

**Submission from the Internal Displacement Monitoring Centre
of the Norwegian Refugee Council
to the Committee on the Elimination of Discrimination against Women
in anticipation of consideration of the sixth periodic report of Nigeria¹**

Introduction:

The Internal Displacement Monitoring Centre (IDMC), established in 1998 by the Norwegian Refugee Council (NRC), monitors conflict-induced internal displacement worldwide. The Geneva-based IDMC runs an online database providing comprehensive and regularly updated information and analysis on internal displacement in more than 50 countries. It contributes to improving national and international capacities to protect and assist the millions of people around the globe who have been displaced within their own country as a result of conflicts or human rights violations.

In anticipation of the consideration of the sixth periodic report of Nigeria by the Committee on the Elimination of Discrimination against Women (“the Committee”) during its 41st session in June-July 2008, the IDMC would like to draw the Committee’s attention to the situation of internally displaced women and girls in the country and to a number of substantial constraints they face in realising the rights enshrined in the Convention on the Elimination of All Forms of Discrimination against Women (“the Convention”).

The IDMC began monitoring the situation of internally displaced people in Nigeria in 2001 and it has provided regular yearly updates since then. The information provided in this submission is based on evidence gathered in the course of field missions, through desk research and contacts with local bodies. Given the scarcity of gender-specific information in the case of Nigeria, general conclusions are drawn on the basis of academic literature and practitioners’ studies on the impact of gender on internal displacement.

Nigeria’s report to the Committee does not provide any information on the situation of internally displaced women and girls. Women and girls displaced by conflict and generalised violence in the country face great difficulties in exercising their rights. Moreover, displacement often exposes them to additional risks to those faced by displaced men.

¹ submitted to the Committee under Article 18 of the Convention on the Elimination of All Forms of Discrimination against Women.

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I. Background note on the internal displacement situation in Nigeria

Outbreaks of violence leading to significant situations of internal displacement are frequent in Nigeria, with at least 14,000 people killed and hundreds of thousands displaced since military rule ended in 1999. According to Moremi Soyinka-Onijala, Special Assistant to President Olusegun Obasanjo on Migration and Humanitarian Affairs, estimates of the number of internally displaced people (IDPs) in Nigeria have varied from 500,000 to millions². The National Commission for Refugees estimated 1,210,000 conflict-induced IDPs for some states of the Federal Republic in its 2007 Mid-Year Report³. These statistics, however, do not clearly differentiate between people still displaced and those who have returned.

While violence in Nigeria is often attributed to religious or ethnic causes, poverty and the struggle for access to power and resources (including land and oil wealth) often constitute the root causes of conflict. Underlying tensions are often exploited by politicians seeking to gain from social divisions. Violence has increased since 2006 in the oil-rich Niger Delta over the control of oil revenues and organised crime, resulting in ongoing low-level displacement. Conflicts linked with secessionist demands in Nigeria's south-east, as well as local land disputes between indigenous groups and settlers, have also raised concerns of resulting displacement.

² Brookings Institution, "First Regional Conference on Internal Displacement in West Africa", 16 June 2006, p. 8, at <http://www.reliefweb.int/library/documents/2006/brooking-wafrica-16jun.pdf> (last visited on 1 May 2008).

³ National Commission for Refugees, "Summary of the IDPs' spread in Nigeria", September 2007, at [http://www.internal-displacement.org/8025708F004CE90B/\(httpDocuments\)/7AED38EB114ECF5AC1257367004E962D/\\$file/NCFR+estimates+Sept+2007.pdf](http://www.internal-displacement.org/8025708F004CE90B/(httpDocuments)/7AED38EB114ECF5AC1257367004E962D/$file/NCFR+estimates+Sept+2007.pdf)

The April 2007 general and presidential elections represented an opportunity to address the many internal conflicts. Instead, the elections followed the path of the two previous polls of 1999 and 2003, and were marked by widespread violence, intimidation, bribery and corruption. Serious logistical flaws added to grave security shortcomings which led to intimidation, violence and extensive falsification of results⁴. The elections generated violence in some parts of the country⁵, and, although no situations of widespread internal displacement were recorded, the Nigerian Red Cross reported that violence in Ihima local government area of Kogi State, Ukwale local government area of Delta State, and Asakio local government area of Nasarawa State caused the displacement of around 4,500 people.

II. The impact of displacement on women and girls in Nigeria - principal subjects of concern and questions

Conflicts and displacement have a direct and indirect impact on significant population groups in Nigeria. However, they affect distinct population groups in different ways. The lives and rights of women and girls are particularly affected by conflict and violence as well as by forced migration. The principal subjects of concern in this context are the following:

➤ Gender-based violence (Article 1) and State party obligations (Article 2, in particular 2(d) and 2(e))

The Committee's General Recommendation No. 19 specifies that the definition of discrimination provided in Article 1 of the Convention includes gender-based violence and that it may breach specific provisions of the Convention, irrespective of whether these provisions expressly refer to violence or not. The recommendation further recognises that the risk of sexual and gender-based violence increases when there are wars and conflicts, which requires specific protective and punitive measures, and that the Convention obliges states parties and their public authorities or agents to refrain from perpetrating violence as well as to protect women from abuse by other actors. In cases where abuses are perpetrated by non-state actors, states have an obligation to act with due diligence to prevent violations, to investigate and punish acts of violence and to provide compensation⁶.

Sexual and gender-based violence is one of the most pervasive violations of the rights of women and girls during periods of displacement due to armed conflict and generalised violence. In the case of internally displaced women and girls, gender-based violence often contributes to cause displacement in the first place. During displacement, on

⁴ International Crisis Group, "Nigeria: Failed Elections, Failing State?", 30 May 2007, p.1 at http://www.crisisgroup.org/library/documents/africa/west_africa/126_nigeria_failed_elections.pdf (last visited on 1 May 2008).

⁵ Centre for Environment, Human Rights and Development, "[Bi-monthly report on incidence of election-related violence monitored in the South-South zone](http://www.cehrd.org/files/Election_Special_Report.doc)" at http://www.cehrd.org/files/Election_Special_Report.doc (last visited 1 May 2008).

⁶ CEDAW, General recommendation No. 19: Violence against women, paragraphs 6, 16, and 9.

account of their particularly vulnerable situation, women and girls are disproportionately affected by violence in general, including especially sexual and gender-based violence.

During the ethno-religious crisis of 2004 in Plateau State when an estimated 40,000-60,000 people were displaced, there was widespread evidence not only of human rights abuses against fleeing civilians by armed militia, but also of police and military complicity. According to the Yelwa Rehabilitation Committee, about 800 people, most of them women and girls, were abducted during the May attack on the town. Although not well documented (partly because of the social stigma experienced by victims who reported attacks) there was anecdotal evidence of women and girls being raped or sexually assaulted. Many Muslim women and children were effectively used as slave labourers and were frequently humiliated by their Christian militia captors⁷.

In 2005 there were reports of rapes committed by members of the special military task force during “Operation Restore Hope”⁸ in the town of Odioma in Bayelsa State in the Niger Delta. Community members reported that some of those fleeing attack tried to cross the river in canoes. Some capsized and a dozen people, mostly women and children, are reported to have drowned⁹.

Based on this information, the IDMC would like the Committee to ask the following questions to the Government of Nigeria:

- What protective and punitive measures are in place to secure the realisation of human rights by IDP women, especially to protect them from gender-based violence?
- What has been done to stop members of the army perpetrating violence against women?
- What has been done to protect IDP women from abuses by non-state actors?
- Have there been any investigations of cases of gender-based violence? Have any perpetrators been found responsible and punished? Have there been any cases of reparations made to victims?
- What mechanisms are in place to ensure that those who perpetrate abuses against women are punished according to the law?

⁷ Global IDP Project, “Internal Displacement in Nigeria: a Hidden Crisis”, 1 February 2005 at [http://www.internal-displacement.org/8025708F004BE3B1/\(httpInfoFiles\)/CAB1CBCEB9B6D1AE802570B90064D590/\\$file/Nigeria_Indepth_report_Feb05.pdf](http://www.internal-displacement.org/8025708F004BE3B1/(httpInfoFiles)/CAB1CBCEB9B6D1AE802570B90064D590/$file/Nigeria_Indepth_report_Feb05.pdf) (last visited 1 May 2008).

⁸ “Operation Restore Hope” was set up in October 2003 to police the rise in violence between the Ijaw and Itsekiri communities, fuelled by competition for compensations and other payments made by oil companies to local authorities.

⁹ Amnesty International, “Fears of human rights violations after troops deployed in Bayelsa state, Niger Delta”, 8 March 2005, at <http://asiapacific.amnesty.org/library/Index/ENGAFR440062005?open&of=ENG-2F5> (last visited 1 May 2008).

➤ **All appropriate measures to ensure the full development and advancement of women (Article 3)**

Internally displaced people remain within their country, and so should enjoy the protection and assistance of their own government. If the Government of Nigeria is to fulfill its responsibility to protect and assist IDPs, it should develop a legal framework to uphold their rights. The adoption of a national policy or plan of action on internal displacement should complement the enactment of national legislation¹⁰. This falls within the comprehensive obligation to eliminate discrimination against women in all its forms.

The Nigerian Presidential Committee on Internally Displaced Persons was established in 2004 with the aim of developing a national policy on internal displacement. According to Committee member Dayo Oluyemi-Kusa, the draft policy allocated responsibility to the appropriate government bodies for different aspects of the short, medium and long-term response to internal displacement¹¹. Recognising the specific challenges faced by women and girls in the different phases of displacement situations, the draft policy attempted to acknowledge and respond to the particular vulnerabilities they face.

Based on this information, the IDMC would like the Committee to ask the following questions to the Government of Nigeria:

- What is the status of the national policy on internal displacement?
- Which specific provisions have been included to take into account the specific vulnerabilities of women and girls?

➤ **The persistence of certain social and cultural attitudes and practices (Article 5) and their impact on equality before the law (Article 15.1) and equality in freedom of movement (Article 15.4)**

In addition to security-related risks, the situation of internally displaced women and girls is made worse by certain social and cultural attitudes and practices which arise from stereotyped roles for men and women and which influence, among others, their equality before the law (Article 15.1) or in freedom of movement (Article 15.4).

As the State party admits in its report to the Committee, widowhood practices, which have been of concern to the Committee during the previous review of Nigeria's obligations,¹² are a set of practices which subject women to three aspects of gender inequality, namely discrimination, exploitation and oppression. The practice of

¹⁰ Framework for National Responsibility, in Report of the Representative of the Secretary-General on the Human Rights of Internally Displaced Persons, E/CN.4/2006/71/Add.1, 23 December 2005.

¹¹ Brookings Institution, "First Regional Conference on Internal Displacement in West Africa", 16 June 2006, p. 16, at <http://www.reliefweb.int/library/documents/2006/brooking-wafrica-16jun.pdf> (last visited on 1 May 2008).

¹² Concluding comments of the Committee on the Elimination of Discrimination against Women, A/59/38 (Part 1), paragraphs 299-300.

disinheritance¹³ forms the basis of a woman's disempowerment as it enforces a state of acute economic hardship. The modern trend in widowhood practices and rites involves the deceased husband's relations demanding all documentation establishing land and property entitlements¹⁴. In the case of internally displaced women, economic deprivation, the lack of documentation and displacement itself lead women to face greater difficulties in ensuring their rights and seeking remedies to address violations of their rights. They may need assistance to understand local laws and procedures, to choose and access appropriate mechanisms, or to obtain legal counsel and representation. Legal information and advice can be particularly important to internally displaced women unfamiliar with the law in the region to which they have been displaced, who lack or have lost the necessary documentation to access justice, or who do not have sufficient financial resources to pursue the enforcement of remedies.

There are many reasons why the particular situation of internally displaced women must be considered when planning returns to areas of customary land tenure. For example, displaced widows become heads of households following the death of male relatives. As the sole breadwinner, a returning woman's ability to secure a livelihood for herself and her family will, in many cases, depend on her ability to secure the use or ownership of land. Yet specific widowhood practices fail to recognise women's inheritance rights and traditions may limit women's ability to use the land. Restrictions on women's ability to inherit land and property impede reintegration, in particular for displaced widows returning to their areas of origin¹⁵. Thus, women's displacement may be unduly prolonged by their inability to access and navigate the land administration system, infringing on their rights to freedom of movement and to choice of domicile and residence.

Based on this information, the IDMC would like the Committee to ask the following questions to the Government of Nigeria:

- What efforts have been put in place in order to eliminate discriminatory widowhood practices? What is their impact?
- What measures have been taken in order to assist women to seek remedies especially with regard to access to land and property?
- What forms of assistance are specifically provided to internally displaced women?

¹³ The practice foresees that regardless of the type of marriage, either statutory or customary, the property of the deceased goes to his family members.

¹⁴ F.A.D. Oyekanmi, *Widowhood in Nigeria: Problems and Prospect for Development*, in ed. T.Falola and O. Okpeh, "Population Movements, Conflicts and Displacements in Nigeria", Africa World Press, 2008, p. 321.

¹⁵ Brookings Institution, "IDP Return Processes and Customary Land Tenure", 8 February 2008, at http://www.brookings.edu/speeches/2008/0207_property_kiggundu.aspx (last visited 1 May 2008).

➤ **Suppression of all forms of traffic in women (Article 6)**

The Committee's General Recommendation No. 19 specifies that wars and armed conflicts often lead to increased trafficking in women and sexual assault of women.¹⁶ According to Article 6 of the Convention, States parties are required to take measures to suppress all forms of traffic in women and exploitation of the prostitution of women. Nigeria has acquired the reputation for being one of the principal African centres of human trafficking, both cross-border and internal¹⁷. It is a source, transit and destination country for trafficked persons, of whom the majority are women and girls¹⁸. Internally displaced women, especially from rural communities, are vulnerable to trafficking and other forms of violence and abuse as a result of poverty and lack of income-generating opportunities due to their displacement situation, social and economic inequalities, subordination due to traditional practices and beliefs, and pervasive ignorance. In many cases, internally displaced women who are widowed or separated from their husbands are prime targets for traffickers.

In 2005 the Government amended the Trafficking in Persons (Prohibition) Law Enforcement and Administration Act of 2003 (hereinafter referred to as the NAPTIP Act). The 2005 amendment does not fundamentally change the NAPTIP Act¹⁹, which is one of the first specific laws against human trafficking in Sub-Saharan Africa. The NAPTIP Act synthesises all the prior anti-trafficking and related provisions in the Criminal and Penal Codes, but there remains uncertainty as to the status of these Codes with respect to the NAPTIP Act, as three laws are equally applicable. There is no provision in any law declaring the supremacy of any of these three laws or clarifying how the court should resolve conflicts between them. This creates difficulties of enforcement and loopholes for offenders. Another weakness is that the NAPTIP law focuses on trafficking for sexual purposes at the expense of offences relating to trafficking for other forms of labour or trafficking for the removal of body organs²⁰.

Examining the NAPTIP Act as a whole, one finds that the legislation is oriented more towards the prosecution of traffickers than to the prevention of trafficking and protection of trafficked persons. The NAPTIP Act mentions Rehabilitation and Reintegration of victims, but the provisions relating to their protection are not sufficient. The deficiencies in the NAPTIP Act regarding the protection of victims and witnesses have impeded the effective prosecution of offenders as victims and witnesses who fear reprisals have failed

¹⁶ CEDAW, General Comment No. 19: Violence against women, paragraph 16.

¹⁷ UNESCO, "Human Trafficking in Nigeria: Root causes and recommendations", Policy Paper Poverty Series No 14.2(E), 2006, <http://unesdoc.unesco.org/images/0014/001478/147844E.pdf> (last visited on 24 April 2008), p. 11.

¹⁸ U.S. State Department, "Trafficking in Persons Report", June 2007, <http://www.gvnet.com/humantrafficking/Nigeria-2.htm> (last visited on 25 April 2008).

¹⁹ In 2004, pursuant to the NAPTIP Act of 2003, the National Agency for the Prohibition of Trafficking in Persons and other Related Matters (NAPTIP) was established in order to oversee matters relating to human trafficking.

²⁰ ILO, "Review of legislation and Policies in Nigeria on Human Trafficking", 2006, <http://www.ilo.org/sapfl/Informationresources/ILOPublications/lang--en/index.htm> (visited on 24 April 2008), p. 24.

to cooperate. In its first two years of existence only two cases led to convictions, despite thousands of trafficking transactions taking place in Nigeria.²¹ To the extent that the NAPTIP Act lacks victims or witness protection, it has not complied with the internationally recommended human rights standard approach.

Based on this information, the IDMC would like the Committee to ask the following questions to the Government of Nigeria:

- What measures are in place in order to monitor labour recruitment practices?
- What specific measures are in place to address the vulnerability of internally displaced women and protect them against trafficking and other forms of violence?
- What forms of assistance are provided to victims of traffic in women?
- What measures and mechanisms are in place to address impunity, and ensure that those who perpetrate abuses related to trafficking in women are punished according to the law?
- Have there been any cases of reparations made to displaced women who became victim of traffic in women?
- To what extent has the NAPTIP Act been implemented?

²¹ op.cit., p. 24.