



# INSECURE

Displacement and Human  
Rights in Borno, Nigeria





**SOCIALACTION**  
SOCIAL DEVELOPMENT INTEGRATED CENTRE

# INSECURE:

## DISPLACEMENT AND HUMAN RIGHTS IN BORNO, NIGERIA

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# GLOSSARY

Boko Haram - The common name for a jihadist terrorist organisation based in Northeastern Nigeria, which was originally called, Jama'atu Ahlis Sunna Lidda'awati wal-Jihad. A later faction of this group calls itself the Islamic State's West Africa Province (ISWAP)

IDP - Internally displaced person(s) or groups of people who have been forced to flee their homes and communities, as a result of armed conflict or other forms of violence, human rights abuses and natural or man-made disasters.

CEDAW - Elimination of All Forms of Discrimination Against Women

IHL - International Humanitarian Law.

ISWAP- Islamic State's West Africa Province

JAS- Jama'atu Ahlis Sunna Lidda'awati wal-Jihad

ICESCR - Covenant of Economic, Social and Cultural Rights

LGA - A Local Government Area (LGA) is a local administrative structure in Nigeria. There are 27 LGAs that make up Borno state.

Sharia Law – Sharia law is the Islamic which lays down rules regulating the life of a person of Muslim faith in relation to worship, ritual, conduct, as well as legal matters such as contracts, marriage, inheritance and divorce.

OCHA - UN Office for the Coordination of Humanitarian Affairs

UNICEF - United Nations Children's Fund

NCDC -: Nigeria Centre for Disease Control

PLWD - People Living with Disability

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# 1

## INTRODUCTION

Ongoing violence and conflict are at the core of some of the vilest human rights violations all over the world. The consequences of violence have been catastrophic globally, with millions of people losing their lives, and millions of others forced to flee their homes, communities or countries. Armed conflicts and other related violent crisis take a heavy toll on citizens who suffer devastating effects of the attendant fragility, which limits their internationally-recognised rights. Perpetrators of violence and conflict have increasingly and devastatingly targeted civilian populations around the world, many of whom are women and children. Violent conflicts result in the destruction of infrastructures, such as schools and health clinics.

In Nigeria, the security situation in the Northeast has continued to be precarious, volatile and highly unpredictable since 2009 following the violent campaigns of the Jamā'at Ahl as-Sunnah lid-Da'wah wa'l-Jihād, the armed group, commonly referred to as Boko Haram.<sup>1</sup> After some periods when the Nigerian military seemed to gain some

<sup>1</sup> Following the summary execution of its leader Mohammed Yusuf in July 2009, Boko Haram resurgence was accompanied by increasingly sophisticated attacks, initially against soft targets, but progressing in 2011 to include suicide bombings of police buildings and the United Nations office in Abuja.



Displaced women in Borno IDP camp

advances against the group, from there has been a resurgence of violence, especially since 2019. The protracted violent conflict has continued to have a significant impact on the civilian population in the region. Millions of people, who fled their homes during the height of the war in 2015, are now in their fifth year of displacement.

According to the United Nations Children's Fund (UNICEF), there are about 1.9 million displaced citizens in Northeast Nigeria.<sup>2</sup> These are the most impoverished people who live in makeshift shelters with little or no access to food, clean water,

<sup>2</sup> UNICEF (May 2020) Press Released: 19 million children internally displaced by conflict and violence in 2019 is highest number ever, says UNICEF <https://www.unicef.org/nigeria/press-releases/19-million-children-internally-displaced-conflict-and-violence-2019-highest-number>





healthcare and education.<sup>3</sup> Returnees who arrive exhausted from torturous journeys and months of life-threatening restrictions, with absolutely nothing but the clothes they have on, are compelled to endure further hardship in the camp where they face hunger, rape and an uncertain future for their children. Women have been affected in disproportionate and gender-specific ways, and continue to face ongoing discrimination and violence. The continued aggravated situation in the Northeast region has resulted in one of the world's most complex humanitarian crises which mostly impacted women and girls who suffer all forms of violence and rights violations. The conflict

and displacement have given rise to new forms of violence that mainly affect young girls because of the intersectionality of age and gender, including the exacerbated risk factors that come with violent conflict. In 2014, over 200 girls were kidnapped in Chibok, Borno State and in 2018, over 100 girls were abducted in Dapchi, Yobe State by members of the Boko Haram group. However, as of 2015, it was estimated that Boko Haram has kidnapped over 2,000 girls at different times since the start of 2011.<sup>4</sup>

<sup>4</sup> Amnesty International (April 2015) Nigeria: Abducted women and girls forced to join Boko Haram attacks <https://www.amnesty.org/en/latest/news/2015/04/nigeria-abducted-women-and-girls-forced-to-join-boko-haram-attacks/>

In 2016, Amnesty International reported that there were 41 abductions<sup>5</sup> with fewer media publicity. As of April 2017, it further reported that “Boko Haram has continued to abduct women, girls and young men who are subjected to horrific abuses including rape and being forced into suicide bombing mission”<sup>6</sup>. Most of these incidents are never reported by the media. Girls kidnapped by Boko Haram are subjected to forced marriage, rape and sexual slavery, while many others who are displaced and living in camps are subjected to sexual abuse by members of State security forces. According to Plan International, “Girls who have experienced sexual assault, or who return to their communities after escaping capture, often with children, face stigma and exclusion, including by their peers. Such girls and their children are amongst the most vulnerable, often ending up as female-headed households lacking viable livelihoods and unable or unwilling to access Sexual and Reproductive Health and Right (SRHR) services”<sup>7</sup>.

This report examines the current human rights situation in Borno State especially as it relates to the conditions of displaced women and children who fled rural towns and villages in Borno State

as the conflict between the Nigerian military and Boko Haram insurgents, intensified. It also examines the lockdown measures imposed by the government to curtail the spread of the COVID-19 pandemic in 2020, which inadvertently led to

a surge in rights violations and abuses, as well as deprivation amongst the displaced persons. The report in the context of the scope of studies carried out, proposes some recommendations that may serve as a roadmap for addressing issues of rights violation and abuses among internally displaced persons (IDP) in Borno State. First-hand testimonies that describe the appalling conditions in the nine IDP camps in Borno state were documented. Social Action volunteers surveyed 600 women and interviewed 60 women, 20 aid workers and 10 security personnel, over a one-year period spanning July, 2019 to June 2020. Scores of reports gotten from newspapers and NGOs having in-depth knowledge of the region, video evidence and pictures, were also reviewed, in the production of this report.

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5 Amnesty International (April 2017) Nigeria: Chibok anniversary a chilling reminder of Boko Haram's ongoing scourge of abductions. <https://www.amnesty.org/en/latest/news/2017/04/nigeria-chibok-anniversary-a-chilling-reminder-of-boko-harams-ongoing-scurge-of-abductions/>

6 Ibid

7 Plan International (February 2017) High Level Conference on Lake Chad Region [https://www.humanitarianresponse.info/sites/www.humanitarianresponse.info/files/documents/files/plan\\_international\\_advocacy\\_messages\\_hl\\_conference\\_on\\_lake\\_chad\\_sept18.pdf](https://www.humanitarianresponse.info/sites/www.humanitarianresponse.info/files/documents/files/plan_international_advocacy_messages_hl_conference_on_lake_chad_sept18.pdf)

# 2

## METHODOLOGY

This report is focused on the human rights situation in Borno state with an emphasis on women and children in seven Internally displaced persons (IDP) camps namely, Doron Baga, Bakassi, EYN, NYSC, Shuwari 5 Camp, Ajajiri and Dalori camps. It takes a look at the living conditions at the camps and the plight of vulnerable women and children, after being forced to flee their towns as a result of intensified fighting, following military operations



Focus Group Discussion with IDP women in NYSC Camp



from mid-2015. Covering the period between August 2019 and July 2020, the report also focuses on the level of human rights violations and abuses on women and children in these camps. In researching for this project, Social Action trained a total of 30 volunteers selected from the seven IDP camps in focus.. These volunteers monitored and reported cases of human rights violations in their camps for a period of one year. Social Action volunteers also administered a total number of 600 questionnaires, conducted over 60 in-depth, private interviews with women and children in the seven IDP camps for this report. Respondents are both men and women between the ages of 18- 52.

The questionnaires used were developed by Social Action's consultants and included questions on family composition, shelter, human rights, livelihoods, displacement, health, welfare, security and protection. Interviews were conducted directly with several persons living in the IDP camps. Additional interviews were conducted by phone. Data collection was conducted for over ten days in July 2020 by Social Action's staff and volunteers.

Interviews and focus group discussions were employed by volunteers for data collection in the seven selected IDP camps, while data was analysed using the content analysis technique and SPSS.

“ . . . vulnerable women and children, after being forced to flee their towns as a result of intensified fighting, following military operations from mid-2015 ”

# 3

## LEGAL FRAMEWORK

Armed violence and conflicts have blighted the lives of many civilians, whilst also resulting in serious violation of international humanitarian and human rights laws. Often, when reference is made to international humanitarian law and international human rights law, they are mentioned in the context of armed violence and conflict and are both recognised by international and regional courts as well as United Nations organs because they offer series of protections to persons and victims of armed conflict. The international human rights law and the humanitarian law are therefore internally - recognised tools for the protection of the lives and dignity of individuals, prohibits torture or cruel treatment, prescribing rights for persons subjected to a criminal justice procedure, prohibiting discrimination and setting out provisions for the protection of women and children. In addition, humanitarian law deals with the conduct of hostilities, combatant and prisoner of war status.<sup>8</sup>

However, the main global human rights instrument that addresses the issues of displacement is the UN Guiding Principles on Internal Displacement,

<sup>8</sup> Icelandic Human Rights Centre (IHRC) Human Rights and Armed Conflict <https://www.humanrights.is/en/human-rights-education-project/human-rights-concepts-ideas-and-fora/human-rights-in-relation-to-other-topics/human-rights-and-armed-conflict>

a document setting out minimum standards for the protection of IDPs.<sup>9</sup> The UN Guiding principles structured to address four phases of displacement which include, protection against displacement; protection during displacement; the framework for humanitarian assistance; and protection during returns, local integration and resettlement.<sup>10</sup> Nevertheless, the principles, though not legally binding, draw heavily from international human rights treaties and humanitarian law and have been endorsed as an “important international framework for the protection of internally displaced persons” at key international fora.<sup>11</sup> The Guiding Principles provide guidance on both the guarantees that should be made available to prevent, alleviate and end internal displacement and on the standards that are relevant to the delivery of humanitarian assistance.<sup>12</sup>

Nigeria has ratified several international human rights treaties, including the International Covenant on Civil and Political Rights (ICCPR), the International Covenant of Economic, Social and Cultural Rights (ICESCR), and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), and is therefore bound by them. Nigeria is also bound by regional human rights instruments, including the African Charter on Human and People’s Rights, the Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa, and the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa

<sup>9</sup> UN, Guiding Principles on Internal Displacement, UN doc. E/CN.4/1998/53/Add.2 (1998)

<sup>10</sup> International Displacement Monitoring centre (IDMC) Guiding Principles on Internal Displacement <https://www.internal-displacement.org/internal-displacement/guiding-principles-on-internal-displacement#:~:>

<sup>11</sup> 2005 World Summit Outcome, U.N. Doc. A/60/L.1, para. 132; Human Rights Council Resolution 6/32 (2007), para. 5; General Assembly Resolution 62/153 (2008), para. 10.

<sup>12</sup> The Brookings Institution, “Protecting Internally Displaced Persons: A Manual for Law and Policymakers”, Brookings-Bern Project on Internal Displacement, October 2008, p. 4.

(the Kampala Convention). Moreover, the Nigerian government is required to comply with its own country's Constitution and all relevant domestic laws.

Nigeria is a Party to the African Union Convention for the Assistance and Protection of Internally Displaced Persons in Africa (the "Kampala Convention"),<sup>13</sup> So, it is the duty and responsibility of the Nigerian government to assist and protect IDPs in its territory,<sup>14</sup> and to seek support from humanitarian organisations where needed. It is also imperative that it integrates the Convention into the local legal framework and promote conditions for voluntary, dignifying, safe and durable solutions to issues of displacement.

While significant efforts have been invested by Nigerian authorities as well as local and international NGOs in developing a National IDP Policy,<sup>15</sup> the bill seeking to domesticate the convention, though finalised in 2012, is still pending at the National Assembly and has not been adopted.<sup>16</sup> As a result, there is no specific domestic legal framework for protection and assistance of IDPs in Nigeria, except that the Nigerian government had to rely on the Constitution and the operation of some of its agencies such as the National Emergency Management Authority (NEMA), National Commission for Refugees, Human Rights Commission, etc to support the activities of the government in addressing some of the protection needs of the IDPs on an ad hoc basis.<sup>17</sup> However, since the situation in Northeast Nigeria constitutes a non-international armed conflict, the international humanitarian law (IHL) which regulates non-international armed conflicts, therefore applies, and can serve as a veritable tool for protecting the rights of the IDPs. This includes Additional Protocol II to the Geneva Conventions, which Nigeria has ratified.

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<sup>13</sup> *African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa*, adopted on 22 October 2009 and entered into force on 6 December 2012. Nigeria signed the Convention on 22 October 2009 and ratified it on 17 April 2012.

<sup>14</sup> *Ibid.*, article 5(1).

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<sup>15</sup> Federal Republic of Nigeria (August 2012) National Policy on Internally Displaced Person(s) in Nigeria [https://www.refworld.org/pdf-id/5a7ae2324.pdf](https://www.refworld.org/pdf/id/5a7ae2324.pdf)

<sup>16</sup> Bagoni Alhaji Bukar, Univerisity of Maiduguri. Nigeria Needs to Take Responsibility for its IDPs <https://www.fmreview.org/sites/fmr/files/FMRdownloads/en/young-and-out-of-place/bukar.pdf>

<sup>17</sup> *Ibid.*

# 4

## HUMAN RIGHTS VIOLATION IN GLOBAL HUMANITARIAN CONTEXT

According to experts, climatic shocks, the unexpected spread of infectious disease, and the impact of protracted and intensifying conflicts have combined to drive the world's humanitarian needs to an unprecedented level in the last few years. Apart from the direct effects of fighting, bombing and other violence affecting people's physical safety and security, there is the political factor which means that conflicts are becoming more protracted and intense with non-state armed actors and state actors displaying growing disregard for international humanitarian law. People caught up in conflicts, suffer displacement, hunger, psychosocial trauma, and



IDPs in Bakassi IDP camp



loss of livelihoods, education facilities and health services.<sup>18</sup>

Another major factor is the ecological crisis resulting from climate change impacts, which includes protracted drought and other extreme weather events, such as flooding, that disproportionately affects already poor and vulnerable populations. According to the United Nations Office for the Coordination of Humanitarian Affairs (OCHA), there are 56 million people in need of humanitarian assistance in 12 of the 33 countries in, or at risk of, debt distress<sup>19</sup>

Nigeria is a country with a population of about 200 million (the largest in Africa). It is ranked as one of the strongest economies on the continent endowed with a large deposit of crude oil and other mineral resources. Despite the seemingly strong economy, Nigeria suffers from significant development disparities, including social and economic inequalities arising from a high rate of corruption at every level of the economic and administrative systems.<sup>20</sup>

According to a UNHCR report, as of October 2019, there were 2.7 million internally displaced persons (IDPs) in Northeast Nigeria,<sup>21</sup> and 7.1 million people were considered to be in a state of humanitarian emergency, as of November 2019.<sup>22</sup> The figure rose significantly to 10 million with the outbreak of the COVID-19 pandemic in the country in 2020.<sup>23</sup>

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18 UNOCHA (2020) Global Humanitarian Overview 2020 [https://www.unocha.org/sites/unocha/files/GHO-2020\\_v9.1.pdf](https://www.unocha.org/sites/unocha/files/GHO-2020_v9.1.pdf)

19 Ibid.

20 UNOCHA (November 2018) 2019 Humanitarian Needs Overview [https://reliefweb.int/sites/reliefweb.int/files/resources/01022019\\_ocha\\_nigeria\\_humanitarian\\_needs\\_overview.pdf](https://reliefweb.int/sites/reliefweb.int/files/resources/01022019_ocha_nigeria_humanitarian_needs_overview.pdf)

21 UNHCR (2018) Nigeria Emergency <https://www.unhcr.org/nigeria-emergency.html>

22 UNOCHA (November 2020) Nigeria Situation Report <https://reports.unocha.org/en/country/nigeria>

23 UNOCHA. About OCHA Nigeria <https://www.unocha.org/nigeria/about-ocha-nigeria>

Currently, millions of people in Northeastern Nigeria depend on humanitarian assistance for survival. The food security and nutrition situation remains fragile, with some 4.3 million people in need of food aid, 5 million people in need of health assistance, as the conflict has damaged two-thirds of the health facilities in the Northeast according to UN-OCHA situation report of August 2020.<sup>24</sup>

Years of conflict have seriously deteriorated living conditions in northeast Nigeria and depressed agricultural production, thereby exacerbating populations' critical needs for life-saving assistance. Some areas in Borno State remain accessible to humanitarian aid by the Nigerian government. According to OCHA, an estimated 1.2 million people are still in inaccessible or hard-to-reach areas, 81% (800,000) of whom are in Borno State<sup>25</sup>. About 55% of the displaced persons are children, and the number of women and child-headed households is increasing as the whereabouts of most males heads of households are unknown, while some have been killed or are afraid to return to their families. Sexual and Gender-Based Violence is prevalent (SGBV) among these most vulnerable people, and many have suffered the trauma of violent experiences.

As the hostilities between government troops and the insurgents intensify, there is a noticeable reduction in access to essential support and services, erosion of livelihoods and renewed attacks by armed groups against civilians and increase in internal displacement. This situation degenerated to the level of fragility in the affected states, as governments could not deliver core functions to the majority of the people as a result of weak

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24 Id.

25 Id.



administrative capacity and territorial reach, lack of state control over the use of violence, and lack of accountability to the populations, particularly the poor and marginalised people.<sup>26</sup> Therefore, human rights violations or denials are aggravated due to the failure of governments to fulfil their international human rights obligations to protect and promote the rights of the vulnerable people.

<sup>26</sup> GSDRC (2020) Rights, Conflict and Fragile States <https://gsdrc.org/topic-guides/human-rights/rights-conflict-and-fragile-states/>

# 5

## HUMAN RIGHTS SITUATION IN BORNO IDP CAMPS

Between 2019 and 2020, Boko Haram and the security forces continued to commit gross human rights abuses and serious violations of international humanitarian law resulting in ongoing casualties and further destruction of property in Borno communities. The development has led to further military and civilian casualties as well as more displacement among communities in Borno state. There were noticeable insecurity and tensions among Borno residents, and between displaced people in IDP camps and host communities, There were several reports and allegations of rape and child trafficking in camps for displaced persons.<sup>27</sup>The past few years have seen a rising concern over the spate of rape and related sexual violence on female IDP in camps, as well as those living outside the camps. Hamsatu Allamin, the Chief Executive of the Allamin Foundation, a strong voice on issues of abuse in Maiduguri, noted that:

<sup>27</sup> Anita Eboigbe (September 2020) Hungry and Abuse: The Burden of Displaced Women North East Nigeria. Published by HumAngle <https://humangle.ng/hungry-and-abused-the-burdens-of-displaced-women-in-north-east-nigeria/>



Displaced family in camp

“Females, especially under-age girls, are being violated by both inmates of the camps, officials and security personnel.”innocent girls are forced to have sex either for the satisfaction of the males, or in exchange for ration tickets, or for a chance to be allowed to go outside the camp to fend for themselves. We have lost count of girls who were raped and left pregnant with no one to cater to them and their babies because they have been orphaned by the insurgency. In many cases, camp officials and security personnel are





often fingered as perpetrators.”<sup>28</sup>

The media is filled with reports of allegations, that government officials and other authorities have raped and sexually exploited women and girls displaced by the Boko Haram conflict.<sup>29</sup> In 2016, Human Rights Watch noted the prevalence of sexual

<sup>28</sup> Abdulkareem Haruna (March 2020) Police inspector arrested for allegedly raping two minors  
<https://www.premiumtimesng.com/news/headlines/380810-police-inspector-arrested-for-allegedly-raping-two-minors.html>

<sup>29</sup> Human Rights Watch (October 2016) Nigeria: Officials Abusing Displaced Women, Girls Displaced By Boko Haram and Victims Twice Over  
<https://www.hrw.org/news/2016/10/31/nigeria-officials-abusing-displaced-women-girls>

abuse, particularly rape and exploitation among internally displaced persons by people who should protect them. The report noted that many of the victims documented were drugged and raped while a good number of them confirmed that they were coerced into sex through false marriage promises and material financial assistance.<sup>30</sup> The story of Inna, a 13-year-old internally displaced girl in Bama, who was brutally raped by a soldier and left to die painted a vivid picture of what IDP women and girls suffer in the hands of some security personnel in the region. Although justice was served, as the

<sup>30</sup> Ibid.

perpetrator was prosecuted and sentenced to jail, no compensation or psychological support was given to the young girl. She was eventually given out in marriage at age 15 by her parent who could not support her living.<sup>31</sup> Such was the ordeal of many displaced women and girls in various IDP camps across the states.

In fact, Mrs Lucy Yanana, the Executive Director of Women In the New Nigeria and Youth Empowerment Initiative, noted during the validation meeting held in Maiduguri that “There is no day that passes we don’t receive a case of rape of children – some even developed complications and died”. She further noted:

Rape of minors, by reckless paedophiles, has been an everyday thing here in Borno State, especially in Maiduguri. In most cases, victims and their parents are muzzled from speaking out. Others are forced to suffer in silence because they fear the stigma.. The victims are mostly financially or educationally disadvantaged.”<sup>32</sup>

The prevalence of sexual violence among IDPs is a pointer to the fact that conflict breeds fragility and fragility in turn breeds violence and rights violations. This is clearly evidenced in the conflict and fragile state of Borno and particularly amongst IDPs.

## Sexual Violence

Sexual violence, including rape, is one of the most significant aspects of discriminatory violence against women in Nigeria, especially in the context of the ongoing violence in Northeast Nigeria. Rape

<sup>31</sup> Abdulkareem Haruna (October 2020) Dilemma Of Teenage Girl: Brutally Raped At 13, Married Off Before Her 15th Birthday <https://www.thetimesnews.com/blog/dilemma-of-teenage-girl-brutally-raped-at-13-married-off-before-her>

<sup>32</sup> Abdulkareem Haruna (March 2020) Police Inspector Arrested For Allegedly Raping Two Minors <https://www.premiumtimesng.com/news/headlines/380810-police-in-spector-arrested-for-allegedly-raping-two-minors.html>

is a violation of several human rights, including the rights to equality and non-discrimination, to physical integrity, and the prohibition of torture and other ill-treatment.<sup>33</sup> It also violates international humanitarian law and can amount to a crime against humanity and a war crime. The realities of rape and sexual abuse in armed conflict and peacetime in Nigeria have been documented extensively over many years by several International and Nigerian human rights groups.<sup>34</sup> The survey carried out by Social Action in July 2020 in seven IDP camps in Borno state found out that the situation in most IDP camps remains the same for women and girl. 33% of respondents confirmed the prevalence sexual violence among IDPs while another 53% confirmed that rape incidence is common in their community.<sup>35</sup>

June 2016, the UN Special Rapporteur on the human rights of internally displaced persons reported the condition faced by women in several internally displaced people’s camp in Northeast Nigeria:

<sup>33</sup> The International Criminal Tribunal for Rwanda (ICTR) first defined rape, in the Akayesu case in 1998, as “a physical invasion of a sexual nature, committed on a person under circumstances which are coercive.” The Tribunal recognized the coercive circumstances as an element of the crime that did not need to be evidenced by physical force:

<sup>34</sup> United Nations Human Rights Officer (November 2019) Northeast Nigeria: addressing impunity for sexual violence amidst a decade-long conflict <https://www.ohchr.org/EN/NewsEvents/Pages/SexualViolenceNorth-eastNigeria.aspx>

<sup>35</sup> Social Action Field Survey across seven IDP camps in Jere, Konduga and MMC in July 2020.





Fatima, 20 Year-old victim of Boko-Haram attack

“Many camps for internally displaced persons are the settings for sexual exploitation, survival sex and organised prostitution, as well as sexual harassment and rape. One source stated that “transactional sex is the only option that many households have”. Women and girls are reportedly coerced into providing sex for food rations or moving outside camps. There is a high number of pregnancies, including among young girls, and forced or coerced early marriages are reportedly increasing to prevent social stigma relating to pregnancy outside of marriage. In camps visited by the Special Rapporteur, food distribution was under the authority of males, creating the conditions for sexual abuse due to scarcity of food.”<sup>36</sup>

Rape is defined under international law as sexual penetration/invasion, however slight, where it occurs without the consent of the victim. Consent for this purpose must be given voluntarily, as a result of the victim's free will, assessed in the context of the surrounding circumstances.<sup>37</sup> Several circumstances, although if present, make any consent invalid. These include force or the threat of force or coercive circumstances. Coercive possibilities that negate consent include circumstances created by the perpetrator, including fear of violence, duress, detention contexts and the abuse of power.

<sup>36</sup> Human Rights Council (June 2017) Report of the Special Rapporteur on the human rights of internally displaced persons on his mission to Nigeria (A/HRC/35/27/Add.1) <https://reliefweb.int/report/nigeria/report-special-rapporteur-human-rights-internally-displaced-persons-his-mission>

<sup>37</sup> UN Declaration on the Elimination of Violence against Women, para. 1; CEDAW Committee, General Recommendation 19, Violence against women (11th session, 1992), Compilation of General Comments and General Recommendations Adopted by Human Rights Treaty Bodies, UN Doc. HRI/GEN/1/Rev.1 at 84 (1994), para 6

Consent is also negated when the perpetrator takes advantage of coercive circumstances that already exist, even if they are not of their own making, such as those already inherent to an armed conflict. The Penal Code (Nigerian Laws Cap 89), applicable in the north of Nigeria, also prohibits and punishes rape.<sup>38</sup> While the scope of the definition of rape under the Penal Code falls short of international standards, it includes contexts where consent has been obtained by putting the victim in fear of death or hurt.

The criminal offence of rape is punishable by imprisonment of up to 14 years, which can be combined with a fine.<sup>39</sup>

Rape is also criminalised in the Sharia penal laws which were introduced from 1999 and are now in force in 12 states in the north.<sup>40</sup> These definitions of rape, however, do not conform to the principles underlying the Rome Statute definition, and do not also provide sufficient protection or redress for

women and girls who have been raped. Instead, they inadvertently promote gender-based discrimination, against married women and girls.<sup>41</sup> Research by Social Action revealed a shocking pattern of sexual violence against women and girls in several IDP camps in Borno state. Social Action's researchers documented several instances where women in IDP camps were sexually penetrated by men who are also displaced individuals living in the camps, as well as officials in charge of the camps and members of the security forces, in circumstances in which consent was either denied or given under duress. 28 percent of women surveyed by Social Action said they witnessed rape in their community while 23 percent said they witnessed rape in their IDP camp. 59 percent said that victims of rape, never acknowledge that they were raped because of shame and stigma.

In a typical case documented by Social Action, Fatima, a 20-year-old girl from Bama recounted her experience while at the camp.

**“Boko Haram entered our village in 2015 and 2019. In 2015 we slept in the bush for one week because they were looking for people and killing them. I slept in the bush for one week, hiding in the grass once it gets dark I will now**

<sup>38</sup> The Penal Code (Nigerian Laws Cap 89), applicable in the north of Nigeria, criminalizes both rape and “defilement” (rape of a girl under the age of 13 years). Section 282(1) of the Penal Code defines rape as:

“A man is said to commit rape who, save in the case referred to in sub-section (2), has sexual intercourse with a woman in any of the following circumstances – (a) against her will; (b) without her consent; (c) with her consent, when her consent has been obtained by putting her in fear of death or hurt; (d) with her consent, when the man knows that he is not her husband and that her consent is given because she believes that he is another man to whom she is or believes herself to be lawfully married; (e) with or without her consent, when she is under fourteen years of age or of unsound mind.”

<sup>39</sup> Section 283 states “whoever has carnal intercourse against the order of nature with any man, woman or animal, shall be punished with imprisonment for a term which may extend to fourteen years and shall also be liable to a fine.”

<sup>40</sup> It is important to distinguish Sharia law as a religious legal system and the Sharia penal law of Nigeria. Sharia law, which stems from texts including the Qur’an, sunna, qiyas and ijma, lays down rules regarding personal life of a person of Muslim faith in relation to worship, ritual, conduct, as well as legal matters such as contracts, marriage, inheritance and divorce. It therefore regulates what is known as family law, as well as contract law, and has always applied to people of Muslim faith in northern Nigeria. The Sharia penal codes, on the other hand, introduce criminal offences such as zina, murder, rape, and robbery as part of the Sharia legal system.

<sup>41</sup> For example, the Kano State Sharia Penal Code Law 2000 provides in Section 126 that:

“(1) A man is said to commit rape if [he] has sexual intercourse with a woman in any of the following circumstances:

- a. against her will; or
- b. without her consent;
- c. with her consent, when her consent has been obtained by putting her in fear of death or of hurt;
- d. with her consent, when the man knows that he is not her husband and that her consent is given because she is or believes to herself to be lawfully married; or
- e. with or without her consent, when she is under fifteen years of age or of unsound mind.

(2) Sexual intercourse by a man with his own wife is not rape.”



crawl to the river and drink water before rushing back to my hiding place. Even in the bush, I kept seeing dead bodies; you will just pass them and continue going. Some of our older men had radios, so they now heard people were going to Munguno and Maiduguri for safety. So, we now travelled to Munguno. It took us one week to get to Munguno because we only travelled at night and the shooting was too much then, so many people were killed on the way. When we got to Munguno, the government now took us to one camp at Bypass. That was where we stayed. I had two kids then, but my husband took them and ran to Chad. But my parents and sister-in-law were not lucky. Boko Haram abducted them and took them to a village in Baga. They were kept in a building. They stayed there for 4 months until the soldiers took over that village and rescued them.

We ran to this camp to save our lives. Life is very hard here. There is little to eat here. Sometimes we endure without food for days. Almost everyone is malnourished. Because of the lack of basic items, some ladies are forced to sleep with men to get items like food and money. I don't want to starve. There are many cases of rape here. Most victims do not report to the authorities for fear of backlash. Some have resulted in pregnancy.”

Zenaid, a 40-year-old woman, also experienced several incidents of abuses by men at the Bakassi IDP Camp. She narrated her story thus:

“The food given to families are too small and most times do not last for more than a day. There were times when a whole family will go for a week without food. It was terrible. Sometimes

I see people collapsing on the queue while waiting for food. The people who get the food are very few. Some of us survive with begging. Sometimes the men took advantage of the ladies and sleep with them in exchange for food and money. Sometimes the security men ask for sex in return for food and protection. I witness this all the time.”

The silence surrounding sexual violence in several IDP camps in Borno state makes it challenging to investigate and prosecute rapist, particularly in a conflict situation. The shame and stigma associated with abuse and the tendency towards preserving individual and family dignity, as well as the future opportunity for marriage for the abused girls and young women, prevent victims from reporting to the authorities.

The Nigerian government said they are doing their best to address sexual violence against women. In 2015, the country signed the Violence Against Persons (Prohibition) Act into law in a bid to comprehensively address the issue of rape.<sup>42</sup> The Act notably expanded the meaning of rape and its prohibition. While the penal code, for instance, limits the scope of rape to protect only females in relation to vaginal penetration without consent,<sup>43</sup> the VAPP Act expanded the meaning and scope of rape and described it as “when a person intentionally penetrates the vagina, anus or mouth of another person with any other part of his or her body or anything else without consent, or where such consent is obtained by force or means of threat or intimidation of any kind or by fear of harm or by means of

42 Violence Against Persons (Prohibition) Act, VAPP Act, 2015. <https://www.naptip.gov.ng/wp-content/uploads/2017/05/Violence-Against-Persons-Prohibition-Act-2015-1.pdf>

43 Section 357 of the Criminal Code Act



Zenaid, 40 years old mother of four

false and fraudulent representation as to the nature of the act or the use of any substance or additive capable of taking away the will of such person or in the case of a married person by impersonating his or her spouse"<sup>44</sup> However, as at the time of publishing this report, the VAPP Act was only applicable in about 16 States and the FCT, Abuja.<sup>45</sup> This is because, even though the National Assembly enacted it, other State Houses of Assembly must respectively domesticate the Act into a state law, before it can be applicable in the State.

## Welfare Condition in IDP Camps

The UN Guiding Principles on IDPs place a fundamental responsibility to care for the needs of displaced persons on the government. The principles reaffirm that national authorities have the primary responsibility to ensure that the basic rights to food, water, shelter, dignity and safety of IDPs are met, in addition to facilitating their access to all other rights. An increasing number of people in north-east Nigeria continued to rely on humanitarian assistance for survival. Despite significant improvements in 2017 and 2018, food security and nutrition situations remain fragile in the region, with 2.7 million people reportedly needing food assistance in 2019. The

<sup>44</sup> Section 1 (1) (a)- (c)

<sup>45</sup> Partners West Africa Nigeria. VAPP Tracker <https://www.partner-snigeria.org/vapp-tracker/>





Displaced persons taking food ration

UN reported that more than 5 million people need health assistance, as most of the health facilities in the region are destroyed by insurgency activities. Basic survival needs are further compounded by access and security impediments.<sup>46</sup> The reality observed among the IDPs in Borno corroborated this

<sup>46</sup> UNOCHA (February 2019) Nigeria: 2019 Humanitarian Needs Overview <https://reliefweb.int/report/nigeria/nigeria-2019-humanitarian-needs-overview>

fact. While some efforts, although not adequate, are being made to support IDPs in formal camps by government agencies and INGOs, many of the IDP living in informal camps and settlements as well as those in host communities,<sup>47</sup> most of whom are returnees, benefit little or no support from the

<sup>47</sup> This set of IDPs constituted the largest population of IDPs in Borno numbering up to 1.2million

government and its agencies. Visits by Social Action staff to some formal camps showed that most women and children in several IDP camps in Borno state lack basic amenities such as access to health care, drinking water and sanitation as well as other social services. 49 percent of women surveyed at the IDP camps said they felt abandoned by the government. They cited poor infrastructure in the camp and lack of basic amenities such as shelter, food, water, clothing, sanitation systems, healthcare, and protection as reasons. It is even more dire for People Living with Disability (PLWD) as there was no effort to accommodate their special need. Many IDPs have undergone severe psychosocial distress in escaping violence and continue to experience the same throughout displacement. However, Psychosocial support services are rare in the camps.

Frequent field visits to some of the informal camps and host communities revealed the nearly hopeless situation of the displaced persons as most of the camps and host communities are characterised by poor housing and hygiene conditions, inadequate food, water supply and health services thereby exposed to various rights violations and abuses. One of the interviewers noted that men of the military force, on regular occasions, come into their communities and lure some of the girls with money, to go with them. In the process, these girls are subjected to harassment and abuse, while some of them are impregnated along the line.<sup>48</sup>

Musa Aliyi ( male,45) described his experience in Doron Baga camp:

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<sup>48</sup> Field Interview conducted in Mushumari community in Konduga LGA in Borno.

“ I have been staying in Doron Baga camp for one year and 19 days. We don't have blankets or mats; we have reported severally, but we still have not gotten it. there's no school in camp but an Aid agency in the town. So my two older children go to that school. The organisation paid for the fees but we buy their books, pens and bags.

We have toilets, but they are all full. For now, both males and females defecate in an open field and sometimes in those houses that were built that people are yet to occupy. We complained to them, and they came and took notes, but nothing happened. it was a few weeks ago that an organisation came to the camp and started building toilets. They have gone far I believe they will be ready soon.”

Jibril Atiku, a 32year-old man in Dalori camp told SOCIAL ACTION that the situation in the camp is dire.

“ The major problem is food and water. It takes about 5 hours of standing in a queue for our children to fetch water. We reported the problem to the authorities. They asked us to get drums and place on one side, so that they can be supplying water for us. We did that but they did not bring any water. The people that came to camp before us have more access to food. When they distribute food to them, they





Young IDP girls share their stories

give us some. Red Cross gave us blankets, mats and solar that you keep in the house for light, 8 months ago. SEMA gave us a card when we arrived, but they have not given us anything with it. They said the card is for food but we have not received any food with it. We went back and complained about not receiving food with the card and they said they have not registered the cards for now. We went and reported to other senior staff and they registered us again but still no food.”

When displacement occurs in the context of conflicts, International Humanitarian Law requires that all possible measures be taken to ensure that the displaced civilians receive adequate shelter, enjoy satisfactory hygiene, health, safety and

nutrition, and that families are not separated. The Kampala Convention also explicitly sets out state obligations to provide adequate assistance and protection to IDPs or to seek assistance from international organisations where their resources are inadequate.

All the Seven IDP camps in Borno state which were surveyed by Social Action, were found to be overcrowded. Families found themselves crowded in little spaces in the camps, with little or no household items. Dalori IDP camp, the largest amongst them, accommodates 5,037 households and 22,690 persons, while Bakassi IDP camp hosts 7,320 households with 4,3920 displaced persons. EYN IDP camp accommodates 537 households with 3,365 persons while the NYSC IDP camp has 1,222 households with 4,542 persons. Shuwari 5 IDP

camp accommodates 1,118 households with 5,892 persons, while the Ajajiri camp accommodates 20 households with 126 individuals.

Access to medical care is severely limited, and medical facilities are inadequate. Many require urgent treatment for malnutrition. The cramped and unhygienic conditions of the camps lead to the spread of communicable diseases and the healthcare needs of many, including pregnant women and infants, are not being adequately met. Findings from Social Action's survey reveal that many displaced persons are suffering from trauma, due to the violence that prompted them to flee and their experience in the hands of Boko Haram. The required psychosocial support to deal with the trauma is not available to them. The need for hygiene kits for women and girls, such as sanitary towels, has not been met. The risk of HIV remains high due to reported incidents of rape and 'prostitution for survival' taking place in the camps.

Under the International Covenant on Economic, Social and Cultural Rights the right to an adequate standard of living, including adequate food, clothing and housing<sup>49</sup> is recognised as "the fundamental right of everyone to be free from hunger".<sup>50</sup> It also sets out the right to the highest attainable standard of physical and mental health, to which access to health care is an essential component. The right to an adequate standard of living also includes the right to water and sanitation. Similar standards can also be found in other treaties to which Nigeria is a state party.<sup>51</sup> Section 16(2)(d) and 17(3)(d) of Nigeria's Constitution also provides a non-enforceable right to food, shelter and health.<sup>52</sup>

<sup>49</sup> Article 11, International Covenant on Economic, Social Cultural Rights

<sup>50</sup> United Nations Human Rights Office. International Covenant on Economic, Social and Cultural Rights [https://www.ohchr.org/en/professional-interest/pages/cescr.aspx](https://www.ohchr.org/en/professionalinterest/pages/cescr.aspx)

<sup>51</sup> Ibid

<sup>52</sup> Federal Republic of Nigeria (1999) Constitution of the Federal Republic of Nigeria [https://publicofficialsfinancialdisclosure.worldbank.org/sites/fdl/files/assets/law-library-files/Nigeria\\_Constitution\\_1999\\_en.pdf](https://publicofficialsfinancialdisclosure.worldbank.org/sites/fdl/files/assets/law-library-files/Nigeria_Constitution_1999_en.pdf)

According to the UN Committee on Economic, Social and Cultural Rights, Nigeria is obliged, at a minimum, to ensure "access to the minimum essential food which is sufficient, nutritionally adequate and safe, to ensure their freedom from hunger."<sup>53</sup> They must also ensure, even in times of disaster, the satisfaction of, at the very least, the minimum essential level of water that is sufficient and safe for personal and domestic uses to prevent disease, and ensure access to primary health care. Nigeria is also required to ensure that:

- a) the quantity of water available for each person should correspond to the WHO guidelines; b) a sufficient number of water outlets is provided to avoid prohibitive waiting times;
- c) personal security is not threatened when having to physically access water; and
- d) measures are in place to prevent, treat and control diseases linked to water, in particular ensuring access to adequate sanitation. Provision of aid, distribution and management of water and water facilities among the most vulnerable and marginalised groups be given utmost priority . Where the authorities have detained or confined people to detention facilities or in locations such as the satellite camps for displaced people, their responsibility to ensure those affected can access their rights to food, water and health care, is increased. Failure to meet the minimum core obligations in regards to food, water and health care, including of those detained or confined to camps may amount to a violation of the rights to food, water and health care of those affected.

<sup>53</sup> United Nations Human Rights. The Right To Adequate Food. Fact Sheet No 34. <https://www.ohchr.org/Documents/Publications/FactSheet-34en.pdf>



# Discrimination and Stigmatisation

Many of the women and children in IDP camps have had traumatic experiences before arriving at the camps. Boko Haram fighters have abducted thousands of women and girls since 2009. Many of those abducted women were systematically abused and raped. Some were forcefully impregnated while in captivity and many who fled from captivity, still suffer abuse and discrimination in their communities and IDP camps.

Amina Halima, a 25 years old lady recounted her family's experience before she was taken to Bakassi IDP camp.

"My mum gave birth to 12 children, but we are just two left - myself and my elder brother. We were cooking at home the day Boko Haram came to our village. When my father heard the sounds of bikes, he went into the house and hid under the bed. They found him and slit his throat. We all started crying. After killing him, they now put my mother in the car and took her away. They also took 4 of my older sisters and forced them into marriage."

Other women such as Aabidah (19) said they also experienced violence in their community:

"I was at home with my siblings when Boko Haram came to our village and attacked us. They were about ten men that came to attack my house. They captured four of my brothers who did not leave the village after the previous attack. Others fled earlier. The four of them (my brothers) were all married.

They killed them in our presence and took all their wives and their children. They also took me along with them.

One of my cousins also joined Boko Haram. I was given out to a young Boko haram fighter as wife. My husband was killed a few days later in a battle, and I was given to another man for marriage. The people that married my sisters were always beating them, but my own husband was not violent. My cousin, who is also in the Boko Haram camp, was looking out for me. He was the one that brought me out of Boko Haram camp and helped me to escape. I spent about eight months in Boko Haram camp."

Many of these women who escaped or were rescued from Boko Haram's captivity faced additional discrimination in their community and at the IDP camp because of their past association with Boko Haram fighters. At least eight women in 4 different IDP camps told Social Action that they faced discrimination from other camp members, camp officials and even their family members because they were formally married to Boko Haram fighters.

Some of the women interviewed said they were shunned by their husbands or fathers or mothers and forced to live in isolation in the camps as they were perceived to be radicalised and spies for the insurgents.

Young IDP girls share their stories

Fatimah (female, 19) lived with her family in a village in northern Nigeria called Banki, a neighbourhood of mud huts and thatched roofs. When Boko Haram attacked her village in 2016, she attempted to flee for safety with her family to Bama. Boko Haram had captured the men from each household.





Displaced women in Borno IDP Cano

The insurgents were seeking nothing but total allegiance to their cause. Men who refused were summarily executed. Her father was one of the men killed that day by Boko haram.

Fatimah and her family's effort to flee to Bama, was unsuccessful as they were captured by Boko Haram fighters and eventually taken to Sambisa Forest. She was married to a Boko Haram fighter at the age of fourteen. She told Social Action that she and her friend attempted to escape on several occasions, but their husbands will always threaten them with death saying that if they escape, the soldiers will catch them and kill them. Fatima relates:

"At Sambisa forest, I saw several girls being strapped with suicide vests by their "husbands." After a brief, ceremonial talk about meeting again in paradise, they would leave the camp, never to

return again. When it was eventually my turn, I was taken to Maiduguri for my assignment. My target destination was a market. But since the city is more heavily patrolled by the military than the inner villages, it was easy for me to hand myself over to the officers."

Fatima and her friends struggle for survival in IDP camps

Fatimah was detained in a separate military facility, to allow for a full recovery before being transferred to the IDP camp. Fatima told Social Action that she initially faced hostile reception and stigmatisation from everyone in the camp except aid workers. The stigmatisation included the refusal of others to share basic items like food and toiletries with her, as well as being avoided and jeered by other women in the camp

The right to equality and non-discrimination is recognised under the Universal Declaration of Human Rights (UDHR) and is a cross-cutting issue in almost every major international human rights treaty. Also, CEDAW was developed to explicitly prohibit discrimination on the ground of sex. The principle of non-discrimination and equal treatment is also contained in the African Charter on Human and Peoples' Rights (Arts. 2 and 3). The Nigerian Constitution also prohibits discrimination based on gender.

The right to equality and non-discrimination is a right that enables the realisation of all other human rights. Under the ICESCR, for example, the right to non-discrimination in access to food, water, health care and other provisions is a right of immediate effect. States must identify and recognise intersectional forms of discrimination, where different forms of discrimination intersect to affect the shape and severity of unfavourable treatment individuals' face and seek to address it in their decision and policy-making. The CEDAW Committee requires explicitly that States must: "Address the specific risks and particular needs of different groups of internally displaced and refugee women who are subjected to multiple and intersecting forms of discrimination, including women with disabilities, older women, girls, widows, women who head households, pregnant women."

The imposition of tighter movement restrictions on women entering and exiting some of the satellite camps is an example of discrimination. The concern that some women in a camp may have had intimate or marital relationships with Boko Haram members outside the camp and thus, constitute a security concern if they are allowed to enter and exit the camp freely, cannot justify the

blanket restrictions imposed on all women leaving the camp for all but exceptional reasons. Likewise, nor can concerns about women's security outside the camp. A policy that allows for the detention of women because of whom they are married or related to, or because they returned from captivity without their husbands, is also a form of discrimination.

According to a United Nations Human Rights reports, discrimination, including sexual exploitation, is also a form of gender-based violence. Among other obligations, States are responsible for preventing these acts or omissions by their organs and agents including through training and the adoption, implementation and monitoring of legal provisions, administrative regulations and codes of conduct<sup>54</sup>. They are also responsible for investigating, prosecuting and applying appropriate legal or disciplinary sanctions. Moreover, States are required to adopt and implement measures and programmes aimed at eradicating prejudices, stereotypes and practices that could provoke gender-based violence or violence against women. By failing to take adequate action to address gender-based violence, including rape and sexual exploitation in the camps, the Nigerian authorities are failing to meet their obligations under international law which guaranteed the right to non-discrimination.

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<sup>54</sup> United Nations Human Rights. Human Rights and Human Trafficking. Fact Sheet No 36. [https://www.ohchr.org/Documents/Publications/FS36\\_en.pdf](https://www.ohchr.org/Documents/Publications/FS36_en.pdf)



# Impact of COVID-19 on women and Children

When the Nigerian authorities announced the first confirmed case of the Coronavirus (COVID-19) on February 27, 2020, in Lagos state, there were genuine fears that IDPs in the northeast of Nigeria could be at a heightened risk of contracting the virus due to the overcrowded nature of their camps and with limited access to water and other health care facilities. There was also the fear that

COVID-19 may negatively and disproportionately affect IDPs livelihood, as measures to fight the virus may result in loss of income due to restriction on movement, reduced access to markets and farmlands, and rise in prices of basic commodities. These fears were further heightened by the fact that IDPs were not included in national plans to combat COVID-19, including access to information, testing and treatment. While a blanket plan was made to address the impact of Covid-19 on the citizens, there was no specific, context tailored plan to address the challenges the outbreak of the virus may bring on the already vulnerable groups. Research by Social Action indicates that these fears were not misplaced. The movement restrictions and other measures imposed by the federal and



Many of the displaced persons are women and children

state government, as a response to the pandemic, directly impacted the daily lives of IDPs, mostly women and children. Many women interviewed reported that their livelihoods were being interrupted and access to basic items including water and healthcare, where they are available, remains limited. In addition, many of the camps lack adequate testing materials for COVID-19, in addition to the issues of overcrowding, inadequate shelter, scarce resources and limited access to reliable information about COVID-19. There were several reports that people who left the IDP camps in Borno State to purchase essential items during the lockdown period were violently attacked by security agents.

The outbreak of COVID-19 ushered in an era of social distancing, a greater focus on hygiene, and a general disruption of normal life. This has proven to be challenging for most people in the internally displaced person's (IDP) camps where crowds and lack of hygiene are the norm.

While there were severe concerns over community transmission of COVID-19 and the urgent need for mass testing in the IDP camps, there was little or no effort to set up testing centres in the various IDP camps in Borno state. In May 2020, the Nigeria Centre for Disease Control (NCDC) announced that it had undertaken massive disinfection and fumigation at an IDP camp in Maiduguri, in collaboration with the Borno State government as part of its efforts to curb the spread of the novel coronavirus.<sup>55</sup>

Most displaced people interviewed said there were efforts made by the government to inform them about the dangers posed by COVID-19 and provide them with water and soap for handwashing in all the camps, but they were neither given face masks nor hand sanitisers to give them more protection from the deadly virus. These limited measures were mainly carried out by humanitarian agencies. The government also said it is taking the issue of preventing COVID-19 in IDP camps very seriously. It is not clear how effective these government interventions have been. The sight of thousands of people with no face masks on, living in overcrowded camps where it is almost impossible to adhere to the social distancing protocol, remains a cause for concern, as a single case of an infection, if not isolated on time, could quickly spread to many persons within the camps.

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55 Abdur Rahman Alfa (April 2020) Nigeria fumigates IDP camp in Maiduguri, Borno gets COVID-19 center  
<https://www.africanews.com/2020/04/17/nigeria-fumigates-idp-camp-in-maiduguri-borno-gets-covid-19-center/>





Fatima and her friends struggle for survival in IDP camps

# 6

## RECOMMENDATIONS

The Nigerian government often states that they are doing enough to address the numerous challenges in the Northeast, including the plight of internally displaced people (IDPs). Government's effort is being spearheaded by the Presidential Committee on the Northeast Initiative (PCNI) which consists of government officials and development partners.<sup>56</sup> The body has put forth a plan for the region's reconstruction, which includes several gender-sensitive provisions, cash transfer, maternal health, psychosocial trauma counselling and "rehabilitation" support.<sup>57</sup>

However, these plans have not reflected in improved welfare for most women, particularly in IDP camps in Borno State. A lot more needs to be done to protect the most vulnerable population from insecurity, discrimination and sexual violence. Social Action is calling on the Federal Government to take several steps to address the human rights situation in the Northeast.

A key recommendation for addressing the plight of IDPs in Borno state and by extension, the Northeast region includes:

### 1. Based on the Guiding Principles,

<sup>56</sup> Presidential Committee on the North East (PCNI, June 2016) Re-building the North East – The Buhari Plan Volume I. <https://www.refworld.org/pdfid/5b42ec184.pdf>

<sup>57</sup> Ibid.

governments, both at national and sub-national levels need to act to regulate specific problems related to displacement, in a manner consistent with their international obligations, by developing and implementing local laws and policies that address the plight of the IDPs.

2. The Federal Government should as a matter of urgency, ensure that the National Policy on Internally Displaced Persons is functionally active, to support humanitarian assistance and proffer durable solutions to the problem of internal displacement in Nigeria. Develop and implement an effective strategy to address the root causes of sexual violence and exploitation faced by women and girls in displacement.
3. There is need for the Northeast Governors to take proactive steps to strengthen the internal policies and harmonise existing laws of their respective States to protect the rights of IDPs living in those States. Government should review the various crisis response laws, regulations and policies with the view to strengthening them to address issues of SGBV among IDPs.
4. Expedite action on the amendment of the Penal Code law of Borno state 1994 (Amendment Bill, 2020) which seeks to alter Section 283 to include severe punishment for rape. To also alter Section 285 (1) to prescribe punishment of 14 years' imprisonment term and/or a fine

of not less than N100,000 for whoever commits an act of gross indecency upon the person of another without his or her consent or by the use of force or threats, compels a person to join him or her in the commission of such act.<sup>58</sup>

5. The Northeast States' Governments should domesticate in their respective States, the Prohibition Against Domestic Violence Act of 2007, to correct the inadequacies of the legal system and ensure that victims of domestic violence are protected, the strict compliance of police officers in apprehending suspects, the provision of alternative orders such as interim protection orders and an expansion of the definition of the laws that constitute domestic violence.
6. In view of the declaration of state of emergency on Sexual and Gender Based Violence (SGBV) by Nigeria Governors in June 2020, Northeast State Government should domesticate the Violence Against Persons Prohibition (VAPP) Act of 2015 and the Child Rights Act.
7. Undertake effective protection monitoring programs which seeks to collect, verify, and analyse information in order to identify violation of rights, and protection risk that is encountered by IDPs and other affected persons for the purpose of devising effective responses or evidence-base actions.
8. Ensure that female police officers with

specialised training in addressing sexual violence and supporting survivors are deployed to all IDP camps. The current situation where most of the security personnel in the camps are males exposes females in the camps to sexual exploitation and intimidation.

9. Humanitarian and civil society sectors should improve coordination and funding of multipartite humanitarian response mechanisms to address protection challenges in the Northeast; establish a tripartite arrangement of government, traditional women leaders, and CSOs to man and expand sexual assault referral centers and mechanisms, while also promoting psycho-social support to victims of rights violation in the IDP camps.
10. INGOs and NGOs should as part of their intervention programs, embrace strong awareness and prevention campaigns, particularly in communities outside urban areas, and document lessons, in order to determine what works and what does not, and to also help shape future protection interventions.

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58 As stated in the Penal Code of Borno State (Ameded Bill 2020)





33, Oromineke Layout, Off Emekuku Street, D-line, Port Harcourt, Nigeria.

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20, Yalinga Street, Wuse 2, Abuja, FCT, Nigeria

Borno Officer:  
GREENCODE House, 9 Forestry Quarters, Behind Zara Plaza,  
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