



# Convention on the Elimination of All Forms of Discrimination against Women

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## Committee on the Elimination of Discrimination against Women

### Report on the inquiry concerning Nigeria conducted under article 8 of the Optional Protocol to the Convention<sup>\*,\*\*</sup>

#### I. Introduction

1. On 5 June 2014, the Committee on the Elimination of Discrimination against Women received information from three organizations,<sup>1</sup> pursuant to article 8 of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, alleging that the failure of Nigeria to prevent and protect women and girls from abduction by Boko Haram constitutes grave and systematic violations of the Convention.

2. The State Party ratified the Convention on 13 June 1985 and the Optional Protocol on 22 November 2004.

#### II. Submission by the sources of information

3. The sources submit that the State Party is responsible for grave and systematic violations of articles 5, 6, and 10 of the Convention owing to its inability to prevent and protect women and girls from abduction, trafficking, child marriage and sexual exploitation by Boko Haram and ensure their right to education.

#### III. Procedural history

4. At its fifty-eighth session, in 2014, the Committee considered the information received from the sources to be reliable and indicative of grave or systematic violations of rights set forth in the Convention and invited the State Party to submit observations. No such observations were received despite the transmittal of several reminders.

\* Adopted by the Committee at its ninetieth session (3–21 February 2025).

\*\* The present report was made public following the expiry of the six-month period provided for in article 8 (4) of the Optional Protocol to the Convention.

<sup>1</sup> Alliances for Africa, Women's Rights Advancement and Protection Alternative, and Equality Now.



5. At its sixty-fourth session, in 2016, the Committee decided to conduct an inquiry. In July 2017, the Committee informed the State Party of its decision and requested consent to conduct a visit to the State Party's territory. On 10 October 2023, the State Party agreed to a visit, which was conducted from 2 to 16 December 2023 by the designated members, Dalia Leinarte and Rhoda Reddock, and two human rights officers.
6. In Abuja, the designated members met with the Director of the Women Development Department and other representatives of the Federal Ministry of Women Affairs and Social Development; the Director of Defence and Security at the Federal Ministry of Defence; the Director and the Deputy Director of the Training and Development Department of the National Centre for Women Development; and representatives of the Federal Ministry of Justice, the National Agency for the Prohibition of Trafficking in Persons, the Nigerian Armed Forces and the Police Service Commission. They also met with a judge of the Sharia Court of Appeal and representatives of the National Human Rights Commission. On 4 December 2023, the designated members attended a media dialogue hosted by the Nigeria chapter of the Council of Traditional Leaders of Africa on the theme "Invest in cultural transformation: the role of traditional leaders in transforming harmful social norms and practices". The designated members regret that a meeting with the Minister for Women Affairs and Social Development was cancelled.
7. In Kaduna, Kaduna State, Ms. Reddock met with the Commissioner for Women Affairs and Social Development of Kaduna State; the Permanent Secretary and the Deputy Director of the Department of Women and Gender Affairs in the Kaduna State Ministry of Women Affairs and Social Development; gender desk officers at the Kaduna State Command of the Nigeria Police Force and the Nigerian Armed Forces; and a traditional village head; as well as representatives of the Nigerian Correctional Service, the Kaduna Chapter of the Joint National Association of Persons with Disabilities, the Medical and Health Workers' Union of Nigeria and civil society.
8. In Enugu, Enugu State, Ms. Leinarte met with the Commissioner for Children, Gender Affairs and Social Development and representatives of the Enugu Office of the Ministry of Children, Gender Affairs and Social Development, the Ministry of Justice, the Enugu State Police Command and the International Federation of Women Lawyers Nigeria.
9. In Maiduguri, Borno State, Ms. Reddock met with representatives of the Borno State Ministry of Women Affairs and Social Development.
10. In Yola, Adamawa State, Ms. Leinarte met with the Permanent Secretary and the Director of the Adamawa State Ministry of Women Affairs and Social Development.
11. In Chibok, Borno State, Ms. Leinarte met with the Acting Secretary of the Local Government Council and the Director of the Chibok Government Secondary School.
12. The members visited the National Centre for Women Development and the Durumi (Area 1) internally displaced persons camp in Abuja, interviewed victims of abductions by Boko Haram and abductions for ransom and their family members and internally displaced persons and met with civil society representatives and academics.
13. The Committee expresses its appreciation for the cooperation extended by the State Party. It thanks the victims and civil society representatives who were interviewed for their testimonies.

## IV. Scope of the report

14. The Committee notes that the sources of information refer only to abductions by Boko Haram. However, the scope of the present report also extends to abductions by other armed groups, including abductions for ransom.

## V. Legal framework

15. The legal system of Nigeria is a combination of English common law, customary law and sharia. Customary courts apply customary laws in matters such as those relating to marriage and inheritance. Under the 1999 Constitution, federal laws are applicable in the Federal Capital Territory; the 36 states must adopt and may adjust them to make them enforceable. Relevant legislation includes:

(a) The Terrorism (Prevention and Prohibition) Act, 2022, which defines terrorist offences. Section 24 of the Act provides for the punishment of kidnapping and hostage-taking by life imprisonment and, where those acts result in death, by the death penalty;

(b) The Violence against Persons (Prohibition) Act, 2015, which has been domesticated by all states except Ekiti, Kano, Lagos and Taraba, prohibits sexual and gender-based violence and harmful practices such as forced marriage (section 15) and provides for penalties and protection orders. As *lex specialis*, it prevails over other laws punishing acts of gender-based violence against women. However, it does not cover abduction. Section 27 of the Borno State law on violence against persons prohibits abduction or kidnapping for ransom or any other benefit. At the time of drafting the present report, a bill to repeal the Violence against Persons (Prohibition) Act was before the Senate of Nigeria;

(c) The Trafficking in Persons (Prohibition) Enforcement and Administration Act, 2015, which provides for the establishment of the National Agency for the Prohibition of Trafficking in Persons and defines offences of trafficking, which may involve kidnapping. The Agency prosecutes 36 offences under the Trafficking in Persons Act and 26 under the Violence against Persons (Prohibition) Act, if they involve trafficking in persons;

(d) The Child Rights Act, which was enacted at the federal level in 2003 to incorporate the Convention on the Rights of the Child into domestic law and domesticated by all states except Adamawa, Bauchi and Gombe, prohibits child marriage and sets the minimum age of marriage at 18 years for women and men (section 21). However, the Federal Government has no jurisdiction over Islamic and customary marriages, according to section 61 of part I of schedule II, entitled “Legislative powers”, to the 1999 Constitution. Under sharia, marriage is permitted once a girl reaches puberty.

16. State criminal laws are based on the Criminal Code Act, 1916, the Penal Code (Northern States) Federal Provisions Act, 1960 and Islamic law in 12 northern states. Some states have specifically criminalized kidnapping, punishing it with the death penalty<sup>2</sup> or life imprisonment.<sup>3</sup> Abduction is subject to concurrent federal and state jurisdiction. Federal jurisdiction is established when the abduction takes place in a federal institution or if the kidnapping is a terrorist offence.<sup>4</sup>

<sup>2</sup> Section 3 (2) of the Criminal Code (Amendment) Law, 2009, of Anambra State; section 248 (c) of the Revised Penal Code Law of Adamawa State (if the kidnapping results in death).

<sup>3</sup> Section 248 (b) of the Revised Penal Code Law of Adamawa State.

<sup>4</sup> Sections 24 and 76 of the Terrorism (Prevention and Prohibition) Act, 2022.

17. Since 1999, 12 northern states have instituted sharia as the main body of civil and criminal law for their Muslim citizens, creating parallel justice systems. Sharia courts have jurisdiction over civil matters, including family law, and criminal matters. They may impose draconic punishments, such as stoning to death (for rape, sodomy, incest or adultery (*zina*) if the offender is married), caning of 100 lashes (if the offender is unmarried), surgical castration and death (if the victim of rape is a child below 14 years of age)<sup>5</sup> or surgical castration and life imprisonment (if the victim is above 14 years of age).<sup>6</sup> However, marital rape is not criminalized in those 12 states.

18. Law enforcement remains weak and disparate due to cultural, religious and political factors and the concurrence of federal, state, religious and customary laws.

## **VI. Context of the inquiry**

### **A. Current political and socioeconomic context**

19. Insurgency, widespread criminal activity and political instability, compounded by high unemployment and extreme income disparities, persist in Nigeria. Armed groups, bandits and, in the northern states, Boko Haram, continue to target the Nigerian Armed Forces and public infrastructure and abduct individuals, in particular women and girls, for ransom, forced marriage, trafficking, as combatants or to free prisoners. Owing to the proliferation of illicit small arms and light weapons, gender-based violence against women, especially conflict-related sexual violence, is amplified.

### **B. Conflicts between herders and farmers**

20. Climate change and desertification in the Sahel have pushed herders in search of grazing lands to migrate southward and settle down. At the same time, due to rapid population growth and increased demand for agricultural land, farming has been expanded into areas traditionally used as grazing routes by herders. This has undermined the traditional pact, whereby nomadic herders would graze their cattle on fallow lands once the rainy season was over.

21. The growing competition over scarce land and water resources has resulted in frequent attacks by members of the Fulani community, traditionally pastoralists, on farming communities. The victims interviewed reported kidnappings, sexual and gender-based violence, including rape, forced evictions and cattle rustling by members of Fulani and other armed groups. Disproportionate military operations have further compounded violence and instability. At the time of the inquiry visit, a misdirected Nigerian Air Force drone attack, intended to strike at armed criminals, killed 85 civilians in Kaduna State.

### **C. The rise of Boko Haram and the Chibok abduction**

22. Boko Haram, which is often translated as “Western education is a sin”, was founded in response to dissatisfaction with the Federal Government, in particular in the Muslim-majority north-eastern states of Yobe, Borno, Gombe and Adamawa, which were affected by an economic crisis, high unemployment and poverty. From 2009 onward, the insurgency intensified, with millions of people being displaced from

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<sup>5</sup> Section 258 (1)–(3) of the Kaduna State Penal Code (Amendment) Law, 2020.

<sup>6</sup> Ibid., sect. 258 (4).

their homes and thousands being killed. Although military efforts have weakened Boko Haram, attacks on civilians and military targets continue to pose a threat.

23. On the night of 14 April 2014, Boko Haram militants seized the government secondary school in Chibok, a local government district in Borno State with a mostly Christian population, targeting the since closed boarding school for girls. The victims interviewed reported hearing gunshots. Many militants disguised in military uniforms and pretending that they had come to protect the schoolgirls began setting fire to the school, looting food stocks and rounding up the girls. The militants told the girls that they should wear headscarves and get married instead of attending school. Of the 276 girls who were kidnapped, 57 escaped that night by jumping off trucks and hiding in the bushes. Of the 219 girls who were taken to Boko Haram camps in the Sambisa Forest near the border with Cameroon, 25 escaped between 2017 and 2023 and 103 were released in small groups, in 2016 and 2017, in exchange for prisoners. At least 91 of the Chibok girls are either still in captivity or their fate is unknown.

## **VII. Findings of fact**

### **A. Gender stereotypes, gender-based violence against women and girls and harmful practices**

#### **1. Child and forced marriage**

24. Child and forced marriages are prevalent in northern Nigeria, especially among the Muslim population. A qadi told the designated members that “international treaties cannot change cultural traditions”.

25. State authorities in Kaduna and Adamawa informed the designated members that child marriage was hardly ever reported to the police and that those responsible were not prosecuted. State governments and the National Human Rights Commission, which has offices in all 36 states, conduct awareness-raising campaigns targeting parents and traditional leaders.

#### **2. Polygamy**

26. Under the Marriage Act, which governs civil marriages, polygamous unions are not recognized. Under sharia, men may marry up to four wives, provided that they can treat each wife justly and equally. In addition, polygamy is recognized under customary law and culturally accepted in some Christian communities.

### **B. Prevalence, forms and circumstances of abductions of girls and women**

27. There is a lack of statistical data on the number of abductions of women and girls. However, anecdotal evidence indicates that the numbers are alarmingly high. At least 1,400 students have been kidnapped from Nigerian schools since the Chibok abduction. In February 2018, 110 schoolgirls were abducted from a school in Dapchi, Yobe State, by the Islamic State West Africa Province (ISWAP), an offshoot of Boko Haram. Although most of the girls were released, five died in captivity and one, Leah Sharibu, was retained, reportedly for refusing to convert to Islam. In July 2021, gunmen kidnapped 121 students from Bethel Baptist High School in Chikun, Kaduna State, who were later released in small groups, for ransom. On 7 March 2024, gunmen kidnapped 137 students from a school in the remote town of Kuriga in Kaduna State. After two weeks, the children were rescued by the Nigerian Armed Forces in Zamfara State.

28. The designated members were informed that, while Boko Haram had abducted schoolgirls with a view to converting and marrying them by force to its fighters or using them as suicide bombers, abductions for ransom had become a profitable business for bandits.

29. Women and girls are disproportionately targeted because of the gendered dimensions of abductions, which often involve rape. Several survivors told the designated members that gunmen had taken them to camps where they had been raped or gang-raped before being released for ransom. Women with disabilities and limited mobility are at higher risk.

30. Non-governmental organizations (NGOs) in Enugu reported that incidents were often unreported due to fear of stigma and reprisals. Although ransom payments are prohibited in Enugu, survivors confirmed that private negotiations take place. They asserted that, although security measures had been increased, the government response remained inadequate.

31. Many abductions occur during attacks on local communities. Villages are burned down, villagers are evicted or killed and women are kidnapped and raped. Villagers often flee to internally displaced persons camps. In southern Kaduna, Fulani and other armed groups reportedly attack communities to pauperize and take control of them.

### **C. Fate of abducted girls and women**

32. Most of the Chibok girls interviewed, who were among those who had escaped during the night of 14 April 2014, have left their villages, where they no longer felt safe. Several were assisted by the faith-based Education Must Continue Initiative and received school scholarships. Eleven of them have graduated and now work in the United States of America, with support from congresspersons and the Lutheran Church. The 103 Chibok girls who were released following negotiations received training and psychosocial support at the National Centre for Women Development in Abuja.

33. According to the Federal Ministry of Women Affairs and Social Development, the Chibok girls who are studying in Nigeria are receiving support from the Federal Government. Several survivors interviewed in Yola have received scholarships and have studied at the private American University of Nigeria.

34. Survivors who escape from Boko Haram camps often cannot return to their communities due to the stigmatization of women associated with Boko Haram. They reportedly receive no rehabilitation, counselling or schooling, except in isolated cases. Some parents interviewed in Chibok stated that their daughters had been left with no choice but to follow their forced husbands to the Hajj internally displaced persons camp for repentant Boko Haram fighters in Maiduguri in order to stay with their children. One father said that his daughter, who had been forcibly married to a Boko Haram fighter and converted to Islam, escaped in 2023 and eventually rejoined her three children and their father at the Hajj camp. His grandchildren were still waiting for access to schooling at the camp.

35. At Boko Haram camps, the Chibok girls were forced to clean, wash clothes and fetch water. Some reported that they were beaten or bullied when they disobeyed. They did not receive adequate food, were occasionally given sanitary pads and were confined to the camp. Many survivors reported that they had been forced to marry Boko Haram fighters and convert to Islam. Some gave birth at the camp. According to one survivor, unmarried girls were not raped, but harassed and beaten. She reported

that, if an insurgent had tried to rape a girl, he would have been killed, and that all girls received Islamic education.

36. The fate of the Chibok girls who are still in captivity is unknown. According to some NGOs, the Federal Government discontinued the negotiations due to excessive demands by Boko Haram, disagreement among state governments and public opposition. Several parents told the designated members that the Federal Government was no longer interested in the Chibok girls. Many did not know if their daughters were still alive. Some had found out from escaped or released girls that their daughters had been married to and had children with Boko Haram fighters. Several girls had unsuccessfully tried to escape.

37. In cases of abduction for ransom, the risk of sexual and gender-based violence is extremely high. Many survivors reported having been beaten and raped, often repeatedly and by different men. Some victims became pregnant or tested positive for HIV after their release. In a few cases, gang leaders prohibited their subordinates from raping victims. Survivors stated that they had received little food and dirty water and that they had been forced to sleep on the wet forest floor without cover. Some had to wait for months, under threat of execution, until their families were able to pay their ransoms. Kidnappers ask for money, food items, motorbikes or fuel in exchange for the release of victims. The families of victims reported having to sell land or ask relatives for loans to be able to pay ransoms. They did not expect any help from the authorities. Victims are sometimes killed, even when ransoms have been paid.

38. The women and girls interviewed reported experiencing anxiety attacks, flashbacks and depression. Some said they were afraid to go out, especially at night, while others could not concentrate at school or work. Several interviewees seemed depressed and apathetic and did not expect help from anyone. Representatives of NGOs informed the designated members that victims had received no psychosocial or financial support from the government and depended solely on their families and communities. Families often felt ashamed. Survivors of rape by Fulani men were particularly stigmatized, as were the children born of rape. Some victims were beaten upon returning to their villages.

39. While one survivor was able to continue her tailoring apprenticeship, she was unable to become a professional tailor, as the money put aside to buy a sewing machine had been used to pay the ransom.

#### **D. Awareness-raising and prevention**

40. Since 2014, the #BringBackOurGirls campaign has been posting the number of days that the Chibok girls have been missing on social media.

41. In cooperation with NGOs, the federal and state governments conduct awareness-raising campaigns on gender-based violence on International Women's Day or during the 16 Days of Activism against Gender-Based Violence, targeting community and religious leaders, teachers and adolescents. However, the designated members were surprised at the reluctance of State institutions to address the issue of abductions.

42. The National Agency for the Prohibition of Trafficking in Persons conducts capacity-building sessions for judges, in order to address judicial bias and train them on the gender-responsive handling of trafficking and gender-based violence cases.

43. The National Human Rights Commission educates traditional and religious leaders regarding the need to address stigmatization and encourage victims to report cases of gender-based violence. One faith-based NGO encourages clerics to preach to

their congregations that, under Islam, displaced women and girls should be integrated and allowed to remarry within their host communities.

44. The designated members were informed that education on the Violence against Persons (Prohibition) Act, human rights and gender equality had been integrated into the school curriculum and that the Child Rights Act had been incorporated into teacher training.

45. The Kaduna State Government receives support from the World Bank to help children attending Islamic schools to join the regular school system. Primary and secondary education and school meals are provided free of charge. Sexuality education and women's rights are not part of the curriculum in Kaduna State. The Centre for Girls' Education provides safe spaces for girls at school and teaches them about their rights and how to take care of their bodies.

46. The Kaduna and Adamawa State Governments engage with traditional leaders to address child marriage and promote the continued schooling of girls. In Adamawa, schoolgirls are taught to report cases of gender-based violence. NGOs teach girls who have fled their communities to escape Boko Haram about their rights and the risks of being kidnapped. The Adamawa State Ministry of Women Affairs and Social Development has acknowledged the need for more awareness-raising among parents about the stigma and health issues related to rape, including HIV/AIDS, and on the importance of completing school before getting married. In Enugu State, the designated members noted a lack of prevention and awareness-raising efforts in relation to abductions. Despite their domestication into local laws, awareness of the Child Rights Act and the Violence against Persons (Prohibition) Act remains low. Traditional rulers were not taking sufficient action to address abductions.

47. While Nigeria has signed the Safe Schools Declaration, NGOs criticized the fact that minimum requirements, such as fencing and check points, had not been implemented at most schools in remote areas. An independent source estimated that protection was inadequate in 70 per cent of schools. It can take the police several hours to get to a school in a remote village. The National Human Rights Commission has publicly cautioned that a mere validation of the Declaration may be futile if it is not backed by concrete action.

48. The Kaduna State Government reported that it had fenced schools, permanently closed several schools in the proximity of forests and relocated others to the town of Kaduna. In 2021/22, it closed all schools and shut down mobile telephone services for three weeks during the peak of abductions. However, victims reported that police presence in attacked communities in southern Kaduna had not been increased.

49. The Adamawa State Government stressed the difficulty of sending enough police officers to all local government districts. It has fenced many schools and renovated dilapidated buildings, so that they do not serve as hideouts.

## **E. Limited state response, law enforcement, protection from abduction and perpetrator accountability**

### **1. Lack of protection**

50. Independent sources noted a general failure of the State Party to protect its citizens and enforce the law. Although governors are the chief security officers of their states, both the Nigeria Police Force and the Nigerian Armed Forces are under the control of the Federal Government. Most states have vigilance services.

51. Chibok survivors told the designated members that no one had come to protect them, and that school staff and security guards had been conspicuously absent on the



night of 14 April 2014. At first, the Federal Government had tried to deny the incident and stifle protests, until the #BringBackOurGirls campaign mobilized United States politicians and international media.

52. In Kaduna, the Nigerian Armed Forces have reduced the number of attacks on the Kaduna-Abuja train and highway. However, survivors and NGOs disclosed that communities are still unprotected from attacks and abductions for ransom and asked that police posts be set up in at-risk communities. Survivors reported having seen military aircrafts or flashlights when the Nigerian Armed Forces or Nigeria Police Force had searched for them at night. Kidnappers were often warned by locals.

## **2. Nigeria Police Force**

53. The Nigeria Police Force is the lead security agency but lacks the resources to protect communities. In practice, the Nigerian Armed Forces exercise the mandate of the Nigeria Police Force to ensure security. Police stations are often underfunded and not fully operational. The Nigeria Police Act, 2020 was adopted with the aim of improving funding, training and accountability.

54. The Nigeria Police Force has established gender desks in most state commands. A sexual and gender-based violence unit at the Federal Ministry of Justice refers cases to the police for investigation. According to the Police Service Commission, women are underrepresented in the Nigeria Police Force due to gender stereotypes and so-called strict physical screening. Despite the implementation in 2006 of a 35 per cent affirmative action provision, in accordance with the National Gender Policy, only 16 women were recruited to the Nigeria Police Force in 2022. Officers are reportedly frequently influenced by stereotypes and gender bias and consider gender-based violence to be a private matter.

55. Independent sources informed the designated members that police officers often lack specialized skills in hostage negotiations and forensic investigation. Reports of police collusion with criminal groups, extortion of money from the families of victims and mishandling of evidence undermined victims' trust in the Nigeria Police Force.

## **3. Prosecution and accountability of perpetrators**

56. The Federal Ministry of Justice confirmed that sexual and gender-based violence is subject to ex officio prosecution under the Violence against Persons (Prohibition) Act. However, implementation remains inconsistent. Many judges considered that they could not apply what had not been brought before them by the various parties. At the state level, law enforcement agencies were often unaware of the Act and lacked training on the collection of forensic evidence. The independence of the judiciary is reportedly undermined by corruption and gender bias, and judges are underpaid and sometimes intimidated by the executive branch.

57. There is no blanket amnesty for Boko Haram fighters. In 2015, the Office of the United Nations High Commissioner for Human Rights noted that prosecutions had not been commensurate with the high number of detained Boko Haram suspects. In 2018, 35-year-old H.Y. was the first person to be convicted for participation in the Chibok kidnapping. A special court at a military facility in Kainji, Niger State, sentenced him to 15 years' imprisonment. The International Criminal Court began investigating alleged international crimes in Nigeria in 2004, examining the conduct of Boko Haram and the Nigerian Armed Forces. The investigation focused on killings, rape, torture and civilian attacks in north-eastern states, with eight potential cases identified. Under the complementarity provisions of the Rome Statute, domesticated by Nigeria, the Federal High Court established a precedent in 2023 by sentencing Boko Haram members for sexual and gender-based violence as acts of terrorism.

58. The Department of Public Prosecution is underresourced and burdened by heavy caseloads. According to NGOs, prosecution and conviction rates in abduction cases are low. Impunity persists due to weak investigations, judicial delays, witness intimidation and political interference and because kidnapping is considered a national security issue, which limits transparency and access to information.

#### **4. Nigerian Armed Forces and the women and peace and security agenda**

59. The State Party's national action plans on women and peace and security of 2013 and 2017 were narrowly focused on women as victims of sexual and gender-based violence. While the national action plan for the period 2017–2020 included an acknowledgement of the gendered risks posed by extremist groups, such as mass abductions or the use of women as suicide bombers, it failed to address sexual and gender-based violence perpetrated by security forces and community militias. In addition, women who join Boko Haram are excluded from formal demobilization, disassociation, reintegration and reconciliation programmes. This stands in contrast to Security Council resolution [2242 \(2015\)](#), which calls for the mainstreaming of gender perspectives in counter-terrorism and demobilization, disassociation, reintegration and reconciliation initiatives, with particular emphasis on ensuring the meaningful participation and integration of women formerly associated with terrorist groups in peace processes and reintegration programmes.

#### **5. National Human Rights Commission**

60. The National Human Rights Commission, established under the National Human Rights Commission Act of 1995 (as amended in 2010) and accredited with A status, has competence over human rights violations at the federal and state levels. It can refer criminal cases to the Nigeria Police Force for investigation or directly to the Department of Public Prosecution, if it has identified the suspects to be indicted. If a case is linked to terrorism, it can be referred to the National Security Adviser. The Commission reported that it had received complaints from survivors of kidnapping but had no capacity to investigate them.

### **F. Access to remedies, support services and rehabilitation for survivors of abductions**

#### **1. Limited access to justice**

61. Survivors of abduction face numerous barriers to justice, including legal illiteracy, stigmatization, lack of evidence, the inability to identify kidnappers, limited access to legal aid and lack of reparations. Court proceedings are lengthy and expensive, and judgments are reportedly not complied with in many cases.

62. The limited accessibility of courts and the absence of wheelchair ramps, elevators, sign language interpretation and Braille documents are additional barriers for survivors with disabilities. A survey conducted in 2023 among 100 judicial officers in Borno, Adamawa and Yobe States revealed that 78 of them had received no training on disability rights.

63. Survivors and families are often reluctant to report rape, considering it futile and fearing stigmatization and revictimization. The National Human Rights Commission and the Federal Ministry of Justice conduct occasional campaigns such as the #BreakTheBias campaign that was conducted on 8 March 2022 to encourage victims to report sexual and gender-based violence.

64. The Federal Ministry of Justice informed the designated members that legal aid is provided pro bono by state counsels. The counselling department of the National

Agency for the Prohibition of Trafficking in Persons has 12 protection officers, who assist victims and collect forensic evidence. The Legal Aid Council and the National Human Rights Commission provide legal aid in the 36 states. NGOs reported that the state legal aid system is of poor quality and difficult to access, especially in rural areas. Some NGOs provide paralegal services to women in the north-eastern regions.

65. Reparations for victims of Boko Haram abductions remain inadequate or non-existent, particularly in Borno State. Survivors of the Chibok and Dapchi abductions reported not having received any compensation, financial support or trauma-related and survivor-centric reparations.

## **2. Lack of victim support**

66. A number of the released Chibok girls were taken to a military facility in Kaduna for counselling and “deradicalization”. The Nigerian Armed Forces reportedly sought to obtain and prevent the disclosure of security information. When funding ran out, the girls were handed over to a faith-based NGO, which provided psychosocial counselling for them and information for their families and communities, until its own funding ran out.

67. The National Centre for Women Development received 92 Chibok girls, in small groups, after their rehabilitation at a Nigerian Armed Forces facility in Abuja. They stayed at the Centre’s hostel in single rooms and received psychosocial counselling, basic education and information and communications technology and skills training. Three of the girls had children who attended the day-care centre. After several months, most of the girls were reinserted into the formal education system. Several of them went on to study at the American University of Nigeria. A total of 14 survivors with children continue to receive support from the Centre.

68. The Victim Support Fund, a public-private partnership aimed at supporting the recovery of victims of terrorism, mandated the Education Must Continue Initiative to support the 11 Chibok girls who left for the United States. The Initiative also provided educational support to other Chibok girls.

69. Most of the escaped Chibok girls and survivors of abduction for ransom who were interviewed had not received any government support. NGOs regretted that families and communities were obliged to shoulder such responsibilities on their own. Most communities were unaware that survivors of sexual and gender-based violence needed psychosocial support. Survivors of abduction interviewed in Kaduna, who had been raped, were highly traumatized and in need of psychosocial counselling. Reportedly, families pay up to 800,000 naira for psychotherapy, leaving many of them destitute. A cleric told the designated members that one Chibok girl, who had not received psychosocial counselling, had killed her little sister and was then lynched by villagers.

70. While the Kaduna State Government claimed that survivors’ medical expenses are reimbursed, NGOs and survivors reported that the government only occasionally covers medical bills or takes survivors to the hospital for drips, injections, HIV testing or malaria and typhus treatment, without follow-up. Survivors living in rural areas often did not even have the means to travel to Kaduna for hospital treatment. The government provided systematic medical coverage for the Chibok girls who had been released in small groups, but not for other survivors.

71. There are no specific shelters for survivors of abduction in the State Party. The National Agency for the Prohibition of Trafficking in Persons operates one closed shelter for victims of trafficking and one for victims of trafficking and sexual and gender-based violence. Both shelters provide training and reintegration programmes. The Agency also runs 84 federal unity schools for survivors of gender-based violence.

The Federal Government runs 36 sexual assault referral centres, which are one-stop centres that refer survivors of sexual and gender-based violence to shelters in 24 states. According to NGOs, the centres lack adequate psychosocial services and most are inaccessible for persons with disabilities.

72. The Kaduna State Government explained that its four state-funded sexual assault referral centres provide medical treatment, counselling and legal assistance to victims and subsidize transportation costs. However, funding was a challenge. Victims of abduction could receive counselling at the clinic of one of the two state-run shelters.

73. The Kaduna State Civil Society Coalition against Sexual and Gender-Based Violence and other NGOs provide psychosocial support and pro bono legal assistance and refer survivors to social services, government hospitals and the police. The Centre for Study and Resolution of Domestic Violence operates the only private shelter in Kaduna, which has a capacity to accommodate 12 survivors who can stay up to three months. The shelter provides psychosocial counselling, legal assistance and skills training to victims, but has not received any survivors of abduction to date. It is run by four paid staff members, does not receive state or donor funding and is financed entirely by private contributions.

74. The Adamawa State Government has 3 one-stop centres for victims of sexual and gender-based violence in Yola, Mubi and Numan, which provide similar services and are co-funded by the United Nations Population Fund. A women's development centre in Adamawa offers a safe space for victims of sexual and gender-based violence, providing psychological support, funding for out-of-pocket expenditure and food items.

### **3. Barriers to education and reintegration**

75. The destruction of more than 1,200 schools in the north-east and the loss of educators between 2009 and 2015 pose massive barriers to education. Survivors of abduction often suffer from severe post-traumatic stress disorder, depression and anxiety, which significantly affects their cognitive functions and learning abilities. Nevertheless, many of the survivors interviewed wanted to continue their education.

76. NGOs reported that the lack of adequate mental health services and economic opportunities in many regions poses a significant barrier to reintegration. Many returnee women and girls are cut off from social and economic networks. Without the means to support themselves and their children, women reportedly sometimes resort to prostitution for survival.

### **4. Internally displaced persons camps**

77. Many internally displaced persons camps in the north-east are used for repentant Boko Haram fighters and their families who cannot return to their communities. The largest, the Borno State-run Hajj camp in Maiduguri, receives former fighters who have completed demobilization, disassociation, reintegration and reconciliation programmes and their families. Residents of Hajj and other camps face food insecurity, limited livelihood opportunities and congested living conditions. Camps are overcrowded and lack adequate water, sanitation, hygiene and access to health services. The Borno State Government struggles to provide even food and tents. NGOs, the World Food Programme and the United Nations Children's Fund provide humanitarian assistance and education services. However, many internally displaced children have not been to school for years. The designated members were informed that trafficking and sexual exploitation prevail in some internally displaced persons camps.

78. Initiatives undertaken by the Borno State Government to close camps, including informal settlements, in Maiduguri and relocate some 160,000 internally displaced persons to areas lacking durable solutions and security have resulted in secondary displacement and homelessness. In Chibok, the local government authority informed the designated members that the Borno State Government had built 200 housing units for internally displaced persons. However, in many communities, internally displaced persons are not welcome, despite their not having any link with Boko Haram.

79. NGOs reported that sexual and gender-based violence and polygamy were prevalent in internally displaced persons camps. Camp managers often preferred that cases of rape or corruption not be made public. Most victims did not report rape because they could not produce evidence. In informal internally displaced persons camps, NGO workers or internally displaced men had asked women for sex in return for food and, in some cases, had abused internally displaced girls. A Muslim NGO told the designated members that it provided skills training to internally displaced women and girls, sought to ensure that girls finished secondary school before getting married and performed background checks on their future grooms.

80. The designated members visited the Durumi internally displaced persons camp in Abuja and interviewed women displaced by the conflict in Borno who had been living in the camp for many years. Several of the women had relatives who had been kidnapped by Boko Haram. Little or no State support had been provided to persons living in the camp since its inception. Internally displaced persons lived in crude, makeshift corrugated metal constructions or in tents made out of discarded concrete sacks. The school at the camp had been closed since 2017, owing to a lack of teachers. Occasionally, volunteers from among the camp's residents taught classes under a canopy, where children sat on unpolished wooden benches at desks full of splinters or on the bare floor. The clinic, located in a dilapidated shack, was equipped with a stretcher and some basic medicines. A mother of three told the designated members that she could not pay the 1,000,000 naira required to take her youngest child, who was in constant pain and rejected most foods, to the public hospital. The child, who had Down's syndrome, had no access to a special needs school. A mental health NGO visiting the camp told the designated members that no hospital would accept internally displaced persons. Patients who were unable to pay their bills were arrested.

## **VIII. Legal findings**

### **A. State Party's obligations under the Convention in relation to abduction-related sexual violence and child and/or forced marriage**

81. Gender-based violence against women constitutes discrimination against women under article 1 and therefore engages all obligations under the Convention.<sup>7</sup> Discrimination can occur through the failure of States not only to take the necessary legislative measures but also to enforce existing laws.<sup>8</sup>

82. States Parties have a due diligence obligation under article 2 (e) of the Convention to take all appropriate measures to prevent, investigate, prosecute, punish and provide reparations for acts or omissions by non-State actors that result in gender-

<sup>7</sup> General recommendation No. 35 (2017) on gender-based violence against women, updating general recommendation No. 19, para. 21; and general recommendation No. 19 (1992) on violence against women, para. 7.

<sup>8</sup> General recommendation No. 28 (2010) on the core obligations of States Parties under article 2 of the Convention, para. 10.

based violence against women. The failure of a State Party to take all appropriate measures to prevent acts of gender-based violence against women in cases in which its authorities are aware or should be aware of the risk of such violence, or the failure to investigate, to prosecute and punish perpetrators and to provide reparations to victims, provides tacit permission or encouragement to perpetrate gender-based violence against women.<sup>9</sup>

83. During armed conflict, attacks on schools and universities by armed groups have a disproportionate impact on women and girls, who are increasingly targeted by the use of sexual violence and subjected to forced marriage and rape, discouraging families from sending girls to school. States Parties have a due diligence obligation to prosecute individuals responsible for ordering, taking part in or bearing command responsibility for attacks on educational institutions and should demonstrate a proactive commitment to preventing targeted attacks on educational institutions and protecting girls and their teachers, in line with Security Council resolution 1325 (2000) and subsequent resolutions on women and peace and security.<sup>10</sup>

84. In line with article 16 (2) of the Convention, States Parties should establish and effectively enforce a minimum legal age of marriage at 18 years, without exception, as well as a legal requirement of marriage registration.<sup>11</sup> They should ensure that marital rape is criminalized.<sup>12</sup> In accordance with articles 2 and 5 (a) of the Convention, States Parties should repeal, including in customary and religious laws, any provisions that allow, tolerate, condone or perpetuate impunity for acts of gender-based violence against women, including child and forced marriage,<sup>13</sup> and prevent, investigate and punish acts of gender-based violence against women, including in conflict-affected areas.<sup>14</sup>

85. States Parties should ensure that the authorities adequately respond to all cases of gender-based violence against women, including by applying ex officio prosecution, as appropriate<sup>15</sup> and enhancing criminal accountability, including by strengthening the capacity of security, judicial and medical personnel to collect and preserve forensic evidence relating to sexual violence in conflict and post-conflict situations.<sup>16</sup> In line with articles 2 (c) and 15 of the Convention, States Parties should ensure that survivors of gender-based violence against women have access to affordable, accessible, effective and timely remedies, with legal aid, if necessary, free of charge.<sup>17</sup> They should financially support organizations and adequately fund government bodies that provide legal assistance to victims.<sup>18</sup> States Parties should also provide access to adequate reparations, including monetary compensation, that are proportionate to the gravity of the harm suffered, establish specific funds for reparations and ensure that support for reconciliation processes does not result in

<sup>9</sup> General recommendation No. 35, para. 24 (b).

<sup>10</sup> General recommendation No. 30 (2013) on women in conflict prevention, conflict and post-conflict situations, paras. 48 and 52 (a); and general recommendation No. 36 (2017) on the right of girls and women to education, para. 50 (d) and (g).

<sup>11</sup> Joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child (2019) on harmful practices, as amended, para. 55 (f) and (g).

<sup>12</sup> General recommendation No. 35, para. 29 (e).

<sup>13</sup> Ibid., paras. 26 (a) and 29 (c) (i).

<sup>14</sup> General recommendation No. 30, paras. 52 (a) and 65 (a).

<sup>15</sup> General recommendation No. 35, para. 32 (a).

<sup>16</sup> General recommendation No. 30, para. 81 (j).

<sup>17</sup> General recommendation No. 28, para. 34; and general recommendation No. 35, para. 31 (a) (iii).

<sup>18</sup> General recommendation No. 28, para. 34.

blanket amnesties for gender-based human rights violations, such as sexual violence in conflict or post-conflict situations.<sup>19</sup>

86. States Parties should, in line with article 2 (c) of the Convention, protect and assist women who are survivors of gender-based violence against women, including abduction, by referring them to specialized support services and ensure that they have access to adequately equipped crisis, support and referral centres, such as one-stop centres, medical treatment, psychosocial services and trauma counselling, skills training, economic opportunities and affordable housing.<sup>20</sup> States Parties should also provide protection and assistance to internally displaced women and girls, including survivors of gender-based violence, by safeguarding them from sexual violence and child and/or forced marriage in internally displaced persons camps and ensuring their equal access to regular healthcare, including early childhood care and sexual and reproductive health services, support services, education, skills training and income-generating activities.<sup>21</sup>

87. In accordance with articles 2 (f) and 5 (a) of the Convention, States Parties should eradicate patriarchal attitudes and stereotypes that are among the root causes of gender-based violence against women.<sup>22</sup> They should conduct awareness-raising programmes to destigmatize victims of sexual violence, including rape, and modify or eradicate prejudices, stereotypes and practices that are the root cause of harmful practices such as child and/or forced marriage, by targeting education, health and social services and law enforcement personnel, traditional and religious leaders, the media, civil society and communities.<sup>23</sup> States Parties should provide mandatory and recurrent capacity-building for the judiciary and law enforcement officers to eliminate gender bias and stereotypes, enforce existing legislation criminalizing gender-based violence against women and harmful practices, apply gender-sensitive procedures to prevent secondary victimization and create supportive environments that encourage women to report gender-based violence.<sup>24</sup>

88. In line with article 6 of the Convention, State Parties should protect women and girls against all forms of trafficking, including for sexual purposes.<sup>25</sup>

## **B. Violations of rights under the Convention**

### **1. Rights to live free from gender-based violence, to liberty and security of the person and to education**

#### **(a) Lack of awareness-raising and capacity-building**

89. The Committee acknowledges efforts made by the State Party to raise public awareness about gender-based violence against women, including harmful practices, in cooperation with traditional leaders. However, the lack of funding and of a systematic approach limit the effectiveness of such measures. The persistence of

<sup>19</sup> General recommendation No. 33 (2015) on women's access to justice, para. 19 (e)–(g); general recommendation No. 35, para. 33; and general recommendation No. 30, para. 81 (c).

<sup>20</sup> General recommendation No. 35, para. 31 (a).

<sup>21</sup> General recommendation No. 30, para. 57 (d).

<sup>22</sup> General recommendation No. 35, para. 26.

<sup>23</sup> *Ibid.*, para. 30 (b) (ii); and joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child (2019), para. 81 (a).

<sup>24</sup> General recommendation No. 33, paras. 29 (a) and 51; and joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child, paras. 73 (c) and 87 (c).

<sup>25</sup> General recommendation No. 38 (2020) on trafficking in women and girls in the context of global migration, paras. 66, 68 and 112 (c).

gender stereotypes that perpetuate gender-based violence against women and harmful practices, such as child and forced marriage, and the continued stigmatization of survivors of abductions who have been forcibly married to Boko Haram fighters or raped by bandits and of the children born of rape underscore the need to take systematic and sustained measures to educate communities and enable the reintegration of survivors.

**(b) Adequacy of the legislative framework**

90. The Committee acknowledges the introduction of criminal penalties and protection orders to punish and prevent gender-based violence against women. It notes that the Violence against Persons (Prohibition) Act has been domesticated by most states. However, the failure to specifically criminalize abduction for forced marriage or ransom or as a tactic of war and to ensure that such abductions are subject to ex officio prosecution across all 36 states is not commensurate with the high prevalence of this crime.

91. The Committee notes that marital rape is not criminalized in the 12 northern states that have instituted sharia. It also notes that while child and forced marriage are prohibited under sections 15 and 21 of the Child Rights Act, Islamic and customary marriages are exempted from federal jurisdiction under schedule II to the 1999 Constitution. By maintaining this constitutional exemption, the State Party is enabling sharia and customary courts to apply provisions that allow, tolerate or condone child and forced marriage, thereby subjecting women and girls to these harmful practices and increased risks of gender-based violence against women, contrary to articles 2, 5 (a) and 16 (2) of the Convention.

**(c) Lack of law enforcement, accountability and protection from abduction**

92. The State Party repeatedly failed to protect schoolgirls from abduction. According to survivor accounts, during the night of 14 April 2014, on-duty teaching staff and security guards had left the premises of the Chibok Government Secondary School, leaving the girls completely unsupervised. This violation of the duty of care is attributable to the State Party as the employer. The State Party was aware of the risk of school attacks and kidnappings by insurgents. However, according to credible sources, it failed to implement the minimum requirements of the Safe Schools Declaration, including fencing, in most schools in remote areas. The lack of protective and preventive measures, as demonstrated by the repeated large-scale kidnappings of schoolgirls, is incompatible with the State Party's due diligence obligation under article 2 (e) of the Convention to prevent targeted attacks on schools and protect girls and its obligation under article 10 of the Convention to ensure their right to education.

93. While the State Party negotiated and secured the release of 103 Chibok girls in the period 2016–2017, at least 91 others have not yet been rescued. In 2017, the Committee called upon Nigeria to “intensify its efforts to rescue all women and girls abducted by Boko Haram insurgents” and requested the State Party to provide, within two years, written information on the steps taken to implement that recommendation.<sup>26</sup> The State Party did not submit the requested information, despite the transmittal of reminders.<sup>27</sup> Several family members reported that the Government had not heeded their appeals to rescue the Chibok girls who were still in captivity. The lack of action by the State Party is incompatible with its due diligence obligation under article 2 (e), read in conjunction with articles 10, 12 and 16, of the Convention to protect those girls, many of whom were forcibly married to Boko Haram fighters, from continued violations of their rights to life, liberty and security of the person, freedom from

<sup>26</sup> CEDAW/C/NGA/CO/7-8, paras. 16 (a) and 53.

<sup>27</sup> A/75/38, part two, para. 20, and part three, para. 15.



torture and ill-treatment, freedom of movement, education, health and equality within the family, which are inextricably linked to the right to live free from gender-based violence.<sup>28</sup>

94. The systematic failure of the Nigeria Police Force and the Nigerian Armed Forces to protect women and girls, who are disproportionately affected by attacks by Fulani herders<sup>29</sup> and frequently kidnapped for ransom, raped and sometimes killed by members of criminal armed groups, and the impunity enjoyed by perpetrators run counter to the State Party's due diligence obligation under article 2 (e) to prevent and ensure criminal accountability for sexual and gender-based violence.

95. The low prosecution and conviction rates compared with the high numbers of abductions, the reluctance of law enforcement bodies to investigate and of state and Federal authorities to acknowledge the scale of abductions, the limited use of ex officio prosecution and the lack of reparations for survivors result in frequent failure to investigate, prosecute and punish perpetrators and provide reparations to victims, contrary to the State Party's due diligence obligation under articles 2 (b), (c), (e) and (f), 6 and 15 of the Convention.

#### (d) Findings

96. The Committee finds the State Party in violation of the following articles of the Convention:

(a) 1, 2 (f), 3, 5 (a), 10 (c) and 16, for failing to take sustained measures to destigmatize survivors of abduction, especially victims of rape and their children, and eradicate stereotypes and patriarchal attitudes that are the root causes of gender-based violence against women;<sup>30</sup>

(b) 2 (b), (e) and (f), read in conjunction with 5 (a), 6, 15 and 16, for failing to specifically criminalize abduction and marital rape in all 36 states, adopt procedural provisions explicitly stating that abduction is subject to ex officio prosecution, repeal section 61 of part 1 of schedule II ("Legislative powers") to the 1999 Constitution to ensure that sections 15 and 21 of the Child Rights Act apply to Islamic and customary marriages and repeal any laws that allow, tolerate or condone child and forced marriage;<sup>31</sup>

(c) 2 (e), read in conjunction with 5 (a) and 10, by failing to comply with its due diligence obligation to prevent targeted attacks on schools, protect schoolgirls from abduction and ensure their right to education;<sup>32</sup>

(d) 2 (e), read in conjunction with 6, by failing to take measures to suppress abduction as a form of trafficking that involves forced marriage, forced labour, sexual slavery or other forms of exploitation;

(e) 2 (e), read in conjunction with 10, 12 and 16, by failing to actively seek to rescue all girls abducted by Boko Haram, thereby violating its due diligence obligation to protect those who remain in captivity from continued violations of their right to live free from gender-based violence against women and right to education;

(f) 1 and 2 (e), read in conjunction with 5 (a) and 12, by failing to comply with its due diligence obligation to protect women and girls whose communities are

<sup>28</sup> General recommendation No. 35, para. 14.

<sup>29</sup> [CEDAW/C/NGA/CO/7-8](#), paras. 15 (e) and 16 (e).

<sup>30</sup> General recommendation No. 35, para. 30 (b).

<sup>31</sup> Ibid., paras. 26 (a) and 29 (c) (i).

<sup>32</sup> Ibid., para. 31 (a) (ii); and general recommendation No. 19, para. 24 (t).

attacked and/or who are abducted for ransom, raped and sometimes killed by members of criminal armed groups and ensure criminal accountability for such acts;

(g) 1 and 2 (c)–(e), read in conjunction with 5 (a), 6, 12, 15 and 16, for failing to comply with its due diligence obligation to effectively investigate and prosecute ex officio cases of abduction of women and girls and related sexual violence and child and forced marriage, sentence perpetrators and provide adequate reparations to victims and their families.<sup>33</sup>

## **2. Right to access to justice and victim support services**

### **(a) Limited access to justice**

97. The persistence of judicial gender bias and the relegation of gender-based violence against women, including child marriage, to the private sphere highlight the limited impact of previous capacity-building initiatives for judges, the Department of Public Prosecution and the Nigeria Police Force, result in revictimization and contribute to an environment that discourages survivors of abduction from reporting sexual and gender-based violence.

98. The Committee considers that the State Party has failed to create a supportive environment for women who are survivors of abduction and sexual and gender-based violence to report cases, by failing to destigmatize and remove the economic barriers faced by survivors and address judicial bias and gender stereotypes.<sup>34</sup> Insufficient budget allocations for legal aid,<sup>35</sup> frequent delays in court proceedings and the failure to collect forensic evidence impede survivors' access to justice, especially in rural areas.

### **(b) Limited access to victim/survivor support services**

99. In 2017, the Committee called upon the State Party to ensure the rehabilitation and integration into society of all women and girls abducted by Boko Haram and provide them and their families with access to psychosocial and other rehabilitative services.<sup>36</sup> It did not receive any follow-up information from the State Party, despite transmitting reminders. The Committee acknowledges that the State Party ensured that most of the 103 rescued Chibok girls were taken in by the National Centre for Women Development, where they received counselling and skills training, and rejoined the education system. However, there was no systematic intake of the 57 Chibok girls who escaped during the night of 14 April 2014, or of those who later escaped from Boko Haram camps.

100. The lack of trauma counselling, victim/survivor-centric support services and reinsertion into education for survivors of abductions, including those in internally displaced persons camps, has grave consequences for their mental health and life prospects. The Committee observes that the State Party cannot absolve itself from its obligation under article 2 (c) to protect and assist survivors by placing this burden on their families and communities or delegating the provision of support services to NGOs without adequately funding them or ensuring that their services are accessible to all survivors of abduction.<sup>37</sup>

101. The State Party's failure to provide women and girls who have been displaced by the insurgency, including survivors of abduction, with adequate access to food,

<sup>33</sup> General recommendation No. 33, para. 51 (h) and (i).

<sup>34</sup> Ibid., paras. 17 (a) and 29 (a).

<sup>35</sup> CEDAW/C/NGA/CO/7-8, para. 13.

<sup>36</sup> Ibid., para. 16 (a).

<sup>37</sup> CEDAW/C/OP.8/KGZ/1, para. 81; and CEDAW/ZAF/IR/1, para. 108.

housing, education, free health services and income-generating opportunities, ensure adequate conditions in internally displaced persons camps and safeguard them from sexual and gender-based violence<sup>38</sup> is incompatible with its obligation to provide protection and assistance to internally displaced persons who are survivors of abduction.

**(c) Findings**

102. The Committee finds that the State Party is in violation of the following articles of the Convention:

(a) 2 (c), 5 (a) and 15, for failing to remove the economic and social barriers to access to justice that are faced by survivors of abductions and provide mandatory, systematic and effective capacity-building for the judiciary and law enforcement bodies,<sup>39</sup> in order to eliminate judicial gender bias and gender stereotypes,<sup>40</sup> and create a supportive environment for women to report abductions and related sexual and gender-based violence.

(b) 2 (c) and (e), 10, 11, 12, 13 and 15, for failing to ensure the budgetary allocations necessary for adequate victim support services and provide adequate access to free psychosocial counselling and medical treatment, continued education, skills training and income-generating opportunities to all survivors of abduction and related sexual and gender-based violence and child and/or forced marriage, as well as their children, including those internally displaced by the insurgency or armed attacks on their communities, and ensure adequate conditions and effective protection from sexual and gender-based violence and harmful practices in internally displaced persons camps.<sup>41</sup>

**C. Principal findings of violations under the Convention**

103. The Committee concludes that the State Party has violated the following articles of the Convention: 1, 2 (f), 3, 5 (a), 6, 10 (c) and 16; 2 (b), (e) and (f), read in conjunction with 5 (a), 6, 15 and 16; 2 (e), read in conjunction with 5 (a) and 10; 2 (e), read in conjunction with 6; 2 (e), read in conjunction with 10, 12 and 16; 1 and 2 (e), read in conjunction with 5 (a) and 12; 1 and 2 (c)–(e), read in conjunction with 5 (a), 6, 12, 15 and 16; 2 (c), 5 (a) and 15; and 2 (c) and (e), 10, 11, 12, 13 and 15. The content of these articles is further developed in the Committee's general recommendations No. 19 (1992) on violence against women, No. 28 (2010) on the core obligations of States Parties under article 2 of the Convention, No. 30 (2013) on women in conflict prevention, conflict and post-conflict situations, No. 33 (2015) on women's access to justice, No. 35 (2017) on gender-based violence against women, updating general recommendation No. 19, No. 36 (2017) on the right of girls and women to education, No. 38 (2020) on trafficking in women and girls in the context of global migration and joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child (2019) on harmful practices.

<sup>38</sup> CEDAW/C/NGA/CO/7-8, para. 15 (c).

<sup>39</sup> General recommendation No. 35, para. 30 (e).

<sup>40</sup> Ibid., para. 30 (e) (i) and (ii).

<sup>41</sup> Ibid., para. 31 (a) (iii).

## **D. Grave or systematic nature of the violations**

104. Pursuant to article 8 of the Optional Protocol and rule 83 of its rules of procedure, the Committee must assess whether the violations of rights are grave or systematic.

105. The Committee considers violations to be “grave” if they are likely to produce substantial harm to victims. A determination regarding the gravity of violations must take into account the scale, prevalence, nature and impact of the violations found.

106. The term “systematic” refers to the organized nature of the acts leading to the violations and the improbability of their random occurrence. The systematic denial of equal rights for women can take place either deliberately or as a result of discriminatory laws or policies, with or without such purpose.

107. The Committee assessed the gravity of violations in the State Party in the light of the suffering experienced by abducted women and girls. It notes the physical and psychological harm caused by their traumatic experiences and the sexual and gender-based violence to which they were subjected, as well as their deprivation of liberty in Boko Haram and bandit camps, where they were deprived of contact with their loved ones, forcibly married or used as slaves. It also notes the adverse impact that abduction has had on their right to education, economic empowerment, sexual and reproductive health and rights and equal rights in marriage and family relations.

108. The Committee considers that the repeated failure of the State Party to protect schoolgirls as well as women and girls affected by attacks on their communities from abduction and related gender-based violence against women is indicative of systematic violations.

109. The Committee reiterates that the obligation to eliminate gender-based violence against women without delay is immediate and that delays cannot be justified on economic, cultural or religious grounds.<sup>42</sup> Moreover, the State Party cannot absolve itself from its due diligence obligation to protect and assist survivors and ensure the criminal accountability of perpetrators by referring to underreporting, as it must proactively identify survivors, refer them to support services and prosecute perpetrators ex officio.

110. The Committee finds that the State Party is responsible for:

(a) Grave violations of rights under the Convention, considering that the State Party has failed to protect a significant number of women and girls from abduction and related sexual and gender-based violence and harmful practices and to provide adequate reparations;

(b) Systematic violations of rights under the Convention, considering that the State Party has repeatedly and knowingly omitted to take effective measures:

(i) To address patriarchal attitudes and social norms that legitimize gender-based violence against women and to destigmatize victims;

(ii) To specifically criminalize marital rape and abduction, subject to ex officio prosecution, and ensure the applicability of the prohibition of child and forced marriage in all 36 states;

(iii) To prevent abductions, rescue and protect women and girls from abduction and prosecute and adequately punish perpetrators;

<sup>42</sup> Ibid., para. 21.

- (iv) To remove the gendered, economic and social barriers to access to justice that are faced by survivors of abduction and ensure that survivors, including internally displaced women and girls, have adequate access to psychosocial counselling, other support services and continued education.

## **IX. Recommendations**

111. The Committee recommends that the State Party implement the recommendations set out below.

### **A. Legal and institutional framework**

112. The Committee recommends that the State Party:

(a) Harmonize and amend the Criminal Code Act, the Penal Code (Northern States) Federal Provisions Act and state criminal laws to specifically criminalize abduction for ransom or any other benefit and marital rape across all 36 states, subject to ex officio prosecution, and establish penalties commensurate with the gravity of these crimes, while abolishing the death penalty and other punishments that are incompatible with human dignity and the prohibition of torture and ill-treatment, such as stoning, caning or surgical castration;

(b) Restore criminal jurisdiction to the ordinary courts in the 12 northern states that have instituted sharia;

(c) Repeal section 61 of part I of schedule II (“Legislative powers”) to the 1999 Constitution to establish federal jurisdiction over Islamic and customary marriages, repeal customary and Islamic personal laws that allow, tolerate or condone child and forced marriage and polygamy and ensure that the prohibition of child and forced marriage in sections 21 and 13 of the Child Rights Act is applicable in all 36 states;<sup>43</sup>

(d) Withdraw the bill to repeal the Violence against Persons (Prohibition) Act.

### **B. Protection**

113. The Committee recommends that the State Party:

(a) Investigate the whereabouts and proactively seek to rescue the remaining 91 Chibok girls and all other abducted girls and women who are being held captive by Boko Haram and other armed groups, including by resuming negotiations to obtain their immediate release;

(b) In line with Security Council resolution [2601 \(2021\)](#), address the widespread impact of armed conflict, including the disruption of access to education and its long-term consequences with regard to durable peace, security and development, implement the minimum requirements of the Safe Schools Declaration, such as fencing and checkpoints, educate teachers and school staff on their duty of care and deploy regular police patrols to schools and universities, especially in remote areas, to prevent targeted attacks on educational institutions and protect female students from abduction;

<sup>43</sup> [CEDAW/C/NGA/CO/7-8](#), para. 46 (b).

(c) Comply with its due diligence obligation to protect women and girls from abduction by adequately resourcing the Nigeria Police Force and setting up police posts in local communities that are at risk of attacks by armed groups such as Fulani herders;

(d) Ensure the protection of women and girls in internally displaced persons camps, including survivors of abduction, from rape, child and/or forced marriage, sexual exploitation and trafficking, in collaboration with camp managers, NGOs and faith-based initiatives, and hold perpetrators accountable.

## **C. Law enforcement**

114. The Committee recommends that the State Party:

(a) Treat abduction as a common crime rather than a State security issue, declassify information to ensure due process and transparent law enforcement responses, and acknowledge the dimension of the phenomenon;

(b) Exercise due diligence to prevent, proactively investigate and punish all cases of abduction of women and girls and related gender-based violence;

(c) Ensure that perpetrators of abduction of women and girls and related rape and child and/or forced marriage, including Boko Haram insurgents, receive no blanket amnesty, are prosecuted ex officio and adequately sentenced and provide adequate correctional and rehabilitation services aimed at their social reintegration;

(d) Provide mandatory, recurrent and effective capacity-building for the judiciary, the Nigeria Police Force and law enforcement officers at the state level on the strict application of relevant criminal law provisions, the Violence against Persons (Prohibition) Act and the Child Rights Act, in order to increase prosecution and conviction rates in cases of abduction and enforce the prohibition of child and/or forced marriage;

(e) Implement the Police Act to strengthen accountability mechanisms for punishing law enforcement officers for non-compliance with their duty to investigate, the mishandling of evidence, corruption or collusion with perpetrators;

(f) Recruit more women to the Nigeria Police Force to ensure their minimum representation at 35 per cent, in line with the National Gender Policy, and provide police officers with training on gender-sensitive questioning, forensic investigation and hostage negotiations.

## **D. Access to justice**

115. The Committee recommends that the State Party:

(a) Remove the barriers to justice that are faced by women and girls who are survivors of abduction, including by providing sufficient budget allocations to ensure that they have access to affordable and, if necessary, free legal aid, exemption from court fees and the reimbursement of transportation costs, adequately funding the Legal Aid Council and the National Human Rights Commission and financially supporting organizations that provide quality legal assistance to victims, especially in rural areas;

- (b) Provide systematic and mandatory capacity-building for the judiciary on the collection of forensic evidence and gender-sensitive investigation and interrogation methods;
- (c) Strengthen the independence of judges by providing adequate salaries, protecting them from threats, intimidation and political interference, including by state governors, and ensuring that judgments are enforced;
- (d) Strengthen the mandate and capacity of the National Human Rights Commission to enable it to receive and investigate complaints from survivors of abduction and refer cases to the Department of Public Prosecution;
- (e) Ensure access to justice for women and girls with disabilities and those living in internally displaced persons camps who are survivors of abduction and related gender-based violence, by providing reasonable accommodation, facilitating access to reporting mechanisms, including in the camps, and raising awareness of their specific needs;
- (f) Ensure that survivors and their families have access to effective reparations, including compensation, through the Victim Support Fund and the creation of a compensation fund for survivors of commercial abductions and that cases are not referred to the ordinary courts;
- (g) Create a supportive environment to encourage survivors to report abductions and related gender-based violence by:
  - (i) Destigmatizing victims and dismantling commonly held victim-blaming beliefs and false perceptions that associate them with Boko Haram;
  - (ii) Ensuring that survivors have access to forensic evidence, especially in rural areas;
  - (iii) Ensuring that court proceedings are not unduly prolonged, strengthening victim and witness protection measures and eliminating judicial gender bias and stereotypes.

## **E. Victim support**

116. The Committee recommends that the State Party:

- (a) Ensure that all Chibok girls have access to long-term psychosocial counselling and other rehabilitative services;
- (b) Proactively identify survivors of abductions, while fully respecting their right to privacy, and refer them to trauma counselling and appropriate support services;
- (c) Ensure that all women and girls who are survivors of abduction and their children have access to affordable housing, quality education, scholarships and compulsory school fee exemptions, post-traumatic stress disorder treatment, long-term psychosocial support, free medical treatment, including for vesicovaginal and/or obstetric fistula, reimbursement of medical costs, skills training, low-interest loans without collateral, financial support and other victim/survivor-centric services;
- (d) Ensure adequate budgetary allocations and seek international donor assistance to adequately fund and increase the number of sexual assault referral centres and public shelters throughout the country and ensure that they provide gender-responsive psychosocial services and are accessible to survivors of abduction, including women and girls with disabilities;

(e) Provide adequate financial support to non-governmental and faith-based organizations that fill the gaps in service provision and run shelters for survivors of sexual and gender-based violence;

(f) Improve conditions in internally displaced persons camps for women and girls who are displaced by the insurgency, especially survivors of abduction, including by providing access to adequate food, water and sanitation, housing, formal education, including at special needs schools, free health services, trauma counselling and income-generating opportunities;

(g) Fine public hospitals that refuse to provide free treatment to internally displaced women and children.

## **F. Prevention and awareness-raising**

117. The Committee recommends that the State Party:

(a) Systematically implement awareness-raising programmes and financially support NGOs that are conducting such programmes for the general public and political, traditional and religious leaders, in order to dismantle patriarchal attitudes and discriminatory stereotypes that perpetuate or legitimize gender-based violence against women, including rape and child and forced marriage, and confine it to the private sphere, promote understanding of its criminal nature and incompatibility with women's human rights and combat the culture of silence and impunity surrounding gender-based violence and abductions of women and girls, in cooperation with religious and traditional leaders and the media;

(b) Work with religious and traditional leaders to combat extremism against women and girls by reconciling faith with and raising awareness of the latter's human rights, supporting educational programmes that promote values of tolerance and equality and strengthening the role played by those leaders in spreading moderate messages that reject gender-based violence against women;

(c) Integrate women's rights, gender equality and sexuality education into curricula at all levels of education, in order to eliminate stereotyped gender roles and teach girls and boys about the harm caused by gender-based violence;

(d) Address the stigma faced by survivors of abductions and related gender-based violence, including victims of rape by Boko Haram fighters or Fulani herders and the children born of rape, and educate parents and communities about the need for psychosocial support and the stigma and health issues related to rape;

(e) In cooperation with faith-based organizations, raise awareness among receiving communities about the importance of reintegrating returnees from Boko Haram and internally displaced persons camps, including women and girls who are survivors of abduction, rape and child and/or forced marriage, by providing them with access to social and economic networks, in order to prevent exploitation in prostitution.

### **Women and peace and security**

118. In line with Security Council resolutions [1325 \(2000\)](#), [2467 \(2019\)](#) and [2601 \(2021\)](#) and recalling its general recommendation No. 30 (2013) on women in conflict prevention, conflict and post-conflict situations, the Committee recommends that the State Party:



- (a) Address the root causes of violent extremism, including ethnic and religious divisions, competing claims to resources, poverty, income disparities and unemployment;
- (b) Address the underlying factors of attacks by Fulani herders, such as climate change and competition over resources, and ensure that women participate equally in the implementation of strategies to mitigate the impact of climate change and in dialogue between farmers and herders, in line with the United Nations Convention to Combat Desertification in Those Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa;
- (c) Adopt a revised national action plan on women and peace and security, ensuring that it fully integrates women's involvement as leaders and active participants in conflict resolution, peacebuilding and security sector reform;
- (d) Ensure that the national action plan serves to address gender-based violence by all actors, such as the Nigerian Armed Forces and militias, provide for robust accountability mechanisms and allocate adequate resources for its implementation, including by seeking international assistance;
- (e) Prevent the proliferation of small arms by strengthening border security, intelligence-sharing, regional cooperation and gender-responsive disarmament programmes;
- (f) Ensure gender parity in decision-making on the issue of women and peace and security, including with respect to peace processes, transitional justice and counter-terrorism measures;
- (g) Ensure that women who are victims of abduction by insurgent groups participate in demobilization, disassociation, reintegration and reconciliation programmes and that their communities are rehabilitated;
- (h) Provide gender-responsive training on gender-based violence for security and demobilization, disassociation, reintegration and reconciliation personnel, in order to ensure the protection and promote the reintegration of conflict-affected women;
- (i) Ensure that any return or resettlement of internally displaced women and children is voluntary, safe and durable;
- (j) Prioritize the reconstruction of schools in and train and deploy teachers to the north-eastern states that are affected by the insurgency.

## **G. Accountability and data collection**

119. The Committee recommends that the State Party regularly collect, analyse and publish disaggregated statistical data on the number of abductions, prosecution and conviction rates, the sentences imposed on perpetrators and the reparations provided to victims.