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## الجمعية العامة



## مجلس حقوق الإنسان

## الدورة الثانية والثلاثون

## البند ٣ من جدول الأعمال

تعزيز وحماية جميع حقوق الإنسان، المدنية والسياسية والاقتصادية والاجتماعية والثقافية، بما في ذلك الحق في التنمية

تقرير المقرر الخاص المعني بحقوق كل إنسان في التمتع بأعلى مستوى ممكن من الصحة البدنية والعقلية والمقررة الخاصة المعنية بمسألة بيع الأطفال واستغلالهم في البغاء وفي المواد الإباحية والمقررة الخاصة المعنية بأشكال الرق المعاصرة، بما في ذلك أسبابها وعواقبها، عن زيارتهم المشتركة إلى نيجيريا\*

## مذكرة مقدمة من الأمانة

تشرف الأمانة بتقديم هذا التقرير، الذي يلخص نتائج الزيارة المشتركة إلى نيجيريا التي قام بها دانييوس بُوَراس، المقرر الخاص المعني بحقوق كل إنسان في التمتع بأعلى مستوى ممكن من الصحة البدنية والعقلية، ومُوضَّح دو بوير بوكيكيو، المقررة الخاصة المعنية بمسألة بيع الأطفال واستغلالهم في البغاء وفي المواد الإباحية، وأورميلا مْهُولا، المقررة الخاصة المعنية بأشكال الرق المعاصرة، بما في ذلك أسبابها وعواقبها. وتمت الزيارة في الفترة من ١٨ إلى ٢٢ كانون الثاني/يناير ٢٠١٦ استجابة لدعوة الحكومة. ويتضمن التقرير مجموعة شاملة من التوصيات موجهة إلى الحكومة وجهات فاعلة أخرى بتكثيف ما تبذله من جهود لضمان الحماية والتعزيز الكاملين لحقوق النساء والأطفال المتضررين من تمرد بوكو حرام.

\* قُدم هذا التقرير بعد الموعد المحدد لكي يضمن آخر المستجدات.



**Report of the Special Rapporteurs on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, on the sale of children, child prostitution and child pornography and on contemporary forms of slavery, including its causes and consequences on their joint visit to Nigeria\*\***

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\*\* Circulated in the language of submission only.

## I. Introduction

1. The Special Rapporteurs on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, Dainius Puras, on the sale of children, child pornography and child prostitution, Maud de Boer-Buquicchio, and on contemporary forms of slavery, including its causes and consequences, Urmila Bhoola, conducted a joint visit to Nigeria from 18 to 22 January 2016 at the invitation of the Government. The aim of the visit was to examine measures taken by the Government and other actors to rehabilitate and reintegrate women and children who escaped or were liberated from Boko Haram captivity. The plight of those women and children is complex, multifaceted and brings into consideration a broad spectrum of human rights considerations. All three Special Rapporteurs identified areas of deep concern in relation to their respective mandates, including serious abuses of the human rights of women and children and violations of international humanitarian law, and constraints in meeting the obligation to protect and fulfil their human rights as explained in the ensuing sections.

2. During the visit, the Special Rapporteurs exchanged views with representatives from the Ministries for Women and Social Affairs, Health, Justice and Foreign Affairs, from the Office of the National Security Adviser, the Nigeria Police Force, the National Emergency Management Agency, the Borno State Emergency Management Agency, the Victims Support Fund and the National Human Rights Commission, and members of the National Assembly. They held meetings with diplomatic representatives of European Union member States, civil society organizations, some of the parents of the abducted girls from Chibok and representatives of relevant United Nations agencies, both in Abuja and Maiduguri. They visited the Dalori, Teachers village and Gubio camps for internally displaced persons in Maiduguri and the Kuje Prison Deradicalization Programme in Abuja.

3. The Special Rapporteurs express their gratitude to the courageous women and children and the representatives from the civil society organizations who graciously and generously shared their experiences. They are also thankful to the Government of Nigeria for its cooperation and openness in discussing issues pertaining to the objectives of their visit. They further extend their most sincere thanks to the United Nations country teams in Abuja and Maiduguri for facilitating the visit, in particular the Human Rights Adviser to the country teams.

4. The Special Rapporteurs offer their findings and recommendations in a spirit of constructive dialogue, which they hope to continue with the various interlocutors with whom they met. They therefore remain available for any further consultation and technical support that could ultimately lead to the successful rehabilitation and reintegration of women and children affected by the Boko Haram insurgency.

## II. Background

5. North-east Nigeria, and particularly Borno State, has been the base of the group Jama'atu Ahlis Sunnah Lid'dawa'ati Wal Jihad, more commonly known as Boko Haram (most often translated into English as "western education is forbidden"), which has waged a brutal insurgency that has claimed at least 12,000 lives and displaced millions of people within and beyond the borders of Nigeria since 2009.<sup>1</sup>

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<sup>1</sup> See [www.unocha.org/nigeria/about-ocha-nigeria/about-crisis](http://www.unocha.org/nigeria/about-ocha-nigeria/about-crisis).

6. Boko Haram was reportedly founded in 2002, but did not emerge as a significant security threat until the group's leader, Mohammed Yusuf, and a large number of its members were killed by security forces in 2009.<sup>2</sup> Since then, the group has conducted a large number of violent attacks, including suicide bombings, against civilians and civilian and military targets, predominantly in the north-east. The insurgency affects not only Nigeria but the entire Lake Chad region and poses a serious threat to regional peace, stability, development and human rights.

7. While analysis of the root causes of the creation and growth of Boko Haram is beyond the scope of the present report, a brief overview is included below as an indication of the context that underpins the findings of the Special Rapporteurs' and related recommendations.

8. While the causes of radicalization, in particular of women and girls, should be further researched, general causes of youth extremism include misinterpretation of religious teachings, linked to, among others, the proliferation of religious sects and religious preachers often lacking knowledge of the religion in which they claim expertise. Persistent poverty, combined with a lack of positive outlook and the socioeconomic fabric of affected communities, are also contributing factors.<sup>3</sup>

9. While children and young people are recruited through abduction and separation from their families, intimidation and coercion, they have also been enlisted through the use of financial and other incentives.<sup>4</sup> For example, it is reported that young suspects who were released by the military claimed Boko Haram had paid them about \$30 each to set schools on fire and spy on soldiers.<sup>5</sup> A 2013 progress report on the Millennium Development Goals indicated that youth unemployment was estimated at 37.7 per cent, placing Nigeria among the countries with the worst youth unemployment record in sub-Saharan Africa. The poverty level remained considerably high, with the most recent nationally representative survey indicating a 62.6 per cent poverty prevalence rate, which translates to over 100 million people living in absolute poverty.<sup>6</sup>

10. The most affected groups are women, children and young people living in northern Nigeria.<sup>7</sup> For example, school non-attendance rates in the north can be as high as 72 per cent compared with less than 3 per cent in the south.

11. At the national level, women are disadvantaged compared with men in terms of both education and earnings. In total, 38 per cent of Nigerian women compared with 21 per cent of men have no education, and girls' enrolment is rated at 20 per cent in the north-east compared with 85 per cent in the south-east and north-west regions.<sup>8</sup>

12. Also at the national level, more than half of women reported having had at least one problem gaining access to health care for themselves; nearly 3 in 10 women have experienced physical violence at least once since the age of 15; and 7 per cent have

<sup>2</sup> See H. Persson, *Nigeria—An Overview of Challenges to Peace and Security* (Swedish Defence Research Agency, 2014).

<sup>3</sup> F.C. Onuoha, "Why do youth join Boko Haram?", *Special Report, No. 348* (Washington, D.C., United States Institute of Peace, June 2014).

<sup>4</sup> Watchlist on Children and Armed Conflict, *Who Will Care for Us? Grave Violations against Children in Northeastern Nigeria* (September 2014). Available from [http://watchlist.org/wordpress/wp-content/uploads/2111-Watchlist-Nigeria\\_LR.pdf](http://watchlist.org/wordpress/wp-content/uploads/2111-Watchlist-Nigeria_LR.pdf).

<sup>5</sup> See Onuoha, "Why do youth join Boko Haram?" (footnote 3).

<sup>6</sup> See [www.undp.org/content/dam/nigeria/docs/MDGs/UNDP\\_NG\\_MDGsReport2013.pdf](http://www.undp.org/content/dam/nigeria/docs/MDGs/UNDP_NG_MDGsReport2013.pdf), chapter 2.2.

<sup>7</sup> See Onuoha, "Why do youth join Boko Haram?" (footnote 3).

<sup>8</sup> Akinola Olojo, "Engendering counter-terrorism in northern Nigeria" (June 2013). Available from <http://icct.nl/publication/engendering-counter-terrorism-in-northern-nigeria>.

experienced sexual violence. Experience of sexual violence varies by region, with 16 per cent of women in the north-east having experienced some form of sexual violence. Spousal violence is also high, with one in four married women reporting that they have experienced physical, sexual or emotional violence by their husband or partner.<sup>9</sup> Around a quarter of Nigerian women have undergone female genital mutilation, a practice that has a profoundly detrimental impact on the health of women and girls, including their psychological and sexual and reproductive health, and is recognized as a human rights violation.<sup>10</sup>

13. Women and girls marry much younger than men; the average age of marriage is about 18 years for women, 9 years younger than for men. In total, 23 per cent of adolescent women aged 15-19 are already mothers or pregnant with their first child. The rates of young pregnancy and motherhood are highest in the north-west and north-east.<sup>11</sup> The adolescent birth rate is 89 births per 1,000 women, while the total fertility rate is 5.7 children per woman. About 27 per cent of women have a live birth before the age of 18, and about 7 per cent have had a live birth before the age of 15.<sup>12</sup>

14. Overall, women have less control over assets like houses or land and thus are exposed to heightened economic vulnerability. For example, nationally, 18 per cent of women own a house, either alone or jointly, and 15 per cent own land, compared with 40 per cent of men who own a house and 34 per cent who own land.<sup>13</sup>

15. In 2015, the maternal mortality ratio was 814 deaths per 100,000 live births, one of the highest in the world.<sup>14</sup> The north-eastern zone has the highest maternal mortality rate in Nigeria, at 1,549 deaths per 100,000 live births, compared with 165 deaths per 100,000 live births in the south-west.

### III. Legal and institutional framework

16. The Special Rapporteurs noted the existence of a comprehensive legal, policy and institutional framework in the country providing a solid basis for responding to the current challenges posed by the Boko Haram insurgency. An overview of that framework is provided below.

#### International and regional legal framework

17. Nigeria has ratified all of the core international human rights instruments, including the Convention on the Elimination of All Forms of Discrimination against Women; the Convention on the Rights of the Child and its Optional Protocols on the sale of children, child prostitution and child pornography and on the involvement of children in armed conflict; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol; the Convention on the Elimination of All Forms of Racial Discrimination; the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; the Convention on the Rights of Persons with Disabilities; and the International Convention for the Protection of All Persons from

<sup>9</sup> National Population Commission of Nigeria and ICF International, *Nigeria Demographic and Health Survey 2013* (Abuja and Rockville, Maryland, 2014).

<sup>10</sup> See the fifth periodic report of Nigeria on the implementation of the African Charter on Human and People's Rights in Nigeria, available from [www.achpr.org/files/sessions/56th/state-reports/5th-2011-2014/staterep5\\_nigeria\\_2013\\_eng.pdf](http://www.achpr.org/files/sessions/56th/state-reports/5th-2011-2014/staterep5_nigeria_2013_eng.pdf).

<sup>11</sup> See National Population Commission, *Demographic and Health Survey* (footnote 9).

<sup>12</sup> See the fifth periodic report of Nigeria (footnote 11).

<sup>13</sup> See National Population Commission, *Demographic and Health Survey* (footnote 9).

<sup>14</sup> See <http://data.worldbank.org/indicator/SH.STA.MMRT>.

Enforced Disappearance. Nigeria is a party to the 1927 Slavery Convention and acceded in 1961 to the 1956 Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery. It accepted the individual complaints and the inquiry procedures provided by the optional protocols to the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of Persons with Disabilities. Nigeria also ratified the four Geneva Conventions of 1949, the Protocol additional to the Geneva Conventions of 12 August 1949 and the Rome Statute of the International Criminal Court.

18. At the regional level, Nigeria has ratified the 1981 African Charter on Human and Peoples' Rights, its 2003 Protocol on the Rights of Women in Africa (the Maputo Protocol) and the 1990 African Charter on the Rights and Welfare of the Child. Nigeria also ratified the 1998 Protocol to the African Charter on Human and Peoples' Rights on the Establishment of the African Court on Human and Peoples' Rights and is party to the 2009 African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (the Kampala Convention) and various instruments of the Economic Community of West African States.

### **National legal framework**

19. The 1999 Constitution safeguards the human rights of all in its chapter 4 and provides for protection against slavery, servitude, forced or compulsory labour. It also provides for the protection of children against any exploitation, moral and material neglect.

20. Nigeria has transposed the Convention on the Rights of the Child into national law through the enactment of the Child Rights Act, 2003, which prohibits, among others, slavery and practices similar to slavery, such as the sale of or trafficking in children, debt bondage, serfdom and forced or compulsory labour for children. The Act guarantees the provision of special protection measures for children in need, including assistance and facilities necessary for education, training, preparation for employment, rehabilitation and recreational opportunities in a manner conducive to achieving their fullest possible social integration and individual development. Furthermore, the Act prohibits the recruitment of children into the armed forces. In terms of the federal structure of Nigeria, national law does not apply unless specifically adopted by state assemblies. Only 22 out of 36 states have enacted the Child Rights Act. Borno, Yobe and Adamawa, the three north-eastern states most affected by the Boko Haram insurgency, have not yet done so. The lack of harmonization between sharia law and civil law is also said to be one of the challenges preventing states' adoption of the Act. It is noteworthy that the Child Rights Act defines a child as someone under the age of 18, while the definition in the State Children and Young Persons Laws applicable in the three north-eastern states is someone under 15.

21. The Violence against Persons (Prohibition) Act, adopted in May 2015, aims at eliminating violence in private and public life. It prohibits all forms of violence, including physical, sexual, psychological and domestic. It criminalizes marital rape, female genital mutilation, forceful ejection from home and harmful widowhood practices. It also prohibits discrimination against persons and provides for protection and remedies for victims and punishment of offenders.

22. The 2015 Administration of Criminal Justice Act is aimed at reforming the overall administration of the criminal justice system by promoting efficient management of criminal justice institutions, ensuring the timely dispensation of justice and protecting the rights and interests of all actors. Addressing corruption is said to have increased the independence of the judiciary. It has been said that prosecution and conviction rates for people found guilty of terrorism and other associated perpetrators of acts of criminal violence may increase given the specific timelines for prosecutions laid down in the Act.

23. The termination of pregnancy is illegal except when performed to save a woman's life. Both the Penal and Criminal Codes specify similar penalties for non-compliance. Yet pregnancy terminations are quite common and, because they are often performed clandestinely or by unskilled providers, most are unsafe.<sup>15</sup>

24. The Gender and Equal Opportunity bill has been on the legislative agenda since 2011. The bill would incorporate into national law certain provisions of the Convention on the Elimination of All Forms of Discrimination against Women and outlaw discrimination on the grounds of gender, age and disability. The bill contains provisions related to temporary special measures, the modification of sociocultural practices, and the prohibition of discrimination on the grounds of marital and socioeconomic status, in political and public life, education, the health sector and employment. It would prohibit violence against women, establish the minimum age of marriage at 18 years, and also establish a gender and equal opportunities commission.

### **National policy framework**

25. The National Priority Agenda for Vulnerable Children (2013-2020) is an eight-year strategic framework operationalizing the commitment of the Government to ensure that all children are free from poverty and discrimination and are given the chance to fully develop their potential. The Agenda is tied to the Nigeria Vision 20: 2020 and draws from a number of national sectoral plans, including the National Strategic Health Development Plan (2010-2019), the National HIV/AIDS Strategic Plan (2010-2015), the National Strategic Plan for the Education Sector (2010-2016) and the Subsidy Reinvestment and Empowerment Programme.

26. In 2013, Nigeria adopted its plan of action for the implementation of Security Council resolution 1325 (2000), with a focus on prevention, participation, protection, promotion and prosecution. Of particular relevance are its stated objectives, which include initiating the process of transitional justice, strengthening the justice system to handle cases of gender-based violence and promoting the legal and economic empowerment of women and girls in conflict and post-conflict communities.

27. The draft national peace policy has also been finalized and is expected to be issued as an executive order in 2016. This policy aims to define the institutional and policy framework to guide the activities and mobilize resources to address conflict prevention and promote peacebuilding in the short, medium and long term, taking into account the national context characterized by diversity and a plurality of ethnic, regional and religious identities.

28. A draft national policy on internally displaced persons was still on the Government's agenda at the time of the visit. This policy provides a framework for preventing and protecting citizens, and in some cases non-citizens, from arbitrary and other forms of internal displacement, meeting their needs during displacement and ensuring their rehabilitation, return, reintegration and resettlement after displacement. The policy, which integrates a human rights-based approach and a gender equality perspective, provides guidance on the provision of humanitarian assistance and the implementation of durable solutions in situations of internal displacement, with specific guidance on the rights of internally displaced children, women and other groups of displaced persons.

<sup>15</sup> A. Bankole and others, "The incidence of abortion in Nigeria", in *International Perspectives on Sexual and Reproductive Health* (December 2015), pp. 170-181.

### **Institutional framework**

29. The executive branch in Nigeria is decentralized. Federal ministries are generally responsible for policy guidance, whereas state ministries in the corresponding areas are responsible for implementation.

30. The Federal Ministry of Women Affairs and Social Development is the lead department charged with promoting the general welfare of women and children.

31. The Federal Ministry of Health aims at formulating and implementing policies and programmes related to health towards strengthening the national health system for an effective, efficient, accessible and affordable delivery of health services.

32. The Office of the National Security Adviser coordinates the work related to countering terrorism and violent extremism.

33. The National Emergency Management Agency is the federal policymaking entity charged with guiding, coordinating and directly implementing humanitarian relief interventions and the rehabilitation of vulnerable groups affected by emergencies. The state emergency management agencies complement the National Agency at the state level.

34. The National Human Rights Commission, established by the National Human Rights Commission Act of 1995, is the institution responsible for protecting and promoting human rights. The Commission has been accredited with “A” status by the International Coordinating Committee of National Human Rights Institutions in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).

## **IV. Human rights abuses against women and children**

35. Boko Haram has conducted brutal and widespread human rights abuses and violations of international humanitarian law against civilians, particularly women and children. In his report prepared pursuant to Human Rights Council resolution S-23/1,<sup>16</sup> the United Nations High Commissioner for Human Rights documented such abuses and violations as including sexual violence, rape and child marriage. Child marriage is a form of forced marriage that places children at high risk of child domestic servitude and forced prostitution and can constitute a contemporary form of slavery. The report also includes documented instances of numerous women and girls forced to give birth or undergo miscarriages in extremely difficult conditions. In addition, the Special Rapporteurs were informed of widespread practices of abductions and abuse of women and children by insurgents, forced marriage of women to their abductors and pregnancy resulting from rape, and the disruption of education and health services. In particular, the stigma and discrimination suffered by women and girls associated with Boko Haram, including those who were abducted, escaped or rescued, was reported.

### **Abductions and sexual violence**

36. Boko Haram has used widespread abductions of girls and boys as a part of its insurgency strategy. While the abduction on 14 April 2014 of 276 school girls from the town of Chibok in Borno State gained international attention, a number of other abductions of women and children have been largely unpublicized, including the abduction in 2015 of 300 primary school children and 100 women from the town of Damasak in Borno State. The total number of abductions remains unknown, but it is estimated that thousands of

<sup>16</sup> See A/HRC/30/67.



women and children have been abducted since 2012.<sup>17</sup> A number of abductees have managed to escape or were rescued, with 1,010 children reportedly rescued as at February 2016. The manner in which those women and children were abducted, the duration of their captivity and the conditions under which they were held are diverse. They all referred to sexual violence and other forms of abuse, including situations of servitude, and many returned pregnant or with babies. The number of those who managed to escape remains unknown.<sup>18</sup>

### Use of boys and girls in the insurgency

37. Boko Haram has reportedly recruited and used boys and girls in combat and support roles, such as cooks, porters and look-outs.<sup>19</sup> Girls were also subjected to sexual violence and used as sexual slaves by insurgents, which resulted in many becoming pregnant. Those who have escaped or were rescued reported extreme exploitation and being subjected to multiple human rights abuses. Some boys were forced to attack their own families and communities to demonstrate loyalty to Boko Haram, while girls were forced to marry Boko Haram fighters, clean, cook and carry equipment and weapons. Children were also used as human shields to protect Boko Haram insurgents. Another alarming trend is the growing number of women and girls used as “suicide” bombers in urban centres.<sup>20</sup> For example, in 2015, 21 children were used in suicide attacks, all of them girls, with some as young as 9. This number increased from four girls used as suicide bombers in 2014.<sup>21</sup>

### Disruption of education and health services

38. The Special Rapporteurs noted that the education and the health sectors, already weak in the north-eastern region, have been the most affected. Health providers working on family planning and providing lifesaving immunization services, together with teachers, have been killed and kidnapped, with reports of their families being threatened. Hospitals and schools have been burned down and ransacked and a number of schools were still used to house internally displaced persons at the time of the visit. Cold-chain facilities were also destroyed. The violence has disrupted HIV services and efforts to eradicate polio. In addition, displacement has increased the risk of outbreak of diseases like malaria, cholera and measles. The insurgency has also created a climate of fear by threatening and intimidating teachers and students who continued to go to school. This has led to school closures, the flight of teachers and the withdrawal of many students, increasing the number of children with no or little education opportunities.

39. It was reported to the Special Rapporteurs that, in the last quarter of 2015, 547 out of 1,713 public schools in Borno State had been destroyed or damaged as a result of the insurgency. This had reportedly prevented access to education for a large number of schoolchildren. While the Government referred to plans to relocate internally displaced persons from schools, a number of schools were still accommodating them at the time of

<sup>17</sup> International Alert/UNICEF, *“Bad blood”: Perceptions of children born of conflict-related sexual violence and women and girls associated with Boko Haram in northeast Nigeria* (Abuja and London, February 2016).

<sup>18</sup> See A/HRC/30/67.

<sup>19</sup> UNICEF, *Missing childhoods: The impact of armed conflict on children in Nigeria and beyond* (New York, April 2015); and M. Bloom and H. Maftess, “Women as symbols and swords in Boko Haram’s Terror”, in *Prism* (vol. 6, No. 1, 2016).

<sup>20</sup> See Fund For Peace and Nigeria Stability and Reconciliation Programme, “Violence Affecting Women and Girls in Select Nigerian States” (October 2015), available from [www.nsrp-nigeria.org/wp-content/uploads/2016/01/VAWG-Monthly-Report-18-October-Final.pdf](http://www.nsrp-nigeria.org/wp-content/uploads/2016/01/VAWG-Monthly-Report-18-October-Final.pdf).

<sup>21</sup> See UNICEF, *Beyond Chibok* (New York, 2016), available from [www.unicef.org/infobycountry/files/Beyond\\_Chibok.pdf](http://www.unicef.org/infobycountry/files/Beyond_Chibok.pdf)

the visit when, out of the 114 governmental schools in Borno State, only 78 were operating. More broadly, it is reported that, between 2009 and 2015, Boko Haram destroyed more than 910 schools and forced 1,500 more to close and killed at least 611 teachers, leaving approximately 1 million children with little or no access to school.<sup>22</sup>

### **Stigma against women and children born of rape**

40. All women and girls who experienced sexual violence during the insurgency face stigmatization. Yet the stigma and rejection from families and communities is greater for those who are perceived to have been associated with Boko Haram, as abductees, those living in Boko Haram controlled areas or those who were compelled and forced to become “wives” of Boko Haram insurgents. These women and girls, often referred to by communities as “Boko Haram wives” or “Sambisa women”, are shunned and marginalized, even in camps for internally displaced persons. Many view these women as a direct threat, fearing that they have been indoctrinated.

41. The Special Rapporteurs were made aware of a high level of stigmatization and ostracism of children born to women and girls who were abducted. These children are viewed as the next generation of fighters and often seen responsible for the violence and loss suffered by the communities. Popular beliefs about “bad blood” and witchcraft form the basis of these fears. While communities believe that over time relations could be rebuilt and they may be willing to accept the women and girls, acute fear and suspicion persist of children whose fathers are believed to be Boko Haram insurgents. They described such children as “hyenas among dogs” and held the view that “the child of a snake will always be a snake”. While religious and traditional leaders have been reportedly more open towards accepting the mothers and their children, most of the displaced communities remain deeply distrustful of the returnees.<sup>23</sup>

### **Displacement**

42. The insurgency and security responses to counter it have caused massive displacement with just under 2 million persons displaced in the north-east as a result of protracted violence, representing a sharp increase from the figure of approximately 260,000 in 2014. Displacement has had grave consequences on the human rights of those affected, including access to food, water and sanitation facilities and livelihood opportunities inside and out of camps. In addition, camps have not been spared from targeted attacks by Boko Haram leading to an increase in protection gaps.<sup>24</sup>

## **V. Responses, programmes and strategies**

43. Significant interventions managed by different authorities and actors, federal and state, have been implemented in response to the insurgency and the resulting human rights violations. Increasing efforts have been made to ensure the efficient coordination of activities as part of an integrated response, though it is acknowledged that some challenges remain (see section VI).

<sup>22</sup> See Human Rights Watch, “They set the Classrooms on Fire”: Attacks on education in north-east Nigeria (2016), available from [www.hrw.org/report/2016/04/11/they-set-classrooms-fire/attacks-education-northeast-nigeria](http://www.hrw.org/report/2016/04/11/they-set-classrooms-fire/attacks-education-northeast-nigeria).

<sup>23</sup> See International Alert/UNICEF, “*Bad blood*” (footnote 21).

<sup>24</sup> See Refugees International, “Nigeria’s Displaced Women and Girls, Field Report” (Washington, D.C., April 2016).

**Security responses**

44. The Civilian Joint Task Force, an organized local self-defence group, emerged in 2013 to support military counter-insurgency operations to identify and arrest Boko Haram suspects, control security checkpoints, provide information and monitor the movement of people. Local vigilante groups reportedly also operate in other areas. While membership is voluntary and the Task Force pledged that no child under the age of 15 would be allowed to join, a number of children continue to be involved, often owing to peer pressure or out of fear of reprisals, or out of gratitude for increased security in their communities.<sup>25</sup> While the Special Rapporteurs did not interact with the Task Force, they saw their members patrolling roads in Maiduguri and operating in the camps for internally displaced persons.

45. Boko Haram activities have progressively spilled beyond the borders of Nigeria into Cameroon, Chad and the Niger, and the group has established itself as a regional threat, prompting a response by the Africa Union. This regional military response includes the deployment of a multinational joint task force, with a mandate to create a safe and secure environment in the areas affected by Boko Haram activities, in order to reduce violence against civilians and end other abuses, including sexual and gender-based violence, and secure full compliance with international law, including international humanitarian law and the United Nations human rights due diligence policy. That task force is responsible for protecting civilians under immediate threat, camps for internally displaced persons and refugees; providing security for humanitarian workers and other personnel; and searching and liberating all abductees, including the young girls abducted from Chibok. The task force is expected to establish standard operating procedures for the identification of victims, the immediate assistance and referral of victims and family reunification and assistance for those abducted and separated, such as unaccompanied children.

**Identification of victims**

46. The Special Rapporteurs were unable to gain a clear understanding of the procedures used to screen individuals returning from captivity in order to establish whether they are offenders or victims. This is said to occur when such abductees first make contact with the military in front-line areas. Those suspected of association with Boko Haram are subsequently transferred to military detention facilities in the region. Following further investigation, some are charged with offences under the Anti-Terrorism Act and offered enrolment in the “de-radicalization” programme run by the Government (see para. 49).

47. It is also not entirely clear what happens to those not suspected of being Boko Haram insurgents. Some may be enrolled in another type of de-radicalization programme and some let go, most likely ending up in camps for internally displaced persons or host communities. For example, a group of 307 women and 253 children — including 84 boys and 169 girls, 112 of whom were under 5 — who were mostly encountered during military operations in Sambisa Forest, were brought to one such camp in Adamawa State and subsequently transferred to a military facility run by the Office of the National Security Advisor in Kaduna State where they were enrolled in a de-radicalization programme aimed at supporting them in their rehabilitation, de-stigmatization and reintegration into the communities. The Special Rapporteurs did not see the programme in action as by the time of their visit it had ended for the above group and had not yet started for another intake owing to a lack of funding. It was unclear at that time if the programme was due to resume, presumably leaving a gap in relation to the rehabilitation of women and children freed from Boko Haram as the military operations continued to liberate areas from its control.

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<sup>25</sup> See A/HRC/30/67.

48. The shortcomings of the screening procedures and the risk that individuals may be detained for a long time with no apparent reason can also be attested by the number of persons reported to have been released from military custody after being investigated and cleared.<sup>26</sup> While the Special Rapporteurs did not specifically focus on this issue, they underscore that any detention must comply with the international human rights norms and standards governing the deprivation of liberty, including that children should never be detained. They recall that these standards must apply even in times of emergency and in combating violent extremism as indicated in the report of the Secretary-General on the Plan of Action to Prevent Violent Extremism.<sup>27</sup>

### **Countering violent extremism programme**

49. This programme led by the Office of the National Security Adviser has three components. The first, called counter-radicalization, is aimed at creating awareness of the threat of violent extremism at the grass-roots level, including by training religious leaders, women and young people and initiating peace initiatives and interfaith processes. The second is the de-radicalization component, the aim of which is to change the behaviour and mindset of Boko Haram adherents, including through cognitive behaviour and group therapy, religious dialogue, religious counselling and vocational training to acquire a basic level of education and skills. The Special Rapporteurs visited this programme, which was run in the Kuje Detention Centre in Abuja with the support of the European Union, and learned about the literacy classes imparted to the inmates to allow them to read the Koran for themselves and the vocational skills training, including in electrics, that some of the inmates were undertaking. Under this component, national security corridors can be provided for those insurgents who wish to lay down arms.

50. The strategic communications component is the third stream, aimed at countering the extremist narrative through media and public information campaigns that spread messages of national identity, tolerance and community resilience.

### **Humanitarian response**

51. While the Special Rapporteurs were told that at the outset the overall humanitarian response was reportedly slow, fragmented and incapable of meeting the needs of the population affected by the insurgency,<sup>28</sup> they learned of much progress in the management of camps for internally displaced persons and service delivery for displaced persons both in camps and host communities. They commend the courageous national and international humanitarian workers who constantly struggle to provide a drop of support in an ocean of needs.

52. The national and state emergency management agencies are responsible for managing the camps for internally displaced persons with trained personnel, including providing food items, clean drinking water, dignity kits, emergency education and medicines. The National Emergency Management Agency, with international partners, established a displacement tracking matrix programme that creates a comprehensive system to collect and disseminate data on internally displaced persons and train government officers on its use. The total number of such persons captured by the programme as at 31 December 2015 was 2,151,979, of whom 1,818,469 were considered displaced as a result of the Boko Haram insurgency. Borno State has the highest number of persons displaced by the insurgency, followed by Adamawa and Yobe States. In total, 51.77 per cent of the

<sup>26</sup> See Naij, "Army hands over 275 Boko Haram detainees", 12 February 2016.

<sup>27</sup> A/70/674.

<sup>28</sup> See Watchlist on Children and Armed Conflict, *Who Will Care for Us?* (footnote 4).

internally displaced population was female. Children constituted 55.73 per cent, more than half of whom were 5 years old or younger. In total, 92 per cent of internally displaced persons lived in host communities, while 8 per cent lived in camps or camp-like sites. Ninety-four per cent of internally displaced persons expressed the desire to return to their places of origin, and it was observed that some movement of return may have started in some locations between October and December 2015.<sup>29</sup>

53. The insurgency and displacement has resulted in the separation of a large number of children from their parents, guardians, caregivers and families; many children have also become orphans. It is estimated that there were over 20,000 unaccompanied and separated children.<sup>30</sup> Children and their caregivers had to flee their areas of residence losing their homes and safety nets and witnessing the most appalling violence, precipitating psychological and social needs. Child-friendly spaces have been created for children and young people, as have community-based committees in camps for internally displaced persons and communities aimed at ensuring social reintegration and physical rehabilitation of children affected by the crisis. A child protection information management system was set up by the Federal Ministry of Women Affairs and Social Development at the federal and state levels and by various international partners to collate information on children separated and/or affected by the insurgency in the four affected states of Borno, Gombe, Adamawa and Yobe. The database provides a consolidated tracking system for the child protection services available to children in those states.<sup>31</sup> The Government has also piloted a community-based rehabilitation programme for placing children in the foster care of families from the same local government area. This programme also includes children who have been rejected by their communities for affiliation with Boko Haram with the aim of eventually reconciling the children with their families.

54. The National Emergency Management Agency, state agencies and humanitarian actors have also been implementing a range of activities, including strengthening community-based protection systems, providing psychosocial support, strengthening referral pathways and monitoring and reporting. For instance, the United Nations Children's Fund (UNICEF) has supported the provisions of psychosocial assistance to girls and boys and their families. The United Nations Population Fund has supported safe spaces in some camps for psychosocial counselling, dissemination of information on reproductive health, skills development and livelihood support for victims of sexual violence.

55. Access to health care has focused on antenatal health services in the camps for internally displaced persons. Pregnant and nursing women are accommodated in separate sectors of the camps, provided with special diets for them and their babies and dignity kits. The relevant authorities and their partners have also provided medical items to health facilities, deployed mobile clinics, mobile intensive care units and ambulances. They have trained internally displaced persons themselves to operate as health workers, have been mentoring community health workers in the camps and have reinforced health assistance to host communities. The specialized assistance needed by those affected by Boko Haram violence is generally scarce. Maiduguri has, for example, one neuropsychiatric ward at the University Teaching Hospital. In addition, programmes have been run to train primary health workers on how to counsel victims of the insurgency.

56. Programmes for the economic empowerment of displaced persons have also been initiated. For example, training in tailoring and sewing has been provided as have assistance in setting up microbusinesses in camps and sourcing microfinance to establish small

<sup>29</sup> See IOM, Displacement Tracking matrix, Round VII Report, December 2015.

<sup>30</sup> Submission by Save the Children International.

<sup>31</sup> Ibid.

businesses. Peace clubs have been formed to enable young people to develop skills and seek financial and material assistance.

57. It is also reported that birth registration has continued in camps for internally displaced persons, although it is unclear whether all babies born in captivity have had their births registered. This remains to be verified.

### **Other responses**

58. The Government launched a “safe schools initiative”, including the transfer of 2,400 students from high-risk areas of the three north-eastern states to 43 federal unity colleges across the country. It also supported schooling in camps for internally displaced persons, mobile classrooms and the rebuilding of damaged schools. This initiative complements the Presidential Initiative for the North-east established to support education of displaced children, rebuilding of houses and bridges, demining of farms and economic development, including the creation of jobs for victims of the insurgency.<sup>32</sup>

59. A victims support fund, which amassed 30 billion Naira from the private sector, has supported programmes aimed at providing economic empowerment, education and psychosocial assistance to the women and children affected by Boko Haram violence. The fund has also contributed to strengthening the capacity of medical facilities, including by giving grants to 14 hospitals for medical equipment. The economic empowerment programme has included training approximately 5,000 women in camps for internally displaced persons in a number of skills, including weaving scarves, producing vegetable oil and tailoring. The fund has also provided loans to associations and grants to women.

60. The Government also established a new social protection plan, supported by the World Bank, aimed at improving the quality of teachers and providing cash transfers to extremely poor families on the condition that they enrol their children in schools.<sup>33</sup>

## **VI. Gaps and challenges**

61. The Special Rapporteurs noted that much progress had been made but that a number of gaps remained in implementing policies and enforcing laws in a manner that addresses human rights violations and has a significant impact for women and children affected by insecurity and violence.

### **Lack of disaggregated data and monitoring**

62. Collection and verification of accurate data on the number and typology of affected women, girls and boys and on the human rights abuses and other violations they have suffered continue to be difficult.

63. Human rights monitoring and documentation have remained insufficient. The National Human Rights Commission, with the support of the United Nations Development Programme and the Office of the United Nations High Commissioner for Refugees, has deployed about 314 personnel to the north-eastern and north-central areas to monitor and report on the human rights situation and protection of internally displaced persons. The monitors collect information from the ground, which is then analysed at the headquarters of the Commission. Yet the capacity of the monitors to adequately collect information and

<sup>32</sup> For further information, see [www.nationalplanning.gov.ng/index.php/news-media/news/current-news/334-insurgency-fg-development-partners-advocate-multi-donor-trust-fund-for-north-east-region](http://www.nationalplanning.gov.ng/index.php/news-media/news/current-news/334-insurgency-fg-development-partners-advocate-multi-donor-trust-fund-for-north-east-region).

<sup>33</sup> See Human Rights Watch, “They set the Classrooms on Fire” (footnote XX).

report on human rights violations and protection of civilians is a concern, as capacity-building is needed to ensure that they have the necessary skills to perform their roles in such a complex setting. Human rights and protection monitoring, where it was carried out, has proved important to map profiles of vulnerabilities, including unaccompanied, separated or orphaned children, child-headed households, cases of rape, sexual assault, forced marriage, so-called “survival sex”, which involves the exchange of sex for money for food, single elderly persons with no family or neglected by caregivers, elderly-headed household, serious medical conditions, or people with mental, intellectual and physical disabilities.<sup>34</sup> These profiles should serve to inform tailored and targeted responses. Also, the mapping should cover all the vulnerabilities experienced by the displaced population.

### **Coordination**

64. The Special Rapporteurs received information about the various government, United Nations and non-governmental organizations actors who have been working to address violence against women and children in the context of the Boko Haram insurgency, despite extremely challenging circumstances. While the commitment and investment of all these actors is laudable, concerns have been expressed about fragmented action and lack of adequate follow up. Notwithstanding the coordination mechanisms for protection against sexual violence and for child protection established at the federal and state levels, there is a continued need to further streamline and efficiently coordinate such responses so that all relevant stakeholders, including the United Nations agencies, can maximize their value added and complement more efficiently the response of the Government to the crisis.

### **Continuing lack of security and safety**

65. At the time of the visit, state authorities indicated that all territories except two local government areas had been liberated from Boko Haram control, yet efforts towards rehabilitation continued to be hindered by the lack of physical access to affected women and children due to, inter alia, widespread insecurity, related to, for example, anti-personnel mines, poor infrastructure and ongoing attacks by the Boko Haram insurgents, including in so-called liberated areas. Due to the highly volatile situation in the north-east, access to a number of areas was still restricted to United Nations agencies and international organizations with the consequence that those with the most acute need of protection and humanitarian assistance were not being reached. Furthermore, the very nature of the displacement with many displaced women and children residing among the host communities made it more difficult to access those affected.

66. The Special Rapporteurs were informed that, in camps and host communities, women and girls continued to face sexual violence, with reports of rape, child and forced marriage and survival sex. Overcrowding in camps, with limited privacy, especially toilet facilities and socioeconomic opportunities, exacerbated the risk of sexual violence. While the report of the ad hoc national fact-finding committee established following allegations of rape and child trafficking in camps for internally displaced persons in the north-east found no evidence of child trafficking, adolescent girls have been reported to engage in survival sex to meet their basic needs and support their families.<sup>35</sup> The fact-finding committee also identified risk factors for human trafficking and other forms of exploitation as children go out of the camps unaccompanied to “hawk, beg, fetch firewood or engage in menial labour to earn a living...some also go out at night to socialize...or some are expelled from the camps after having committed offences”. The committee also established that there had

<sup>34</sup> See Nigeria Red Cross and others, “North-East Nigeria: Protection Monitoring Report” (December 2015).

<sup>35</sup> See S/2016/361.

been cases of sexual molestation, exploitation and defilement in the camps as officials took advantage of the vulnerabilities of internally displaced persons, protected by a “conspiracy of silence”. Reference to allegations of rape of internally displaced girls living in camps by security personnel was also made in the community charters of needs agreed upon by the internally displaced communities of Bama, Chibok, Gwoza and Konduga.

67. Notwithstanding the security imperative, the Special Rapporteurs recall that counter-insurgency measures must be taken in full compliance with international human rights and humanitarian law.

### **Gaps in implementing comprehensive rehabilitation and reintegration programmes**

68. Rehabilitation and reintegration programmes must include the full range of policies and services that are necessary to ensure the physical, cognitive, psychological, psychosocial and spiritual recovery, and the full social reintegration, of victims.<sup>36</sup> Such programmes must also go hand in hand with measures to enable victims to seek redress.

### **Access to health**

69. During their visits to camps for internally displaced persons in Maiduguri, the Special Rapporteurs witnessed first-hand the health and social impacts of the insurgency and the remaining gaps in these sectors. They met with women and girls who reported limited access to services, including adequate nutritious food, psychosocial support, education and health, including sexual and reproductive health services. Internally displaced persons have also reported lack of proper care for pregnant women and lack of medical attention for nursing mothers.

70. The Special Rapporteurs received reports of women and children who had been brought to some camps but not given adequate shelter or provided with sufficient drinking water for more than eight days. They also heard a number of comments indicating a worrying perception among government officials both at the national and state levels that internally displaced persons living in the camps are better off than those living in host communities, or even the host communities themselves.

### **Psychosocial support**

71. Concerning the provision of psychosocial counselling, the number of those in need outstripped the services available particularly in view of those still missing who hopefully will return shortly.

72. The International Organization for Migration (IOM) conducted an assessment<sup>37</sup> of psychosocial needs in some camps in Yola, which found that internally displaced persons feel uncertain about the future owing to separation from families, and at loss owing to a loss of identity, status and assets. Factors provoking these feelings included displacement and separation from families, lack of freedom, loss of lives and property, lack of basic and social amenities, lack of jobs or income-generating activities, maltreatment by security personnel and issues of availability, quantity, quality and distribution of food. The willingness to go home but uncertainty associated with the return or lack of means to return played a substantial role in determining those feelings. The assessment confirmed the presence of people with mental disorders in the camps and host communities. The disorders

<sup>36</sup> See A/70/222.

<sup>37</sup> IOM, “An Assessment of Psychosocial Needs and Resources in Yola IDP Camps: North-East Nigeria” (Geneva, June 2015).



probably pre-existed displacement and risk being unacknowledged because of the needs of the mainstream displaced population and the shortage of specialized health providers.

#### **Lack of livelihood opportunities**

73. The lack of livelihood opportunities for women inside camps for internally displaced persons and in host communities, especially those who are rejected and separated from their families and communities, has also contributed to creating destitution, feeling of helplessness and heightened risks of exploitation and abuse.

74. Outside of the camps, internally displaced persons are hosted by low-income communities thus bringing already stretched services and resources under increased pressure. As a result, negative coping strategies and risky livelihoods have been recorded, such as begging and child labour. In addition, there is a gap in the interventions targeting host communities and the displaced persons they have hosted.

#### **Lack of effective monitoring and follow-up**

75. Another glaring challenge is the lack of follow-up in relation to rehabilitation and reintegration assistance, which may become particularly worrying as women and children return to their places of residence. For example, no details were available on the whereabouts of and follow up support to the 307 women and children who underwent the programme of the Office of the National Security Advisor in Kaduna, apart from 8 unaccompanied children whom UNICEF was supporting with the Ministry of Women Affairs and Social Development.

76. The case of the Chibok girls, whose whereabouts continue to be unknown two years after their abductions, remains a living illustration of the failure of some of the responses. Yet the abducted schoolgirls have not been forgotten and their rescue is very important not only to their families but also to the whole Chibok community, which believes that their rescue will help in healing the emotional wounds. The girls' parents, some of whom the Special Rapporteurs met with during the visit, are desperate for information on the steps taken by the Government to locate and liberate them. Yet when asked by the Special Rapporteurs, the authorities claimed that such information cannot be disclosed for security reasons. The Special Rapporteurs are mindful of such constraints but believe it would be important for the parents to have a regular and accessible interlocutor who could keep them informed and relay their grievances to the various governmental agencies. The parents are also in need of support to cope with their suffering; some have died following the abduction and some have been living with deep trauma.

#### **Stigma**

77. As discussed above, women and children who have been abducted and their children born of rape have faced significant stigma and social exclusion upon return to their communities.<sup>38</sup>

78. The Special Rapporteurs are mindful of the corrosive effect that stigma can have, not only on the rehabilitation and reintegration of women and children, but also on their future vulnerability to violence and exploitation. Their abduction and abuse by Boko Haram and subsequent social exclusion can create extreme vulnerability to violence and exploitation, including many forms of contemporary servitude, such as labour and sexual exploitation, forced marriage, forced labour and the worst forms of child labour. Effectively

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<sup>38</sup> See International Alert/UNICEF, "*Bad blood*" (footnote 21).

tackling this stigma within broader efforts to increase rehabilitation and reintegration is crucial to preventing further such violence.

79. In this regard, the Special Rapporteurs encourage the authorities and all service providers to build on lessons that have been drawn from similar experiences in other countries and that point to the fact that the issue of children born of war can become a “time bomb”.<sup>39</sup>

### **Access to justice and remedy**

80. There appears to be a significant gap in current responses in terms of accountability for crimes perpetrated in the context of the insurgency. The Special Rapporteurs were informed that there had been very few prosecutions of insurgents. The national authorities have undertaken a number of investigations, namely, the Presidential Committee on security challenges in the north-east in 2011, and the Presidential Committee on dialogue and peaceful resolution of conflicts in 2013, as well as other investigations conducted by the military, but the outcome of these initiatives remains unknown.

81. Access to remedies for victims of the insurgency, including of sexual and gender-based violence, is almost non-existent for a range of interrelated and mutually reinforcing factors, including resistance to reporting for fear of stigma, ostracism and reprisals, ignorance of entitlements and avenues to claim them, mistrust of authorities, a context of entrenched discrimination and stereotypes, and lack of training and sensitivity of public officials, including law enforcement officers, among others. The Special Rapporteurs were informed of some non-governmental organizations providing legal aid to women and girls to get their marriages annulled under sharia law, which should be highlighted as the kind of support paving the way for sustainable and empowering rehabilitation efforts.

82. Owing to stigma and discrimination and fear thereof, many women and girls are reluctant to talk about their experiences and therefore may not be willing to seek remedies and access the related services. They may not know how to report sexual violence or may not trust formal authorities. The lack of information on available options for women and girls remains a major gap.<sup>40</sup>

## **VII. Conclusions**

83. **The Special Rapporteurs have noted the efforts made by the Government and other actors to face the challenges posed by the Boko Haram insurgency. They acknowledge that the Government has taken commendable steps to meet its obligations to protect individuals within its jurisdiction from human rights abuses and violations of international humanitarian law committed by non-state actors. Yet the extent of those challenges and the numbers of people in need remain overwhelming and unfortunately stretches well beyond the reach of current programmes. This unmet need is particularly high considering that recent challenges have exacerbated important pre-existing problems affecting the population in Nigeria and the Lake Chad region.**

<sup>39</sup> There are particular lessons to be drawn from Uganda. See, for example, Justice and Reconciliation Project, “We Are All the Same: Experiences of children born into LRA captivity”, Field Note 23 (December 2015); International Center for Transitional Justice, “From Rejection to Redress: Overcoming Legacies of Conflict-Related Sexual Violence in Northern Uganda” (Kampala, October 2015); and V. Ladisch and L. McClain, “For children born of war, what future?” (12 June 2015), available from [www.opendemocracy.net/opensecurity/for-children-born-of-war-what-future](http://www.opendemocracy.net/opensecurity/for-children-born-of-war-what-future).

<sup>40</sup> See International Alert/UNICEF, “*Bad blood*” (footnote 21).

84. The Special Rapporteurs therefore believe that it is important not only to ensure that rehabilitation and reintegration measures are grounded in human rights norms but also that they aim to fundamentally transform society for the better while addressing the immediate needs of women and children. These measures must also address root causes, especially poverty, discrimination, lack of security and deprivation, stigma, exclusion and gender inequality, as the insurgency and subsequent military responses have taken place against a backdrop characterized by inequalities among regions with the north-east faring less well than other regions of the country and among different groups of the population with women and children already marginalized in many sectors. The Government must seek to address the underlying causes of disparities in the north-east vis-à-vis other regions considering the parity of resource allocation from the centre.

85. In line with the human rights-based approach, the development of policies, frameworks and other measures must be participatory, based on consultations with the affected population and aim at promoting agency, hope, aspirations and a positive outlook for the future.<sup>41</sup> In addition, these measures must be well resourced, implemented by trained staff and backed by political will in order to avoid the fate of previous initiatives aimed at addressing inequality.

86. Only the implementation of a comprehensive, holistic and integrated approach to addressing the challenges in the north-east will provide a good opportunity not only to reintegrate women and children affected by Boko Haram but also to strengthen the institutional system, particularly the health and educational sectors, which are crucial for peace, security and sustainable development in Nigeria.

87. Effective reintegration and rehabilitation efforts must include from the outset measures for restorative justice and effective redress for survivors and to be sustainable must also be accompanied by economic growth. Social cohesion, integration and national unity can only be nurtured by a holistic approach that heals, repairs, protects, empowers and transforms.

88. The Special Rapporteurs also underscore that a comprehensive approach should take into account the persisting emergency and relief needs at the same time as addressing the emerging needs related to return and recovery. There is a risk that, because of the prevailing insecurity in certain areas and no real prospect of receiving rehabilitation and reintegration support, returnees may end up being displaced multiple times, including beyond national borders. Hence the importance of setting up mechanisms for promoting safe, dignified and voluntary return. National and state authorities should work to enhance cooperation with relevant humanitarian agencies to achieve these goals.

## VIII. Recommendations

89. On the basis of the above considerations, the Special Rapporteurs would like to offer the recommendations below to the Government to be implemented in cooperation with its international and regional partners.

<sup>41</sup> See A/70/222, para. 81.

90. Concerning the legal, policy and institutional framework, the Government should:

- (a) Ensure the Child Rights Act and the Violence against Persons Prohibition Act are adopted in those States that have not yet done so and enforce those Acts;
- (b) Adopt and implement the draft national policy on internally displaced persons and the draft national peace policy;
- (c) Review and amend the legislation criminalizing termination of pregnancy;
- (d) Adopt the Gender and Equal Opportunity bill and ensure its effective implementation at all levels of government;
- (e) Work with the states within Nigeria in order to sensitize them to their responsibilities under international human rights law.

91. Concerning data collection, analysis and monitoring, the Government should:

- (a) Invest in the collection of disaggregated data and documentation to understand the scale of violence, including sexual violence, in particular to capture the experiences of women and children taking into account the best interest of the child and key principles of informed consent, confidentiality and referral;
- (b) Scale up human rights monitoring and documentation by first and foremost strengthening the capacity of the national actors and entities involved in such monitoring, including the National Human Rights Commission and the National Committee against Torture. This should be complemented by an enhanced human rights advisory capacity within the Office of the Resident Coordinator and country team taking into consideration the existing monitoring and reporting mechanism under the mandate on children affected by armed conflict. The documentation generated from the monitoring should be shared with and analysed by relevant actors to inform policies and programmes; the country team should work hand in hand with national actors to ensure that the monitoring and reporting mechanisms in place are linked to accountability mechanisms;
- (c) Ensure follow-up mechanisms, such as rehabilitation and reintegration measures, include long-term actions, particularly as individuals start returning to their places of habitual residence;
- (d) Set up a tracking system for missing persons, whether abducted or detained, and provide information to the families; and set up a tracking system to reunite unaccompanied and separated children with their families and communities, taking into consideration the best interest of the child;
- (e) In the light of the political will expressed at the highest level, step up efforts to locate the Chibok girls and all other abducted civilians, bring the perpetrators to justice and designate a focal point to channel information to the girls' parents.

92. Concerning identification, the Government should:

- (a) Establish clear, transparent and predictable procedures for screening those liberated from Boko Haram-controlled areas and inform all key stakeholders about such procedures;
- (b) Allow relevant governmental and non-governmental agencies, including the National Human Rights Commission, to monitor the implementation of such

screening procedures and ensure effective avenues for reviewing outcomes where relevant;

(c) Integrate a gender-based perspective in de-radicalization programmes and adapt such programmes to women and girls;

(d) Ensure that all the necessary measures are taken during screening procedures to prevent the separation of children from their families and in cases where this may accidentally happen ensure with due diligence that unaccompanied and separated children are reunited with their families.

#### **Comprehensive recovery and reintegration**

93. Concerning security, the Government should:

(a) Provide and maintain the highest possible level of security for victims, including securing access to the most remote and insecure areas so as not to leave behind anyone who may be in need of assistance;

(b) Improve coordination between military and humanitarian actors while maintaining the independence and neutrality of humanitarian work.

94. Concerning health, the Government should:

(a) Strengthen health systems so as to meet the physical and mental health needs of both the displaced and the host communities, in particular those of girls and women victims of sexual violence;

(b) Ensure that survivors of sexual violence who seek assistance have access to comprehensive clinical services, including emergency contraception and post-exposure prophylaxis to prevent HIV infection, and authorization from the authorities for termination of pregnancy for those wishing to do so;

95. Concerning education, the Government should:

(a) Promote the reintegration of pregnant girls and girls with young children into schools and build teachers' capacity to meet the needs of those girls;

(b) Ensure that all school sites are reopened promptly and all children, in particular girls, are able to access free and quality primary education without fear;

(c) Accelerate the rebuilding of damaged schools;

(d) Increase the provision of education in camps for internally displaced persons;

(e) Ensure that children born of rape are not stigmatized and have equal access to vocational training, life skills and socioeconomic support, sports and leisure activities, religion and cultural practices by means of an individualized plan that is adapted to the child's needs.

96. Concerning stigma, the Government should:

(a) Sensitize all actors involved, including governmental and non-governmental organizations, about the vulnerabilities and risks faced by women and children born of sexual violence;

(b) Work with communities to prepare the return and acceptance of these survivors, dispelling bias and stereotypes towards these women and children; engage traditional and religious leaders in these efforts; and use the media to raise awareness of the situation of these women and children;

(c) Establish peer support groups and platforms to enable women and children to share their experiences and provide mothers with parenting skills.

97. Concerning social and other support, the Government should:

(a) Promote the expansion of community-based programmes to support the care, rehabilitation and reintegration of girls and women who were abducted and who may have experienced sexual violence. These programmes should include psychosocial support and counselling, including to families. The right to privacy of the women and girls who escaped from Boko Haram and wish to be protected from public exposure should be respected;

(b) Ensure that child victims have access to safe and secure housing, create emergency and longer-term alternative care placements for the children unable to remain with their mothers or communities in accordance with the best interest of the child and the Guidelines for the Alternative Care of Children;

(c) Invest in the development of safe spaces to promote the dialogue between different stakeholders that is necessary for rehabilitation;

(d) Fund income-generation skills training, skills development and livelihood opportunities so that women can catch up on the education they missed and ensure their economic empowerment, access to decent work and independence from their families and communities. This will go a long way in ensuring internally displaced persons have the necessary skills and the opportunities to build normal lives and integrate in their former or new communities;

(e) Ensure birth registration for all children and identification documents for all displaced persons;

(f) Strive for the full realization of the rights of children born following sexual violence through, among others, the provision of educational scholarships and assistance to organizations supporting these children with psychosocial counselling, educational facilities, peer support centres and diverse vocational training;

(g) Empower child victims through child-sensitive procedures and accessible avenues for participation that foster a sense of agency in their care, recovery and reintegration programme, keep them informed and allow them to be consulted on decisions affecting them.

98. Concerning access to justice and remedies, the Government should:

(a) Secure accountability and address impunity for all forms of violence against women and children, including sexual violence and exploitation, sexual slavery, domestic servitude, child and forced marriage, recruitment and use of children in the insurgency and other slavery-like practices;

(b) Investigate the crimes committed by Boko Haram and prosecute and punish all those responsible in order to fight impunity for violations of human rights and international humanitarian law;

(c) Ensure that women and children have access to just and effective remedies, as this is paramount to their recovery and reintegration;

(d) Build the capacity of the law enforcement services to investigate and prosecute cases of violence against women and children;

(e) Ensure access to legal counsel for those women and children who wish to seek redress through the justice system;

(f) Ensure the establishment of child-friendly reporting and complaint mechanisms;

(g) Set up witness and victim protection services for all women and children affected by violence;

(h) Promote legal aid and dispute settlement opportunities for the most vulnerable, including internally displaced persons and returnees;

(i) Develop transitional justice plans and mechanisms, in accordance with the national plan of action on Security Council resolution 1325 (2000), aimed at community cohesion, peacebuilding and reconciliation as people begin to return from displacement;

(j) As part of transitional justice plans, disarm, demobilize and reintegrate children and young men members of the Civilian Joint Task Force;

(k) Ensure the respect of the human rights of civilians associated with Boko Haram who have left or been released, especially children.

99. In addition, the Special Rapporteurs recommend that the United Nations, international organizations and bilateral partners:

(a) Continue to support the Government in addressing the challenges caused by the Boko Haram insurgency, ensuring a clear focus on effective rehabilitation and reintegration of women and children affected by violence in compliance with international human rights law and standards;

(b) Within such efforts, promote effective coordination between different agencies and organizations, including between humanitarian, human rights actors and development agencies;

(c) Building on existing tools, continue to support the Government in developing effective data collection and protection monitoring systems and strengthening synergy among the complementary mechanisms;

(d) Contribute to mobilizing support to promote economic growth, particularly in the north-eastern region;

(e) Provide increased funding to address the remaining gap in funding shortfalls for humanitarian and recovery programmes.

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