

A gender based perspective of the effect of insurgency and response effort in northeast Nigeria

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Abstract

The Boko haram insurgency has ravaged and devastated most of the states of the North east Nigeria, with Borno State badly affected being the epicenter of the crisis. The insurgent group started by protesting against corruption and inequality in the state structures and called for a return to a more Islamic way of life. The group later became a violent terrorist group, declaring control over territories, kidnapping, metting out violence against women and girls including sexual violence and forced marriage. The paper examined the security situation, resulting humanitarian crises and the economic, physical, and psychological impact of insurgency on women and girls in Northeast Nigeria. The paper is doctrinal, with recourse being had to textbooks, journal articles, internet, documentaries and commentaries. The work also interrogated the response effort, extant laws and international legal standards on the subject matter. The paper finds that women and girls are worse affected by the insurgency and the patriarchal ideology of oppression and subordination of women and girls that existed before the conflict has been a major factor in the attention paid to women and girls issues in the crisis situation. The paper recommends among others, the domestication of protection laws by the affected states of the Northeast and an expansion of the gender responsiveness in the humanitarian response efforts by all stakeholders in order to address the disparity in the needs and vulnerabilities of women and girls.

Keywords: gender, perspectives, insurgency, northeast, Nigeria

Introduction

Boko Haram refers to the terrorist group 'Jama'atu Ahlis Sunnah Lidda'awati Wal'Jihad' (People Committed for the Propagation of the Prophet's Teachings and Jihad). In Hausa language, 'Boko' means education (especially western or foreign), while 'Haram' in Arabic literally means forbidden, ungodly or sinful^[1]. Put together "Boko Haram" therefore means "Education is Sinful". Boko Haram is an Islamic terrorist group based in North-East Nigeria, which calls for the use of violence to ensure a return to the true practice of Islam with the ultimate goal of establishing an Islamic State. The Group is led by Abubakar Shekau and has since 2013 been labeled as a terrorist organization^[2]. Recently the leader of the splinter group Abu Musab bin Yusuf Al-Barnawi has been added to the global terrorism list^[3]. The factional leader is the eldest surviving son of Mohammed Yusuf (founder of Boko Haram) and heads the Islamic State of Iraq in West Africa, which split from the Shekau led faction of Boko Haram^[4]. The Boko Haram insurgency is still on-going despite claims by the Federal government of Nigeria that the insurgents have been decimated to a degree that they cannot hold any territory in any part of the country especially Borno State which is the epicenter of the crisis. That notwithstanding, there are still wide spread human right violations, sexual and gender based violence, forced recruitment and suicide bombings^[5]. The government forces are still engaged in a military combat with the group, but the Group's violent campaign has already resulted in a massive humanitarian crisis with over 2.7 million internally displaced persons in north-eastern Nigeria and host of others as refugees in Cameroun, Chad and Niger^[6].

A significant proportion of displaced people in the region are women and girls, accounting for more than half of the

over 2 million internally displaced persons, Maiduguri the capital of Borno State host the bulk of these IDPs^[7]. The terrorist Group use children (especially girls because they are perceived to be harmless) as suicide bombers to detonate explosives amongst civilian population, at internally displaced persons camps, security check points, markets and in some rural communities^[8]. Fundamentally, the mission of this group is that western education/civilization is sinful, sacrilegious or ungodly and should be forbidden, thus it calls for an outright rejection of western education, culture and modern science. It advocates the propagation of strict adherence to Islamic tenets in its purest form^[9]. The activities of these insurgents have various implications on women and girls, as this vulnerable group of persons tend to suffer the most from displacement of any kind^[10]. Women and girls under the age of 18 especially have been negatively impacted by the crisis in the form of lack of access to basic needs, sexual and gender based violence, sexual exploitation, abuse and abduction. Their level of vulnerability is on the increase as most of them have suffered untimely widowhood or are single due to the Boko haram onslaught^[11] and the high rate of men killing in the course of the conflict and detention of some men by the military.

The use of violence and intimidation as well as kidnap, rape, forced marriage and compulsory conversion to Islam is another gender effect of insurgency on these helpless victims who are usually women, this direct violence essentially degrades their humanity^[12]. This does not affect only the individual victim but also inflict collective terror on the community, and the ethnic, religious and ideological group they belong to^[13]. Women and girls are also used as labour force to do domestic chores in the terrorist hide outs, in the bushes thereby exposing them to the risk of becoming

victims of airstrikes by the air force during operations. The paper started off explaining what Boko Haram is, their ideology and their operation in the North east Nigeria. The resulting humanitarian crisis caused by the group's activities and its consequences for women and girls will be discussed. The paper will consider the applicable laws and International legal standard for the protection of women and girls in situation of armed conflict in Nigeria; the choice of women and girls as against the general affected population is because the paper finds that women and girls are usually the most vulnerable whenever there is any crisis or mass displacement. Hence the paper provides research knowledge on the gender perspective of the boko haram crisis on women, by discussing among others the economic issues, physical harm as well as the psychological impacts occasioned to women and girls as a result of insurgency such as rape, sexual slavery, and forced marriage. The paper is relevant in that it will deepen the understanding of relevant stakeholders such as the government and non-state actors in doing the needful especially in the area of domesticating and enforcing laws, and also to make appropriate response that will offer women better protection in the crisis situations.

Contextual Analysis

Internal displacement impacts the livelihood, health, access to housing, infrastructure, education, social life, security, and the environment of all persons affected by it. So this disadvantaged group suffers repercussions in each of these areas and many more^[14]. The negative impact of insurgency on women and girls became rampant in early 2013 when Boko Haram began using women and girls as pawns in their activities by abducting them for ransom, forced marriage or for use as sex slaves. In April 2014, the group attacked Government Girls Secondary School Chibok in Borno State and kidnapped over 200 school girls. Earlier in 2013, it was reported that the group carried out an assault on a police barrack in Bama, Borno State where a number of women and children were captured^[15]. Most of these women and girls abducted by the insurgents are usually abused, violated, or killed if the demands of the terrorist are not met^[16]. This is further substantiated by a recent study for Nigeria's political violence research network which suggests that a large number of those killed by the Boko Haram insurgents are women and children^[17]. The paper looks at some of the negative effects of the boko haram crisis on women and girls and also the inequality suffered by women in the response effort.

Physical Abuse

Generally speaking, the insurgents have inflicted various degree of harm on the civilian population in the affected states of the North east region, but even the Nigerian security forces and the vigilante groups are not left out of this accusation^[18]. In Boko Haram controlled Local Governments and towns, locals were forced to leave their homes and villages for fear of attack, while many were injured while trying to escape attack. The government forces are also alleged to have detained and killed many on suspicion of Boko Haram membership or association^[19]. The military also invade communities to conduct searches and arrest; this also leads to apprehension as people get hurt when trying to escape to safety. As a result of this, many women and girls have sustained various degree of injuries,

or loss their male family members with resultant economic implications. The vigilante group popularly called Civilian Joint Task Force (CJTF) also has been accused of human right abuses, in the form of assault, sexual harassment and exploitation especially when they go on operations without the state security forces^[20]. Furthermore, people became disabled as a result of the effect of explosive planted by the insurgents and others suffered injuries when caught up in the fight between security forces and the armed groups. Generally disabled people find it difficult to escape violence, and disabled men are much more likely to have mobility aid and so can escape from violence more easily than disabled women^[21]. Hence the need to improve gender equality in the humanitarian response effort.

Economic Dimension

As a result of continued violence in the region, most men who used to be breadwinners of their families have been killed, and some have been forced to flee to avoid forceful recruitment into Boko Haram, women now make up the majority of the adult population and have to take up new roles, and engage in various economic activities to keep the family, including through survival sex^[22]. This has increased the poverty level in the states most affected by the violence, coupled with years of missed harvest, loss of equipment and business premises, difficulty in getting buyers for goods as everybody's income level have been depleted by using up all their capital in hosting friends and relatives who have been displaced or during their own displacement.

Most women were not gainfully employed even before the crisis, but were engaged in some income generating activities such as farming, and sale of farm produce, while others reared domestic animals. When the attacks started, they were forced to flee their homes, leaving behind farm implements, business premises, tools of trade and stores, on their return they found everything they left behind completely destroyed. Farmlands are still largely insecure in many parts of the Northeast due to fear of attacks by the insurgents. Recently, the insurgents attacked Zabarmari, a village in Jere Local government Area of Borno state and killed dozens of farmers working in a rice field, several others were wounded and many women missing^[23]. So it has been several years of no harvest and significantly low income. And as a last resort, the women's jewellery's which is usually kept as an asset, are sold out when the household is in need of cash, thereby further depleting women's savings^[24].

Sexual Abuse of Girls/Forced Marriage

Generally, the ugly trend of child marriage in Northern Nigeria continues unabated due to the ambiguity on the minimum age of marriage in the legal regime. Under the Sharia law, marriage is allowed if a girl reaches the age of puberty which could be as low as 9 years old. In spite of the coming into force of the Child Rights Act, and the country having adopted the UN Convention on the Rights of the Child (CRC), their provisions regarding age of marriage are not strictly adhered to. The Act expressly prohibits the marriage of a girl under the age of 18 years^[25]. The need for domestication by each state before the Law comes into force is a clog in the wheel of effective implementation^[26]. With the Boko haram crisis, there has been a clear increase in the rate of child marriage, even though forced and early

child marriage is one of the highest reported cases of sexual and gender based violence in the Northern region of Nigeria even before the crisis ^[27]. In a focus group discussion, girls between the ages of 10 to 15 stated that some of them were forced to get married by their parents or the boko haram insurgents, others got married because they thought that was the only way to escape harassment by men; some mentioned cultural believes, religion and lack of education as the reason for their decision to marry early. Some girls prefer to get married early to a person of their choice to avoid getting forcibly married to someone else ^[28].

Negative Effect on Girl Child Education

The ideology of the group that western education is sinful has negative consequences on education generally in the North Eastern part of Nigeria. For fear of attacks, some schools in the region have closed down indefinitely, while others were moved to safer locations. This has seriously disrupted academic activities and in some cases even prevented children from attending school totally. Furthermore, the insurgents themselves warn girls not to go to school but rather go and marry, this can be seen in the warning given to the Dapchi school girls (girls abducted from a government school in Yobe State, Nigeria) not to return to school after their release) ^[29].

The insurgents targeted educational institutions warning teachers not to go to school, killing students and teachers. In February 2014, the insurgents attacked the Federal Government College in Buni Yadi, Yobe State, killing 59 students, and some went missing, while the girls were ordered to leave school and get married ^[30]. These frequent attacks led to the long-term closure of schools, and many parents were scared of sending their children to school when it eventually reopened after the security situation improved a bit. In his message of 24th March 2014, Shekau (Boko Haram factional leader) was quoted as saying "University is forbidden, girls you should return to your homes" ^[31]. Mass displacements also led to many schools being converted to IDP camps due to shortage of infrastructure to accommodate the growing number of displaced persons in the region. Furthermore due to the severe economic hardship families find themselves, children were required to do menial jobs or hawk rather than go back to school. With the continuing crisis, the number of out of school children especially the girl child has risen astronomically, although this has been an issue in the region even before the conflict started, it made matters worse.

Psychological Concerns

The experiences of violence has increased the trauma levels for women and girls in the region, with stories of women in severe psychological distress after witnessing the killing of their husbands and children, being raped by their sons who have joined the insurgents, or being abducted and forced into sexual slavery. A gender assessment in Jere local government in Borno State found high needs in mental health, sexual and gender based violence risk, survival sex, early marriage and intimate partner violence ^[32]. These experiences have deep and continued psychological impacts on the women or girls affected. Some governmental and nongovernmental organizations are working in this area but the level of services provided is far outstripped by the level of need. Women and girls in internally displaced persons (IDP) camps, and other informal settlements continue to

face sexual violence in the course of their daily activities, such as while collecting firewood, fetching water, or using the toilets ^[33].

In some areas, women reported that they keep thinking of their abducted children and of the lack of food and a lot of traumatizing events their children have witnessed and have remained unhappy ever since ^[34]. Many women had lost their children to the insurgents' through forceful conscription, those whose husbands were still with them were experiencing high levels of domestic violence; majority of women don't have a voice in the camps and don't participate in any peace building activities. With little or no source of livelihood, most of them feel hopeless with suicidal thoughts, even with the humanitarian aid they are receiving, they are frustrated and traumatized with what they were going through and with what they had seen. And they did not see a positive way forward for themselves or their children ^[35].

The incidence and trends of violence against women and girls is continuing on a large scale but with very low level of reporting, because perpetrators include family members, community and religious leaders, government and security officials'. Aside those captured by the insurgents, there have been number of cases where women going back to pick up items from villages they had learnt had been liberated by the military, run into the insurgents and suffered physical and sexual abuse. Those captured are forced into marriage with the Boko Haram fighters and if they decline, they are kept as sex slaves. Abducted Christian women and girls are forced to denounce their faith and convert to Islam or risk being killed ^[36]. Most of these women who have been rescued by the military ^[37] or who escape from their captors face hardship reintegrating into the society, victim's families have mixed reactions, while some women and girls are accepted back completely, others have been divorced by their husband and viewed with suspicion by co-wives, or rejected by their fathers who often say their minds have been polluted, the children born to then are also seen to be at risk of becoming like their fathers. Generally the communities stigmatize both the woman and child as a result many women and girls are reluctant to report their experiences. Because of the stigma and economic situation, there have been many reports of women and girls saying they wish to be reunited with their Boko Haram husbands as they preferred the life there in Boko Haram hideouts ^[38].

Researchers have documented that Boko Haram's cycle of abduction, detention and increased violence against women and girls are for tactical reason, being that they are usually perceived as harmless and also considering religious sentiments; women are not subjected to rigorous checks by security agents ^[39]. In many cases the use of women as bombers involved coercion, the unprecedented use of female suicide bombers by the insurgents, particularly young girls should be a focus of policy going forward ^[40].

The Duty of Government and Non Governmental Organization in Protecting the Basic Rights of Women and Girls

The Nigerian military personnel operating in the Northeast have been accused of failing to protect communities from violence committed against civilians generally; rather they cause further harm to the civilians during their operations through unlawful detention, harassment, destruction of property, forced displacement, sexual exploitation and other

forms of abuse against women and girls. The indiscriminate targeting of groups of young persons^[41] torture and excessive use of force has been widely reported^[42]. Meanwhile, the Civilian Joint Task Force has also been implicated in extra-judicial killings, harassment of women, recruitment and use of children and diversion of humanitarian aid^[43].

There exist plethora of laws and policies both domestic and international for the protection of this vulnerable group, the laws are in place to ensure better protection for some class of persons with specific needs such as children. The problem is not with the laws; the issue has been domestication and enforcement of such laws.

The Constitution of the Federal Republic of Nigeria 1999 (as amended) is the major legislation that provides for the protection of all citizens. The provisions of Chapter 2 of the Constitution have been reinforced by the African Charter on Human and Peoples Right,^[44] and just like any other individual or group, women and girls affected by the insurgency are guaranteed their civil, political, social, economic, environmental and developmental rights under Articles 2-24 of the African charter. These rights include; rights to education, housing/shelter, health, food, employment, social security, safe environment, cultural life and development. This instrument has been ratified and domesticated in Nigeria^[45].

Other International Conventions in existence for the protection of internally displaced person the bulk of which are women and children include: The United Nations Guiding Principles on Internal Displacement,^[46] the African Union Convention for the Protection and Assistance of IDPs in Africa,^[47] and The Geneva Conventions, 1949 and their Additional Protocols 1-2 of 1977^[48]. The rights covered by the guiding principle include; right to life and dignity of person, right to freedom of movement, right to adequate standard of living, right to protection of family life, right to freedom of opinion, expression and association, right to vote, right to own property, right to education and a host of other rights

Despite the provisions of the Constitution on educational objectives, which mandates the government to direct its policies toward ensuring that there are adequate educational opportunities at all level,^[49] girls in the North East have been deprived of this opportunity due to the insurgency. The need to get the girl child in school cannot be underestimated. The African Union Charter on the Rights and welfare of the child also has similar provisions.

At the United Nations level, there is the Convention on The Rights of the Child, and also an optional protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict, which if properly implemented, will deter the recruitment of children into militant groups during armed conflict. The optional protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography has proscribed a very common practice among women and girls in the North East, which is survival sex, where women and girls who ordinarily will not engage in prostitution are forced to do so due to the economic situation and the need to survive.

Chapter 4 of the Constitution covers the fundamental human rights of citizens and offers individuals protection from any form of abuse, unlawful hurt or violence against their person. Rights provided under section 33-44 can only be

derogated from in accordance with the provisions of the Constitution^[50]. There are other special laws for the protection of women and girls, such as the Violence Against Persons (Prohibition) Act 2015, Gender and Equal opportunity Bill and the Child Rights Act^[51] which operates at the federal level, and that of the various states, but most states of the Northeast are yet to domesticate it. The Child Rights Act clearly forbids battery, physical assault and abuse in any form. For effective implementation, it is hoped that States in the affected region will take the necessary steps in adopting similar law in their respective states to protect women and girls.

The Violence against Persons (Prohibition) Act 2015 is an improvement on the Penal and Criminal Code in relation to violence. It came into force to bring succor and effective remedy to millions of victims who have suffered violence in one form or the other without recourse to justice or psychosocial support. The Act has been lauded for its innovations that ensure proper recovery and reintegration of victims because of the provisions that ensure that victims are adequately compensated, and given the necessary support and protection. Section 38 of the Act has a novel provision on the protection of victim identity, which could help in situations where victim of boko haram cruelty choose to condone the violence meted on them for fear of the negative publicity the case will generate^[52]. In addition to the rights under Chapter IV of the Constitution, victims and survivors of violence are entitled to compensation and a comprehensive medical, psychological, social and legal assistance by accredited service providers, government agencies or non-governmental agencies providing such assistance^[53]. Section 24 of the Act makes violence by state actors (especially government security forces) a punishable offence; this section will help curb the excesses of the military in their operations in the North East Nigeria^[54].

Furthermore, with the insurgency and mass displacement, the practice of Child Street hawking which is one of the major forms of child labour has been on the rise, this has been attributed to poverty and worsening economic situation of the affected population. Globally it is estimated that there are 168 million children involved in child labour, of these, it is estimated that about 59 million are from sub-saharan Africa^[55]. This practice has tremendous implications for children's physical and emotional well-being, especially the girl child. It exposes them to sexual abuse, physical exhaustion, malnourishment, drug and substance abuse, prostitution, accidents and even death. The U N Convention on the Rights of the Child makes it an offence to involve children in an activity which impacts negatively on their health and well-being. The convention also emphasizes the need for the government to protect children from exploitation^[56]. In addition to the Convention, the Child Rights Act also provides that children should be protected from trafficking and/or street hawking,^[57] but despite the provisions of the law and the many dangers associated with the practice, children are being pushed into street hawking. This brings to fore the need not only for advocacy on domestication of protection laws, but also enlightenment on the dangers of such practice, while also encouraging reporting where violation occurs.

Some states of the North East especially Borno State has a State Action Plan(SAP) on Women, Peace and Security^[58] which came into force in 2014, and has been reviewed by stakeholders including civil society organizations(CSO),

religious leaders, women peace and security network(WPSN) etc to get their input and ownership. It has details of government's action, what civil society, media, and religious organizations, international organizations etc should do on prevention, protection, prosecution, relief and recovery of the affected population. But despite the existence of this very important Policy document, government policies, and the culture of other institutions in the state have not changed.

In Adamawa and Borno state also, some advocacy is ongoing around domestication of the Violence Against Persons (Prohibition) Act, Child Rights Act (CRA) and Gender and Equal Opportunities (GEO) Bill but passage remains challenging.

In Yobe State, the passage of the Child Protection Law is at its final stages and it has also commenced work on domesticating the Violence against Persons Prohibition (VAPP) Act ^[59].

The United Nations and other Women Rights Organizations are doing policy and legislative advocacy around these laws in the affected states. The United Nation High Commissioner for Refugees (UNHCR) has partnered with national and international organizations to implement its global Sexual and Gender Based Violence (SGBV) Strategy, which is based on 3 pillars: Identification, Response and Prevention. Through monitoring, focus groups discussions and vulnerability screening, the organization had reported the experiences of a considerable number of victims and has offered assistance to them in the area of rehabilitation and prevention ^[60].

Protection needs for women and girls, sexual and gender based violence, sexual exploitation and abuse are complex issues and the inter-agency capacity to respond adequately remains largely challenging and insufficient. Drastic reduction of financial resources, socio-cultural constraints, poor quality of data collected and the worsening security situation in some areas makes it challenging to ascertain and adequately respond to the impact of this conflict among vulnerable population.

Conclusion and Recommendation

The paper has established that women and girls are the worst affected by the ongoing crisis in Northeast Nigeria, and made a case for them to be better protected from the violence which has thrown them into untold hardship with varying degree of physical, psychological and economic consequences. The government, humanitarian and development actors in the affected region must mainstream the implementation of programs that address the specific needs of women and girls, while also ensuring compliance with extant laws for the protection of this vulnerable group, pending the domestication of specific laws to ensure better protection.

The paper recommends among other things that there should be global awareness of the large scale displacement of women and girls as well as the enormity of the problems they face while in displacement.

All actors must consider the long term effect of displacement on women and girls and make adequate provision for women's special needs in their humanitarian and developmental plans.

There should be improved access to justice for victims of abuse, perpetrators must be made to face prison sentences or pay huge sums to as compensation. As it stands today, majority of sexual and gender based violence cases are

solved through a friendly traditional conflict resolution mechanisms, this will likely sustain impunity, whereas severe punishment will serve as deterrence.

Furthermore, all governmental and nongovernmental organizations working on women and girls' right should intensify effort to bring about the domestication of the Violence Against Persons (Prevention) Act 2015, Child Rights Act 2003 and the Gender and Equal Opportunity Bill. Pending domestication, protection actors should strengthen action against child marriage and also strategize on controversial issues such as age of marriage and marital rape, they should also create awareness on the negative impact of child marriage, which will help a great deal in reducing the incidence of child marriage.

The government and humanitarian actors in the region should intensify effort on women economic empowerment through skills acquisition and start up kits for business; this will help reduce harmful practices such as survival sex or any form of sexual exploitation.

Stakeholders needs to build awareness on violence against vulnerable persons in times of conflict, people need to be informed on the existence of protection laws, while encouraging the participation of displaced women in the design and implementation of programs intended for their support.

Lastly, there is the need to support women groups to embark on anti-stigma campaign, this will encourage women and girls to access services and also lessen stigmatization of victims and discrimination.

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