

**Submission by Human Rights Watch to the Committee on the Elimination of
Discrimination Against Women**
November 2016

We write in advance of your upcoming pre-sessional review of the Nigeria government's compliance with the Convention on the Elimination of Discrimination Against Women. This submission relates to Articles 1, 2, 3, 6, 10, 11, 12, and 14 of the Convention on the Elimination of Discrimination Against Women. It proposes issues and questions that Committee members may wish to raise with the government while reviewing its compliance with these articles.

Evidence included in this submission is based in part on Human Rights Watch's research into Boko Haram violence against women and girls in northeast Nigeria. This research is based on interviews with more than 46 witnesses and victims of Boko Haram abductions in Borno, Yobe, and Adamawa states, including with girls who escaped the April 2014 abduction of 276 girls from Chibok secondary school, as well as social workers, members of Nigerian and international nongovernmental organizations, diplomats, journalists, religious leaders, and state and federal government officials.¹ This submission is also based on research conducted into the use of schools for military purposes and attacks on students, teachers, education workers, and schools in northeast Nigeria. This research included interviews with 215 people—including 99 teachers, 31 students, 36 parents, and 25 school administrators in Borno, Yobe, and Kano states between 2009 and February 2016.² This submission is also based on Human Rights Watch's research into the effects of artisanal and small-scale gold mining in Nigeria, research conducted in 2010 into trafficking of women and girls from Nigeria to the Côte d'Ivoire, and research into the rights of Lesbian, Gay, Bisexual and Transgender (LGBT) individuals from October 2015 to April 2016.³

Background

Since 2009, Nigeria's homegrown Islamist armed group, Jama'atu Ahlis Sunna Lidda'awati wal-Jihad, popularly known as Boko Haram, which means "Western Education is Forbidden," has waged a violent campaign against the Nigerian government in its bid to impose its interpretation

¹ Human Rights Watch, *"Those Terrible Weeks in Their Camp" Boko Haram Violence against Women and Girls in Northeast Nigeria*, October 2014, <https://www.hrw.org/report/2014/10/27/those-terrible-weeks-their-camp/boko-haram-violence-against-women-and-girls>.

² Human Rights Watch, *"They Set the Classrooms on Fire" Attacks on Education in Northeast Nigeria*, April 2016, <https://www.hrw.org/report/2016/04/11/they-set-classrooms-fire/attacks-education-northeast-nigeria>.

³ "Nigeria: Child Lead Poisoning Crisis : Treat Thousands of Affected Children; Clean Villages; Improve Gold Mining Practices," Human Rights Watch news release, February 7, 2012, <https://www.hrw.org/news/2012/02/07/nigeria-child-lead-poisoning-crisis>; Human Rights Watch, "Nigeria: Mercury in Gold Mining," June 25, 2012, <https://www.hrw.org/video-photos/interactive/2012/06/25/nigeria-mercury-gold-mining>; "Côte d'Ivoire/Nigeria: Combat Trafficking for Prostitution, Networks Freely Move Women, Girls Across West Africa," Human Rights Watch news release, August 26, 2010, <https://www.hrw.org/news/2010/08/26/cote-divoire/nigeria-combat-trafficking-prostitution>; Human Rights Watch, *"Tell Me Where I Can Be Safe" The Impact of Nigeria's Same-Sex Marriage (Prohibition) Act*, October 2016, <https://www.hrw.org/report/2016/10/20/tell-me-where-i-can-be-safe/impact-nigerias-same-sex-marriage-prohibition-act>.

of Islamic law.⁴ Boko Haram's campaign became more severe from early 2012.⁵ According to the Global Terrorist Index 2015, Boko Haram is one of the deadliest extremist armed groups in the world: the group was responsible for the deaths of over 6,644 people in Nigeria, Chad, and Cameroon in 2014.⁶ According to Human Rights Watch research, an estimated 10,000 civilians have died in Nigeria since the group began its attacks in 2009. The group's brutal insurgency has affected every strata of life in Nigeria's northeast, including education.⁷

Education (Article 10)

Legal framework

Nigeria's Child Rights Act of 2003 provides extensive protection for children in conflict situations and right to free, compulsory, and universal primary education.⁸ It also prohibits abduction of children, child labor, sexual abuse and exploitation of children.⁹ Due to the federal system of government, the act is applicable only in federal capital territory, while the legislature in the other 36 states must pass the law for it to operate in those states. None of the three states most affected by the Boko Haram conflict have passed the Child Rights Law.

In May 2015, Nigeria was among the first states to endorse the Safe Schools Declaration, an international political commitment that lays out certain concrete measures that states can take in order to better protect students, teachers, and schools during times of armed conflict.¹⁰ States who join the Safe Schools Declaration endorse and commit to use the *Guidelines on Protecting Schools and Universities from Military Use During Armed Conflict*. Though not legally binding, the Guidelines draw upon existing obligations under international laws of armed conflict and international human rights law. They urge parties "not to use schools and universities for any purpose in support of the military effort."¹¹

Attacks on students, teachers, and schools

Attacks on schools place children at risk of injury or death and affect students' ability to obtain an education. Attacks on schools, teachers, and students can cause children to drop out or attend school less often, force schools to limit their hours, and destroy school buildings and materials. Furthermore, in environments of violence and fear, the quality of children's education is severely diminished.

Attacks on education disproportionately affect girls, who are sometimes the focus of targeted attacks and are more likely to be kept out of school due to security concerns. The Committee recognized in General Recommendation 30 that, "In conflict-affected areas, schools are closed

⁴ Human Rights Watch, *"Those Terrible Weeks in Their Camp."*

⁵ "Nigeria: Northeast Children Robbed of Education, Boko Haram's Devastating Toll on Students, Teachers, Schools," Human Rights Watch news release, April 11, 2016, <https://www.hrw.org/news/2016/04/11/nigeria-northeast-children-robbed-education>.

⁶ Institute for Economics and Peace, "Global Terrorism Index: 2015," 2015, <http://economicsandpeace.org/wp-content/uploads/2015/11/Global-Terrorism-Index-2015.pdf> (accessed October 19, 2016).

⁷ Human Rights Watch, *"They Set the Classrooms on Fire."*

⁸ Child's Rights Act 2003, Section 15, www.unicef.org/2fnigeria/2fng_publications_Childs_Right_Act_2003.pdf/ (accessed November 27, 2015).

⁹ Child's Rights Act 2003, Sections 27, 28, and 32, www.unicef.org/2fnigeria/2fng_publications_Childs_Right_Act_2003.pdf/ (accessed November 27, 2015).

¹⁰ Safe Schools Declaration, http://www.protectingeducation.org/sites/default/files/documents/safe_schools_declaration-final.pdf (accessed October 20, 2016).

¹¹ Guidelines for Protecting Schools and Universities from Military Use During Armed Conflict, http://protectingeducation.org/sites/default/files/documents/guidelines_en.pdf (accessed October 20, 2016).

owing to insecurity, occupied by State and non-State armed groups or destroyed, all of which impede girls' access to school. Other factors preventing girls' access to education include targeted attacks and threats to them and their teachers by non-State actors [...].¹² This has serious consequences for girls and their education.

Human Rights Watch has extensively documented a campaign of deliberate attacks on girls, teachers, education workers, and schools by Boko Haram in northeast Nigeria.¹³ Between 2009 and 2015, Boko Haram's attacks destroyed more than 910 schools and forced at least 1,500 more to close. At least 611 teachers have been deliberately killed and another 19,000 forced to flee.¹⁴ The attacks and inadequate government response have left more than one million children without access to education.¹⁵

Human Rights Watch research has found that Boko Haram has abducted more than 2,300 civilians, many of them women and girls, as well as attacking and forcibly recruiting students to keep them out of school. Between 2009 and October 2014, Boko Haram abducted more than 500 women and girls.¹⁶ In April 2014, Boko Haram abducted 276 schoolgirls from Government Secondary School in Chibok, Borno State.¹⁷ Women and girls abducted by Boko Haram are forced to marry, convert, and endure physical and psychological abuse, forced labor, and rape in captivity. Victims are threatened with whipping, beating, or death unless they convert to Islam, marry their captors, stop attending school, and wear the veil or hijab.¹⁸ Some of the girls from Chibok have been released but many remain in captivity and concerns remain about their ability to reintegrate into society when released.¹⁹ Another attack on Zanna Mobarti Primary School in Damasak, also in Borno state, on 24 November 2014, led to the abduction of an estimated 300 young students. None of these children have so far been returned to their parents.²⁰

Human Rights Watch research has found that the Nigerian government has failed to provide victims of abduction and attack with access to adequate medical and mental health care.²¹

Military use of schools

The use of schools for military purposes puts students and teachers unnecessarily at risk, and disrupts children's ability to attend class. Even brief use of schools can render schools

¹² Convention on the Elimination of Discrimination Against Women (CEDAW), General Recommendation No. 30 on women in conflict prevention, conflict and post-conflict situations, CEDAW/C/GC/30, October 18, 2013, <http://www.ohchr.org/Documents/HRBodies/CEDAW/GComments/CEDAW.C.CG.30.pdf> (accessed October 31, 2016).

¹³ Human Rights Watch, *"Those Terrible Weeks In Their Camp;" "They Set The Classrooms On Fire."*

¹⁴ Human Rights Watch, *"They Set The Classrooms On Fire."*

¹⁵ Ibid.

¹⁶ Ibid; *"Those Terrible Weeks In Their Camp."*

¹⁷ Mausi Segun (Human Rights Watch), "Girls' Abductions a Last Straw for Nigerians, Government needs to get serious in protecting residents," May 07, 2014, *Salon*, <https://www.hrw.org/news/2014/05/07/girls-abductions-last-straw-nigerians>.

¹⁸ Human Rights Watch, *"Those Terrible Weeks In Their Camp;" "Nigeria: Northeast Children Robbed of Education, Boko Haram's Devastating Toll on Students, Teachers, Schools,"* Human Rights Watch news release, April 11, 2016, <https://www.hrw.org/news/2016/04/11/nigeria-northeast-children-robbed-education>.

¹⁹ Mausi Segun (Human Rights Watch), "Dispatches: Return of Chibok Schoolgirl Renews Hope," May 19, 2016, <https://www.hrw.org/news/2016/05/19/dispatches-return-chibok-schoolgirl-renews-hope>; "Third of Chibok girls 'unwilling to leave Boko Haram,'" *Al Jazeera*, October 19, 2016, <http://www.aljazeera.com/news/2016/10/chibok-girls-unwilling-leave-boko-haram-161019094349495.html> (accessed October 31, 2016).

²⁰ "Nigeria: A Year On, No Word on 300 Abducted Children, Government Response to Damasak Attacks Woefully Inadequate," Human Rights Watch news release, March 29, 2016, <https://www.hrw.org/news/2016/03/29/nigeria-year-no-word-300-abducted-children>.

²¹ Ibid.

essentially inoperative. Students must either stay at home and interrupt their education, or study alongside armed fighters while potentially in the line of fire. Since the extended use of a school by armed forces or armed groups affects children's ability to attend classes in an environment conducive to learning, this poses a threat to their right to education. Deterioration of a school's physical structure and a loss of education materials have also hurt students' studies. Even moderate damage can render school buildings completely unusable. In a country that already suffers from inadequate opportunities for quality education, damage to schools due to military use further hampers students' educational prospects and their futures.

The use of schools for military purposes disproportionately affects girls and women negatively. In addition to disrupting the right of children to education, troops occupying schools expose students and teachers to risks such as unlawful recruitment, forced labor, beatings, and sexual violence. Furthermore, girls are particularly vulnerable as fear of sexual violence often causes girls to drop out of school.

Human Rights Watch has documented the use of schools for military purposes by Boko Haram and by government security forces.²² Boko Haram has in many cases used schools for various purposes in areas where it has seized control, including Borno and Yobe states, to harbor stolen goods, and for military aims, including to detain captives and to store and manufacture weapons. Human Rights Watch research shows that Nigeria's security forces were temporarily stationed in some schools in Borno in 2013 and 2014, before the government closed all schools in the state. As of late 2015, forces continued to use schools in parts of the state where military operations against Boko Haram was ongoing. Human Rights Watch also documented the military use of schools by government forces for military purposes in Yobe state.²³ The military use of schools by government forces may run contrary to the Safe Schools Declaration, which Nigeria endorsed in 2015. The Declaration urges parties "not to use schools and universities for any purpose in support of the military effort."²⁴

Furthermore, Nigerian troops who partake in UN peacekeeping operations are also obliged to not use schools in their operations.²⁵

Access to Education for Displaced Girls

As a result of displacements caused by Boko Haram attacks on schools and other targets, many children have limited schooling in displacement camps or in private homes and communities where they are hosted by friends, families, and others across northern Nigeria. In such camps, schools consist of children grouped according to their age in large rooms or underneath trees for three to four hours of lessons per day, in most cases three times a week. School materials such as paper and pencils are provided in United Nations Children's Fund (UNICEF) supplied bags, but there are no textbooks for the children, or other teaching aids for teachers. In Borno, schools at all levels were closed in 22 out of 27 local government areas for at least two years, and public secondary schools in the state capital, Maiduguri, only reopened in February 2016 after internally displaced people, who occupied most of the schools, were relocated elsewhere. Some

²² Human Rights Watch, *"Those Terrible Weeks In Their Camps;" "They Set The Classrooms On Fire."*

²³ Human Rights Watch, *"They Set The Classrooms on Fire."*

²⁴ Safe Schools Declaration, http://www.protectingeducation.org/sites/default/files/documents/safe_schools_declaration-final.pdf (accessed October 20, 2016).

²⁵ United Nations Infantry Battalion Manual, 2012, section 2.13, "Schools shall not be used by the military in their operations."

private schools remained open when state authorities shut down public schools in March 2014.²⁶ Authorities reopened public schools in the state in September 2016.

Human Rights Watch recommends the Committee ask the government of Nigeria:

- *What steps has the government taken to implement the Safe Schools Declaration and the Guidelines for Protecting Schools and Universities from Military Use during Armed Conflict into domestic policy and operational frameworks?*
- *How many schools, universities, or education facilities have been damaged or destroyed as a result of attacks by a) state security forces and b) non-state armed groups in each year of the reporting period, and since?*
- *What action has the government taken to prevent attacks by non-state armed groups on schools and universities and to mitigate their impact when they do occur?*
- *How many schools, universities, or education facilities have been fully or partially occupied or used by a) government security forces and b) non-state armed groups in each year of the reporting period, and since?*
- *What action has the government taken to ensure that attacks on schools in contravention of international humanitarian law are investigated and those responsible duly prosecuted?*
- *What measures is the government putting in place to ensure children displaced by conflict are able to safely access a quality education?*
- *Is the issue of not using schools during military operations included in pre-deployment trainings of Nigerian forces contributing to United Nations peacekeeping missions?*

Human Rights Watch recommends to the Committee that it calls upon the government of Nigeria to:

- *Take concrete measures to deter the military use of schools, following UN Security Council Resolutions 2143 (2014) and 2225 (2015), including by bringing the Guidelines for Protecting Schools and Universities from Military Use during Armed Conflict into domestic military policy and operational frameworks, as per the commitment made in the Safe Schools Declaration.*
 - *In this framework, the Government should create or strengthen explicit protection of educational facilities from military use, for instance in military doctrine, military manuals, rules of engagement, operational orders or other relevant means of dissemination, and consider incorporating such explicit protections in national legislation.*
- *Investigate and appropriately prosecute individuals responsible for involvement in the range of violations of international law that constitute attacks on education, including as a matter of command responsibility.*
- *Respond to attacks on schools by promptly repairing damage and ensuring that students can safely return to class.*
- *Ensure the provision of education in crises and displacement, and adopt special measures to ensure children can continue their education in highly insecure areas, including by reducing the distance to school, offering distance learning programs, and setting up protective learning spaces for girls and teachers.*
- *Increase efforts to end these brutal abductions and provide for the medical, psychological, and social needs of the women and girls who have managed to escape.*

²⁶ Ibid.

Health (Articles 10 (h), 11 (f), 12, and 14(b))

The effects of exposure to chemicals from large-scale and small-scale mining operations continues to be of concern. In 2011, over 400 children, including girls, died and thousands more were left with permanent life-long disabilities in 2011 due to exposure to lead-contaminated dust produced inadvertently during artisanal and small-scale gold mining.²⁷ The government response was slow and environmental clean-up efforts did not start for several months. Then-President Jonathan Goodluck waited months to release the money pledged to address this crisis.²⁸

People are exposed when they process ore in the mines, when miner relatives return home covered with lead dust, and when the lead-filled ore is manually or mechanically crushed at home and lead dust settles on the ground. Communities can also be exposed to toxic lead in contaminated water and food. Healthcare workers in Zamfara State told Human Rights Watch that there have also been high rates of infertility and miscarriage among affected adults.²⁹ According to the World Health Organization, lead is highly toxic and can affect the body's neurological, biological, and cognitive functions. Exposure is particularly harmful to young children, whose systems are still developing and especially vulnerable to lead. Lead exposure is also particularly harmful for pregnant women and can cause miscarriage, stillbirth, premature birth, low birth weight, and minor malformations.³⁰

In May 2015, Nigerian health officials reported 28 children had died and 37 became ill from drinking water poisoned by lead in an area of artisanal and small-scale gold mining sites in Niger state.³¹ Many more people in the area are likely to have been exposed and suffer a wide range of insidious health effects.³²

Human Rights Watch has also documented the harmful effects on humans from using mercury in small-scale gold mining in Nigeria.³³ Mercury attacks the central nervous system and can cause lifelong disability, including brain damage, and even death. In utero exposure can occur when pregnant women are exposed to mercury and can present immediate and life-long negative health consequences. Mercury is particularly harmful to children, as their systems are still developing, and its damage is irreversible.³⁴ The 2013 Minamata Convention on Mercury requires

²⁷ "Nigeria: Child Lead Poisoning Crisis : Treat Thousands of Affected Children; Clean Villages; Improve Gold Mining Practices," Human Rights Watch news release, February 7, 2012, <https://www.hrw.org/news/2012/02/07/nigeria-child-lead-poisoning-crisis>.

²⁸ "Ask Nigeria's President What Happened to \$4 Million, Join Social Media Campaign to Save Lives," Human Rights Watch news release, December 6, 2012, <https://www.hrw.org/news/2012/12/06/ask-nigerias-president-what-happened-4-million>

²⁹ "Nigeria: Child Lead Poisoning Crisis : Treat Thousands of Affected Children; Clean Villages; Improve Gold Mining Practices," Human Rights Watch news release, February 7, 2012, <https://www.hrw.org/news/2012/02/07/nigeria-child-lead-poisoning-crisis>.

³⁰ World Health Organization, "Lead poisoning and health: Fact sheet," last reviewed September 2016, <http://www.who.int/mediacentre/factsheets/fs379/en/> (accessed October 17, 2016).

³¹ "At least 28 children killed by lead poisoning in Nigeria," *Reuters*, May 15, 2015, <http://www.reuters.com/article/us-nigeria-lead-casualties-idUSKBN0013l20150515> (accessed October 20, 2016).

³² Katharina Rall (Human Rights Watch), "Dispatches: Avoiding Lead Poisoning in Nigeria," May 21, 2015, <https://www.hrw.org/news/2015/05/21/dispatches-avoiding-lead-poisoning-nigeria>.

³³ Human Rights Watch, "Nigeria: Mercury in Gold Mining," June 25, 2012, <https://www.hrw.org/video-photos/interactive/2012/06/25/nigeria-mercury-gold-mining>.

³⁴ Herman Gibb and Keri Grace O'Leary, "Mercury Exposure and Health Impacts among Individuals in the Artisanal and Small-Scale Gold Mining Community: A Comprehensive Review," *Environmental Health Perspectives*, vol. 122 (7), July 2014, accessed May 20, 2015, doi:10.1289/ehp.1307864; Stephan Böse-O'Reilly et al., "Mercury as Serious Health Hazard for Children in Gold Mining Areas," *Environmental Research*, vol. 107 (2008), pp.89-97; Stephan Böse-O'Reilly et al., "Mercury Exposure and Children's Health," *Current Problems in Pediatric and Adolescent Health Care*, vol. 40, (2010), pp.186-215.

treaty parties to draw up national action plans on artisanal and small-scale gold mining that include strategies to prevent mercury exposure of children and women of child-bearing age.

Human Rights Watch recommends the Committee ask the government of Nigeria:

- *What steps are the government taking to tackle hazardous child labor in artisanal and small-scale gold mining?*
- *What steps are the government taking to protect communities from exposure to chemicals from large-scale and small-scale mining operations?*

Human Rights Watch asks the Committee to call upon the government of Nigeria to:

- *Educate people about the risks of lead and mercury;*
- *Improve access to health care for miners for mining-related health conditions and for women and girls affected by lead and mercury exposure;*
- *Ratify the Minamata Convention on Mercury and implement its provisions;*
- *Put safer mining programs in place;*
- *Develop a strategy to tackle child labor in mining; and*
- *Expand treatment and environmental clean-up programs.*

Trafficking and the Exploitation of Prostitution (Article 6)

Trafficking of Nigerian women to Côte d'Ivoire and other countries in central and west Africa for prostitution continues to be of concern. In 2010, Human Rights Watch documented cases of Nigerian women who had been trafficked to the Côte d'Ivoire for prostitution. Many victims were between the ages of 15 and 17.

Scores of similar cases involving Nigerian women and girls were documented by Ivorian officials, United Nations personnel, and Nigeria embassy staff.³⁵ In 2016, the US State Department highlighted ongoing concerns about trafficking of Nigerian women to Cote d'Ivoire and other West and Central African countries, as well as South Africa.³⁶

Human Rights Watch documented in 2010 the presence of five separate brothels of Nigerian women and girls in two small towns in central Côte d'Ivoire, with populations of about 40,000 and 50,000 respectively. Human Rights Watch investigations indicated that the majority were likely to have been trafficked. All the women and girls interviewed by Human Rights Watch described being promised work as apprentice hairdressers or tailors, or to work in other businesses elsewhere in West Africa or in Europe. Nigerian women recruited and transported them overland through Benin, Togo, Ghana, and Burkina Faso. The majority of victims told both Human Rights Watch and the Nigerian embassy that they came from Delta and Edo States in southern Nigeria.³⁷

³⁵ "Côte d'Ivoire/Nigeria: Combat Trafficking for Prostitution, Networks Freely Move Women, Girls Across West Africa," Human Rights Watch news release, August 26, 2010, <https://www.hrw.org/news/2010/08/26/cote-divoire/nigeria-combat-trafficking-prostitution>.

³⁶ United States, State Department, Office To Monitor And Combat Trafficking In Persons, 2016,

"2016 Trafficking in Persons Report: Cote d'Ivoire: Tier 2 Watch List,

<http://www.state.gov/j/tip/rls/tiprpt/countries/2016/258750.htm>; Nigeria: Tier 2, 2016,

<http://www.state.gov/j/tip/rls/tiprpt/countries/2016/258834.htm> (accessed October 19, 2016).

³⁷ Ibid.

Women and girls interviewed by Human Rights Watch in 2010 reported that the traffickers demanded that the women and girls engage in prostitution to pay off a “debt” of generally 1.5 to 2 million CFA francs (US\$3,000 to \$4,000), though the cost of overland transportation to Côte d'Ivoire at the time was only roughly 100,000 CFA (\$200). This amounts to debt bondage, a practice similar to slavery under the 1956 United Nations Supplementary Convention on the Abolition of Slavery. At time of interview in 2010, several victims said they had not been able to pay off their “debt” despite engaging in sex work in Côte d'Ivoire for between two and six years, and despite having sex with up to 30 men a night. Nigerian women and girls in central Côte d'Ivoire said that they receive 1,000 CFA francs (\$2) per act, or 5,000 CFA francs (\$10) for the night.³⁸

The Nigerian government has passed anti-trafficking legislation in accordance with international law and has provided significant funding and training to domestic law enforcement and anti-trafficking bodies to implement these efforts.³⁹ The government has investigated, prosecuted, and convicted traffickers and worked with 11 countries on international investigations. However, according to the US State Department, it does not yet meet the minimum standards for the elimination of trafficking and must do more particularly with regards to provision of financial and in-kind support to groups suspected of recruiting and using children and investigation and prosecutions of trafficking.⁴⁰

Human Rights Watch recommends the Committee ask the government of Nigeria:

- *What steps are the government taking to address trafficking of Nigerian women and girls?*
- *What support does the government provide for victims of trafficking and prostitution?*

Human Rights Watch asks the Committee to call upon the government of Nigeria to:

- *Conduct an in-depth investigation into who is operating the trafficking networks into Côte d'Ivoire and other West and Central African countries, and prosecute those responsible in accordance with international fair trial standards.*
- *Continue to investigate, prosecute, and punish, where appropriate, those convicted of trafficking.*
- *Protect women and girls repatriated to Nigeria after escaping from traffickers by closely following their cases and ensuring that they are not victims of reprisals for failing to repay their “debts.”*
- *Ensure that the repatriated victims benefit from National Agency for Prohibition of Trafficking in Persons (NAPTIP) programs for physical and psychosocial recovery, as well as skills training.*

³⁸ Ibid.

³⁹ “Côte d'Ivoire/Nigeria: Combat Trafficking for Prostitution, Networks Freely Move Women, Girls Across West Africa,” Human Rights Watch news release, August 26, 2010, <https://www.hrw.org/news/2010/08/26/cote-divoire/nigeria-combat-trafficking-prostitution>; United States, State Department, Office To Monitor And Combat Trafficking In Persons, 2016, “2016 Trafficking in Persons Report: Nigeria: Tier 2, 2016, <http://www.state.gov/j/tip/rls/tiprpt/countries/2016/258834.htm> (accessed October 19, 2016).

⁴⁰ United States, State Department, Office To Monitor And Combat Trafficking In Persons, 2016, “2016 Trafficking in Persons Report: Nigeria: Tier 2, 2016, <http://www.state.gov/j/tip/rls/tiprpt/countries/2016/258834.htm> (accessed October 19, 2016).

Cultural Stereotypes and Discrimination (Article 2)

In October 2016, President Buhari reacted to his wife's public criticism of his political leadership by saying publicly, "I don't know which party my wife belongs to. But she belongs to my kitchen and my living room and the other room."⁴¹ Human Rights Watch finds such sexist remarks concerning and condemns the use of such stereotypes that create or perpetuate discrimination.⁴²

Human Rights Watch asks the Committee to call upon the government of Nigeria to:

- *Address the persistence of gender-based stereotypes that affect women.*

Sexual Orientation and Gender Identity (Article 2 and General Recommendation No. 28)

On January 7, 2014, Nigeria's former president, Goodluck Jonathan signed the Same-Sex Marriage (Prohibition) Bill (SSMPA) into law.⁴³ The notional purpose of the SSMPA is to prohibit marriage between persons of the same sex. In reality, its scope is much broader. Marriage is defined to include any same-sex partner cohabitation. The SSMPA imposes a 10-year sentence on anyone who "registers, operates or participates in gay clubs, societies and organization" or "supports" the activities of such organizations.⁴⁴ This law also imposes a 10-year sentence for any direct or indirect public show of same-sex amorous relationship.⁴⁵ The provisions of the SSMPA build on existing legislation in Nigeria, but go much further: while the colonial-era criminal and penal codes outlawed sexual acts between members of the same-sex, the SSMPA effectively criminalizes LGBT persons based on sexual orientation and gender identity.

From October 2015 to April 2016, Human Rights Watch documented the negative human rights impact of the SSMPA on LGBT people and on Nigeria-based organizations that provide services to LGBT people and advocate for their rights. This research was based on interviews with 73 Nigerians who identify as LGBT and representatives of 15 Nigeria-based non-governmental organizations in Abuja, Lagos, and Ibadan. While Human Rights Watch found no evidence that any individual has been prosecuted or sentenced under the SSMPA, our research found that the impact of the SSMPA has been far-reaching and severe.⁴⁶ The law is being used by some police officers and members of the public to legitimize multiple human rights violations perpetrated against LGBT people. Such violations include torture, sexual violence, arbitrary detention, violations of due process rights and extortion. The SSMPA contributes significantly to a climate of impunity for crimes committed particularly against lesbian, bisexual and transgender people, including physical and sexual violence. Several lesbian, bisexual and transgender women interviewed by Human Rights Watch observed that perpetrators act with a sense of impunity, emboldened by the apparent license provided by the law, and by the silencing effect of a climate of fear. The SSMPA has also negatively impacted the work of civil society organizations, human rights defenders and health care workers, including peer educators and others who provide essential HIV services to transgender persons.

⁴¹ Daniel Bekele (Human Rights Watch), "Nigeria's President Buhari Owes an Apology, Sexist Remarks Are No Joke," October 14, 2016, <https://www.hrw.org/news/2016/10/14/nigerias-president-buhari-owes-apology>.

⁴² Ibid.

⁴³ Same Sex Marriage (Prohibition) Act, 2013

[http://www.placng.org/new/laws/Same%20Sex%20Marriage%20\(Prohibition\)%20Act,%202013.pdf](http://www.placng.org/new/laws/Same%20Sex%20Marriage%20(Prohibition)%20Act,%202013.pdf).

⁴⁴ Ibid, section 4(1).

⁴⁵ Ibid, section 4(2).

⁴⁶ Human Rights Watch, "Tell Me Where I Can Be Safe."

Human Rights Watch asks the Committee to call upon the government of Nigeria to:

- *To investigate all claims of extortion, arbitrary arrests, detention, and all forms of violence perpetrated on the basis of sexual orientation and gender identity by state and non-state actors.*
- *Review the SSMPA with a view to creating an enabling environment for lesbian, bisexual and transgender women, human rights defenders, and organizations working on sexual orientation and gender identity issues to exercise their constitutional rights to freedom of association and expression.*
- *Act with due diligence to protect sexual and gender minorities against human rights abuses, including by effectively implementing all appropriate laws, including the Violence Against Persons (Prohibition) Act, 2015 in order to prohibit and punish all forms of violence and human rights abuses committed on the basis of sexual orientation and gender identity.*

Displaced Women and Girls (Articles 1, 2, and 3 and General Recommendation no. 19)

Human Rights Watch research found that government officials, including soldiers, police, and other authorities in Nigeria raped and sexually exploited women and girls displaced by the Boko Haram conflict. In late July, 2016, Human Rights Watch documented sexual abuse, including rape and exploitation, of 43 women and girls living in seven internally displaced persons camps in Maiduguri, the Borno State capital. The victims had been displaced from several Borno towns and villages, including Abadam, Bama, Baga, Damasak, Dikwa, Gamboru Ngala, Gwoza, Kukawa, and Walassa. In some cases, the victims had arrived in the under-served Maiduguri camps, where their movement is severely restricted after spending months in military screening camps. The government is not doing enough to protect displaced women and girls and ensure that they have access to basic rights and services or to sanction the abusers, who include camp leaders, vigilante groups, policemen, and soldiers.⁴⁷

Human Rights Watch asks the Committee to call upon the government of Nigeria to:

- *Provide adequate aid in the camps.*
- *Ensure freedom of movement for all displaced people.*
- *Ensure safe and confidential health care for survivors.*
- *Investigate, prosecute, and punish, where appropriate, abusers.*

⁴⁷ "Nigeria: Officials Abusing Displaced Women, Girls: Displaced by Boko Haram and Victims Twice Over," Human Rights Watch news release, October 31, 2016, <https://www.hrw.org/news/2016/10/31/nigeria-officials-abusing-displaced-women-girls>.