



NIGERIA

SUBMISSION TO THE UNITED NATIONS COMMITTEE ON THE
ELIMINATION OF DISCRIMINATION AGAINST WOMEN

67TH SESSION, 3-21 JULY 2017

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INTRODUCTION

Amnesty International submits the following information for consideration by the UN Committee on the Elimination of Discrimination against Women (the Committee) in advance of its examination of Nigeria's seventh periodic report under Article 18 of the Convention on the Elimination of All Forms of Discrimination against Women (the Convention).

This briefing is based on Amnesty International's research findings in Nigeria and focuses on issues relating to the following issues:

- Legislative measures taken by Nigeria to ensure the protection of the rights of women and girls as required by Articles 2 and 3.
- Gender based violence resulting from displacements and armed conflict resulting in contravention of Articles 1-3 and 5a, and General Recommendation 19.
- Forced evictions which led to the disproportionate loss of livelihoods for women, and gender based violence, in contravention of Articles 2, 3, 11, 14 and 16, and General Recommendation 19.
- The use of rape and other forms of sexual violence by the police, in contravention of Article 1 as interpreted by General Recommendation 19.

LEGISLATIVE MEASURES (ARTICLES 2 AND 3)

The Federal Republic of Nigeria consists of 36 states and the Federal Capital Territory (FCT), with diverse cultural and religious practices even within each state. In many cases, including issues relating to women and children, federal laws are not applicable at state level are passed into law by state legislatures. Attempts to domesticate the Convention at the federal level continues to generate public and parliamentary debates, with some legislators, religious groups and leaders arguing that the provisions would erode local customs and religious beliefs.

THE GENDER AND EQUAL OPPORTUNITIES BILL

In order to render the Convention applicable domestically, the National Assembly is currently debating the Gender and Equal Opportunities Bill (GEO Bill). The GEO Bill contains provisions that prohibit discrimination against women and invalidates pre-existing discriminatory laws, policies, rule, directives and customs. The Bill specifically mentions the need to protect the right of women and girls to conclude contracts, administer

property and be treated equally to men in courts and tribunals. The GEO Bill also sets out provisions aimed at addressing harmful cultural practices that violate the rights of widows.

If the GEO Bill is not passed into law at federal and state levels, existing laws that discriminate against women remain operative in different parts of the country. Such laws include, Section 55 of the 1990 Labour Act of Nigeria which bars women from being employed in night work, except as nurses; and Section 360 of the Criminal Code Act which makes the indecent assault of a woman a misdemeanour punishable with a two-year prison term, as opposed to the three years prison term imposed for indecently assaulting a man, which is a felony in Section 353.

VIOLENCE AGAINST PERSONS (PROHIBITION) ACT 2015 (VAPP ACT)

The Violence Against Persons Prohibition Act (VAPP Act) was passed by the National Assembly in 2015, but this law is currently only applicable in the FCT. The law criminalises several acts which are harmful and discriminatorily against women, such as female circumcision or genital mutilation; forcefully ejecting a person from their home; forcing a person to be financially dependent on another or economically abusing them; and harmful widowhood practices. In addition, the law broadens the narrow definition of rape as contained in Criminal and Penal codes. While some additional amendments are required to bring the Act fully in line with international standards, by criminalising these acts which are predominantly carried out against women and girls, the VAPP Act has expanded the scope of protection available to women and girls in FCT.

Civil society organizations have continued to lobby individual states to enact the Violence Against Persons (Prohibition) Laws or similar legislation to protect women and girls against abuse. At least 13 states now have domestic laws which protect some of the rights of women and girls. However many of these laws have limited scope and do not guarantee women the full range of human rights Nigeria has committed to implement by ratifying the Convention.

DISPLACEMENTS AND ARMED CONFLICT RESULTING IN GENDER BASED VIOLENCE (ARTICLES 1, 2, 3, 5A AND GENERAL RECOMMENDATION 19)

Since July 2009, the armed group Boko Haram has killed thousands of civilians, abducted at least 2000 women and girls and deliberately targeted civilians in bombings and gun attacks across the north-eastern parts of Nigeria. More than two million people have been displaced by the conflict, and 80 per cent of them live in host communities, while the rest live in Internally Displaced Persons (IDP) camps across the north-east; the vast majority are women and children. Amnesty International considers the conflict in north-east Nigeria a non-international armed conflict.

Between April 2016 and May 2017, Amnesty International researchers interviewed 110 victims in-depth, including 25 women and six men who had lived in Bama camp and 14 women and three men who lived in Banki camp before being transferred to Maiduguri, as well as IDPs who have lived in camps in Mafa, Benisheik, Damboa, Dikwa, Kalagalge, Maiduguri and Monguno. In addition, Amnesty interviewed more than 30 humanitarian workers who were based in northeast Nigeria. Amnesty International also interviewed 17 women and girls who were detained in Giwa barracks between 2015 and 2017.

SEPARATION OF FAMILIES AND ARBITRARY ARRESTS AND DETENTION OF WOMEN AND GIRLS

Amnesty International has documented a pattern of arbitrary detention of internally displaced people by the military: since 2015, thousands of young men, women and children who fled to the safety of recaptured towns have been detained. In some areas, the military screened all arriving internally displaced people, and detained all those who met certain criteria, including almost all young men.

Hundreds of women have also been arbitrarily detained. The 17 women Amnesty international interviewed said women were detained without adequate investigation as to whether they had committed criminal offenses. They had no access to their families nor lawyers and were not brought before a court. Many were not told the reasons for their arrest, and none was formally charged. In some cases, the arbitrary detention appeared to be based on discriminatory grounds, as women travelling without their husbands were singled out on the assumption that they may have relations with Boko Haram. Many of these women explained to Amnesty International that they had remained in their home villages after their husbands left to look after

sick relatives, or to give birth before fleeing. In addition to violating human rights law, the detention of these women constitutes a violation of international humanitarian law.

By April 2017, more than 600 women were detained in Giwa barrack's three already overcrowded women's cells. Many were pregnant and have since given birth in the cell or the military hospital. One woman said 15 women gave birth in detention in the six months she spent in Giwa barracks in 2015.¹ Girls stayed with their mothers, while boys between five and 15 were held in an overcrowded children's cell without access to their parents. In 2016, 29 babies and young children died in detention.²

SEXUAL ABUSE AND EXPLOITATION OF WOMEN

Amnesty International received consistent and credible reports from scores of victims, as well as witnesses, human rights activists and humanitarian workers that both the Civilian Joint Task Force (Civilian CTF, a state sponsored militia) and the army have been sexually exploiting displaced women in IDP camps in exchange for money, food, or access outside of camps. Particularly in Borno state, where the military run IDP camps outside Maiduguri which held mostly women, elderly and children, there appeared to be widespread sexual exploitation of women by the Civilian JTF members and soldiers.³

This sexual exploitation was exacerbated by highly coercive circumstances wherein women had lacked access to even survival levels of assistance and services. Women also reported their fear of the military and Civilian JTF members, who had abused their authority by exploiting the desperate situation of women and girls.

In some camps, including Bama Hospital camp, women described semi-organized systems of sexual exploitation, where they were collected by Civilian JTF members and taken to their tents, or military men for sex. A mother who lost two of her children to malnutrition in Bama Hospital camp, told Amnesty International that the Civilian JTF approached young women and demanded sex. She said the young women often had no choice. Many other women confirmed to Amnesty International that they did whatever the Civilian JTF members or soldiers wanted in exchange for food. Women in Bama Hospital camp said that after a number of women who went to fetch water was raped, they only went to the borehole in large groups.⁴ The complete lack of civilian oversight in this camp created an environment where these human rights violations could continue with impunity.⁵

However, the abuses in exchange for food continued even after large groups of women were transferred to closed camps in Maiduguri, with more civilian oversight. For example, many IDPs in a camp where female police officers were in place to reduce sexual violence, told Amnesty International that even if they complained about sexual abuse by Civilian JTF members, the camp management and police officers tried to avoid an investigation and preferred to settle the case. The deployment of female police in some of the camps, along with other efforts by the authorities to address sexual violence in the camps, is a welcome step. Such efforts remain however insufficient to deal with the scale of the crisis.

MALNUTRITION

Amnesty International's research indicates that in the first half of 2016, there was a severe food shortage in IDP camps outside Maiduguri, amongst others, due to diversion of food aid supplies. This resulted in a high death toll. Women who had lived in Bama Hospital Camp for months, sometimes up to a year, told Amnesty International that because there was not enough food and water, their young children and babies died. IDPs also reported that elderly people, and adult women, died from malnutrition-related causes.

It is difficult to estimate the number of deaths linked to severe malnutrition. However, Amnesty International believes that thousands of people may have died. In Bama alone, the cemetery included over 1200 bodies as counted by the international medical organization MSF.⁶ Almost all IDPs who lived in Bama Hospital

¹ Amnesty International interviews, December 2015 – May 2017.

² Amnesty International annual report 2016.

³ Interview with Amnesty International between April 2016 and May 2017.

⁴ Amnesty International interviews between April 2016 and May 2017.

⁵ Amnesty International interviews between April 2016 and May 2017.

⁶ MSF, Nigeria: At least 24,000 displaced people in dire health situation in Bama, 22 June 2016, available at: http://reliefweb.int/sites/reliefweb.int/files/resources/20170203_nfss_short_report_final.pdf

camp told Amnesty International that women and children died of malnutrition daily; according to some there were between 25 and 30 deaths a day when the crisis was at its worst.

Women continue to face alarming levels of severe acute malnutrition in affected States in north-east Nigeria: this reaches up to 11.2 per cent in central Yobe State.⁷ Humanitarian workers have indicated that women face additional barriers accessing humanitarian assistance, and that female headed households have particularly poor food consumption patterns.⁸ At the same time, there is a lack of accessible gender-desegregated data to measure women's food security and nutritional situation in displacement.

LACK OF ACCESS TO ADEQUATE HEALTHCARE FOR WOMEN AND CHILDREN

Access to adequate healthcare remains seriously limited, even in Maiduguri. Most humanitarian organizations offer free healthcare only to babies and infants. IDP women who need urgent medical care and are transferred to Maiduguri's hospitals still have to pay for hospital fees, their medicines and food. Amnesty International has documented several cases of IDP women who were denied food and medicines and died in Maiduguri's hospitals after they were transferred from Bama Hospital camp because they were malnourished. Other displaced women told Amnesty international that they had to sell their clothes or cooking pots to be able to pay the fees.⁹ Amnesty International also received an alarming number of reports from IDPs concerning women who died in the camps while giving birth.

⁷ Summary Findings of Nutrition and Food Security Survey, North East Nigeria, November 2016
http://reliefweb.int/sites/reliefweb.int/files/resources/20170203_nfss_short_report_final.pdf.

⁸ Amnesty International interviews, April and May 2017. For data on female headed household food consumption, see for example
<http://documents.wfp.org/stellent/groups/public/documents/ena/wfp290932.pdf?iframe>

⁹ Amnesty International interviews, July 2016- May 2017.

FORCED EVICTIONS, LOSS OF LIVELIHOODS AND VIOLENCE (ARTICLES 2, 3, 11, 14, 16 AND GENERAL RECOMMENDATION 19)

State authorities in Nigeria continue to forcibly evict and render people homeless. Between 2000 and 2009, authorities across the country forcibly evicted over two million people.¹⁰ Hundreds of thousands more have been evicted since, and hundreds of thousands of others remain at risk in cities across Nigeria. Since 2012, authorities in Lagos State have forcibly evicted over 50,000 residents from informal settlements.¹¹

Approximately 30,000 residents of Otodo Gbame were forcibly evicted between 9 November 2016 and 9 April 2017, on at least six separate days within this time-frame.¹² These forced evictions were in violation of relevant domestic, regional and international laws binding on Nigeria. These forced evictions were carried out by the Lagos State Government Task force and the Nigeria Police Force using excessive force, including arson. Residents told Amnesty International that they were not consulted, and no written notices were served on them prior to these demolitions, and that no relief, compensation nor resettlement has been provided to them since the demolition of their homes.¹³

LOSS OF LIVELIHOOD

These forced evictions have disproportionately affected women's ability to earn a living and care for their children. Many women (young and elderly) earned their living from trading in the community. On the other hand, most young men of below 45 years worked outside the community, while the older men engaged in fishing on the lagoon near and far from the community. Women interviewed by Amnesty International said that their places of business in the community were destroyed during the forced evictions.¹⁴ The women said they were not allowed to remove any of their wares, instruments of trade and other items before. Many of them said that they now rely on others to survive.¹⁵

¹⁰ Amnesty International, "Nigeria: More than two million people forcibly evicted" 2009, AFR 44/027/2009. Available at <https://www.amnesty.org/download/Documents/44000/afr440272009en.pdf>.

¹¹ Amnesty International Press Release, "Nigeria: Forced evictions challenge achievements of Lagos at 50", 24 May 2017.

¹² On 9, 10 and 11 November 2016; 17 and 21 March 2017; and on 9 April 2017.

¹³ Interviews with Amnesty International between 10 November 2016 and 18 May 2017.

¹⁴ Interview with Amnesty International on 27 and 28 March, and 5 April 2017.

¹⁵ Interview with Amnesty International on 27 and 28 March, and 5 April 2017.

VIOLENCE AGAINST WOMEN

In addition to the loss of livelihood and property suffered by the women evicted in Otodo Gbame, these women were disproportionately targeted by policemen during an attempt to forcibly evict the residents on 26 March 2017. When the Lagos State Task Force arrived at the community with a bulldozer and in company of armed police officers, residents protested by forming a human wall to protect their homes. The women were lined in front with the men behind them. The police beat many of the women who were on the front line, and five of them were arrested alongside three men.¹⁶

Amnesty International interviewed 11 people who sustained varying degrees of injuries from beatings and assault by the police, and eight of them were women.¹⁷ Many of the women described to Amnesty International how they were beaten by multiple police officers at a time, who used sticks and butts of their guns. Others reported that sticks or stones were thrown at them as they tried to escape.¹⁸

RAPE AND OTHER FORMS OF SEXUAL VIOLENCE (ARTICLE 1 AND GENERAL RECOMMENDATION 19)

Torture is routinely used by the Nigerian Police as an investigative tool to extract “confessions” from suspects. The risk of torture and other ill-treatment is exacerbated by the endemic corruption within the police. The police often detain people, sometimes in large dragnet operations, as a pretext to obtain bribes, those who are unable to pay the bribes for their release are often tortured as punishment, or to coerce them to find the money for their release.¹⁹

In 2014, Amnesty International reported on the cases of rape and sexual violence against women and girls by security forces in Nigeria, and found that women detained for criminal offences, relatives of criminal suspects and sex workers who could not pay bribes were often targeted for rape and other violations by police officers.²⁰

Amnesty International has documented several cases where female detainees were subjected to sexual violence either to extract a ‘confession’ or as punishment. Victims described how they were raped, verbally

16 Amnesty International Interview with residents and Justice and Empowerment Initiatives (JEI) lawyers representing the community on 26 and 27 March 2017.

17 Interview with Amnesty International on 28 March 2017. Amnesty International researcher saw several women with injuries, bruises and cuts on their heads and other parts of their bodies.

18 Interview with Amnesty International on 28 March 2017.

19 Amnesty International, “Welcome to Hell Fire: Torture and other ill-treatment in Nigeria”, September 2014, AFR44/011/2014, pg 31.

20 Amnesty International, “Welcome to Hell Fire: Torture and other ill-treatment in Nigeria”, September 2014, AFR44/011/2014, pg 31.

abused and sexually assaulted. One woman told Amnesty International that a police officer sprayed tear gas into her vagina in a bid to coerce her to confess to the crime of armed robbery.²¹

Sex workers were particularly targeted. Prostitution and soliciting are criminal offences in Nigeria, and Amnesty International found that women sex workers, who consistently face rape and sexual violence from the police as well as other men, hardly ever report the rape for fear of prosecution. In almost all the cases documented by Amnesty International, no charges were brought against the arrested sex workers but the threat of a charge of prostitution was used to coerce them – either into paying bribes or having sex with police officers.²²

RECOMMENDATIONS

Amnesty International recommends that the State party:

LEGISLATIVE MEASURES

- Ensure the speedy inclusion of CEDAW in domestic law by making the GEO Bill fully compliant with international human rights law, and passed into law, while putting in place strong mechanisms for its implementation.
- Urge state governments to include the GEO Bill and the VAPP Law in their legislative frameworks.

DISPLACEMENTS AND ARMED CONFLICT RESULTING IN GENDER BASED VIOLENCE AND OTHER FORMS OF DISCRIMINATION

- Develop a plan to address sexual violence, especially sexual exploitation, in displacement contexts, consulting closely with humanitarian actors and affected women. This plan should involve communicating and enforcing a zero-tolerance policy among the military, Civilian JTF and other relevant actors in north-east Nigeria, including through the investigation and prosecution of individuals suspected of sexual violence, in line with international standards and without recourse to the death penalty. Crucially, any plan to address patterns of violence against women in displacement contexts should also involve addressing root causes of the pandemic of sexual violence, including by ensuring that women and girls are able to access sufficient goods and services to be able to meet their needs, and ensuring women may realize their right to freedom of movement.
- Ensure that the humanitarian response to the displacement crisis adequately addresses the needs of women and girls who face particular barriers accessing good and services. Gender-disaggregated data must be collected and made available and relevant indicators developed, including on mortality, nutrition, food security and healthcare.
- Charge all women held in military detention with a recognizable offence and bring them to justice in a fair trial, or release them.

21 Interviews with Amnesty International on 7 May 2013.

22 Amnesty International, “Welcome to Hell Fire: Torture and other ill-treatment in Nigeria”, September 2014, AFR44/011/2014, pg 32.

- Ensure women are able to access information about the status and locations of their husbands and family members who have been detained.

FORCED EVICTIONS, LOSS OF LIVELIHOODS AND VIOLENCE

- Domestic relevant international and regional law instruments relevant to the protection of the right to adequate housing, and amend the 1999 Constitution of the Federal Republic of Nigeria to recognise and protect the right to adequate housing and other economic social and cultural rights which are necessary for an adequate standard of living.
- Immediately investigate the recent forced evictions and those suspected of criminal responsibility for the human rights violations committed during the forced evictions should be brought to justice without recourse to the death penalty.
- Establish a moratorium on mass evictions until there are regulations in place to ensure that evictions comply with international standards.
- Ensure that eviction impact assessments are conducted before any eviction. These assessments should measure the likely discriminatory impact of the eviction on women, and put in place safeguards against these.

RAPE AND OTHER FORMS OF SEXUAL VIOLENCE AS A FORM OF TORTURE

- Adopt legislation to ensure that all acts of torture are offences under Nigeria's criminal law that will fully provide for Nigeria's obligations under UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and punishable by sanctions commensurate with the gravity of the crime concerned without recourse to the death penalty.
- Ensure that the interrogation of all detainees, including sex workers, takes place in the presence of a lawyer. All statements and questions must be recorded in writing.
- Ensure that any allegations of torture or other ill treatment, including sexual violence, are promptly, impartially and effectively investigated by a body independent of the alleged perpetrators, and those suspected of criminal responsibility for torture or ill-treatment are brought to justice without recourse to the death penalty.

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