated in Section 360 if the person assaulted is a woman.[[47]](#footnote-46)As “harmless” as these laws may seem, they have far-reaching consequences on the autonomy, choices, and fundamental rights of women as enshrined in the 1999 Constitution of Nigeria.

Women’s rights are also stifled by cultural, religious and patriarchal norms that contribute to their experiences of sexual and gender-based violence. Four themes were identified by Ajayi et al. (2021): male privilege defined by gender roles and expectations ascribed through socialization processes that foster gender inequality, internalized gendered beliefs of superiority and deserved submission, unequal power dynamics in intimate relationships, marital obligations of childbearing, and the collective acceptance of gendered roles; Religious notions that reinforce male superiority, unequal gender attitudes and social interactions, commitment to marriage as a means of discouraging divorce, passivity and compliance with religious tenets; Rape myths such as it being the survivors fault for being raped, women lying about rape to get attention, women provoking men to rape them, and men being unable to control sexual urges; and Bride-price and the associated practice of libation that rap women in abusive marriages.[[48]](#footnote-47) van Veen et al. (2018) also identified four negative social norms that perpetuate violence against women: A respectable woman marries early, a respectable woman is submissive to male authority, a suitable woman is not promiscuous, and a woman is worth more as a wife than as a daughter. [[49]](#footnote-48)

Women activists/human rights defenders are particularly vulnerable to sexual and gender-based violence attacks due to the nature of their work. In their stance for upholding the human rights and freedoms of women, they challenge social norms and actively work towards breaking the silence around all forms of violations, pushing for societal and legal reforms, dismantling patriarchy and other forms of social, cultural, political, economic and religious limitations, as well as the emancipation of women from their abusers. These women human rights defenders face “additional gender-specific threats and violence, in both and private spheres, such as gendered verbal abuse (online and offline), sexual harassment, rape and sexual values. [These] attacks often focus on their reputation and/or their sexuality as non-conforming with dominant stereotypes of “appropriate” behaviour by women and men, including certain conservative narratives that relegate a woman’s role to the family and procreation” (OHCHR, 2020).[[50]](#footnote-49)

Attacks on women activists/human rights defenders usually intensify when they work to “disrupt power relations, and challenge traditional ideas of family and gender roles, sexuality, and identities, [and they are] most at risk of physical and verbal attacks, criminalization, stigmatization and ostracism that comes from several sectors of society, ranging from the state to their own communities and families.” They are at heightened risks of experiencing verbal abuse and harassment, gendered physical attacks, such as femicides (the killing of women because they are women), acid attacks, rape and other forms of sexual attacks, and become targets of hate speech based on misogyny, homophobia, transphobia and racism. (Amnesty International, 2019)[[51]](#footnote-50)

Front Line Defenders (2019) exemplified the case of a woman human rights defender in Nigeria who had experienced smear campaigns, physical attacks and cultural exclusion multiple times throughout her career, stating that “As she prepared to get married last year [2018], community members tried to persuade her partner not to marry her, insisting that women like her do not stay in marriages long.”[[52]](#footnote-51) Front Line Defenders recorded that at least 331 human rights defenders were killed in 2020, 96 of which were women human rights defenders.[[53]](#footnote-52) A report by Mary Lawlor, the Special Rapporteur on the situation on human rights defenders, stated that the Office of the High Commissioner on Human Rights recorded the killings of 166 women human rights defenders between 2015 and 2019. She also exemplified cases of Fátima Mimbire, a woman human rights defender in Mozambique, who received intimidating messages and death threats on social media; Clara Devisis a trans woman human rights defender working in the area of sex-worker rights in the United Republic of Tanzania whose house guests (who were members of the LGBTQIAA community) were brutally assaulted and raped in an attack stages for her; and Lodya Remon Albarti, a defender working with the Al-Firdaws association to promote the rights of women and youth in Iraq, who was the victim of defamation campaigns and assassination attempts.[[54]](#footnote-53)

These attacks and setback massively contribute to the shrinking space for women human rights movements across the world, and in Nigeria.

From the FGDs women’s rights defenders shared some of the common cultural and patriarchal expressions:

Olaniyan Halimat, Oyo, “there is always a reminder that women will eventually marry and so we should not aspire to be too much.”

Juliet Nwobodo, Kano, “women are not supposed to aspire for positions, they belong to the home and kitchen.”

Elizabeth Ogayemi, Ogun, 23, “women are tagged as weaker beings and when a woman reports a rape case she is victim-blamed. When women are beaten by their husbands they see it as a normal thing to be beaten by your husband.”

Oluwadamililola Akintewe, Ondo, “in my university it is almost normalized for women to be sexually harassed like touching, grabbing and all of those things and even outside the university walls, sexual harassment is normalized and if you complain you will hear statements like ‘you should expect this as a fine woman’.

Grace Gara, Niger “women are expected to be seen and not heard.” Women are expected to be silent and not be involved in decision-making processes even when it affects their sexual and reproductive health”

**Chapter 3**

| **Conclusion and Recommendations** |
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**Recommendations for mainstreaming gendered approach in counter-terrorism initiatives and programs to optimise efficiency and decrease unintended consequences**

The long term failure of military operations to annihilate Boko haram, Niger Delta militancy and currently the secessionist’s agitations is a pointer to the fact that military operations can never solve conflict unless the root causes are tackled. Repressive governments are basically averse to dissenting voices and shrinking civic space portends great danger to democratic tenets and legitimation crisis of elected government as has been seen in Nigeria. Also gender neutral response to conflicts exacerbates the already bad situation of women in conflict situations. It is therefore suggested that the government leaves politics and all the ethno-religious conflicts aside and tackle the lingering crisis in Nigeria because no peace will be achieved in the current scenario.

Leadership and governance requires systemic engagement of everyone, putting value on and respecting voices of civil society. It is a constitutional right of all citizens to engage in peaceful protests. We must demand it, we must claim it and we must organise and ensure that women’s voices, girls voices and human rights defenders is woven into government operations.

**Recommendations**

*For Government*

Nigeria is currently undergoing Constitutional review. The country must seize the opportunity to ensure that the Constitution captures the aspiration of all members of the country; it must include full protection for human rights and women’s rights; reform of repressive laws and institution and provisions in the Criminal and Penal code laws that discriminate against women.

Nigeria and its government agencies should allow civil society including female human rights defenders to engage in peaceful demonstrations, public action and discourse. The various government agencies vested with power to protect citizens should stop targeting activists and end all abuses including sexual and gender based violence and hold perpetrators of violence against women to account and serve penalties for any abuse(s) recorded against them.

Government and its agencies should address the longstanding obstacles to justice for victims of rape and other sexual violence during civic actions and cases reported in the IDP camps.

They should ensure that all persons currently being held unlawfully for participating in peaceful protest are released, women who are held unlawfully in cells and their rights violated should be compensated and those who have gotten judgment from various courts should be paid for cases won against their violators.

The government should ensure that the security of the girl child especially minors is protected during investigations.

The government should bring to an end all forms of censorship on media and media houses, social media spaces, end arrest and snooping on social media spaces of women advocates and promote freedom of speech and assembly.

Government should reform or repeal laws that unfairly represent women such as the portions of the Penal Code whose Section 55 allow wife beating, the Criminal Code whose Section prescribe different punishment for men and women. These laws violate human rights standards and must be discarded.

Government should domesticate laws such as the Convention on the Elimination of all forms of discrimination against women, ensure the full implementation of the Protocol to the African Charter on Human and Peoples rights, the VAPP Act, resolution 1325, the Child Rights Act and other policies and frameworks that support the rights of women and girls.

*For Civil Society organisations*

Civil society organisations/groups/networks should coordinate support for women and girls and other human rights defenders at risk, and help them to obtain legal, medical and psycho-social services when needed. International donors should help these efforts by building capacity of human right defenders to protect themselves, especially those living in conflict zones where they have little access to protection or legal or medical services.

Civil society organisations should deliberately include media in their networks and constantly encourage media to work as partners and not as adversaries.

*For Funders / Technical Supporters*

The United Nations and African Union rapporteurs on human rights defenders should undertake visits to investigate and report on patterns of abuse against women/girls and women human rights defenders. They should conduct thorough investigation on allegations of sexual violence by state and non-state actors against women arrested and detained for various offenses and women in IDP camps.

*For Media*

Media insensitivity and reportage has contributed to the abuse and injustice women and girls face. Media should therefore make deliberate effort to end sensationalising women’s issues and reports facts.

Media also has a responsibility and duty to report accurately on acts of violence against women and girls

Media must end the use of women’s bodies as objects to sell products but focus on highlighting injustices meted out on women during the course of their activism

Media must refrain from reinforcing and normalising the idea that masculinity and male dominance is superior; this impacts women negatively and promotes social norms that impede the respect of women’s rights.

*For Religious and Traditional Leaders*

Religious leaders have a critical role to play towards ensuring that women’s rights are upheld in society. They should

* Partner with grassroots civil society organizations to respond to sexual and gender based violence cases and establish structures within their communities to end violence against women and girls.
* Take the lead in ending harmful practices and norms that affect women and girls such as harmful widowhood practices, female genital mutilation (FGM), and forced/early child marriage in their communities.
* Ensure and encourage meaningful participation of women in decision-making mechanisms and leadership positions in their palaces.

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