**The Secretariat of the Human Rights Council Advisory Committee**

C/O Ms. Fatou Camara Houel,

OHCHR – United Nations Office at Geneva,

CH-1211 Geneva 10, Switzerland.

**EFFECTS OF TERRORISM ON THE ENJOYMENT OF ALL HUMAN RIGHTS IN NIGERIA**

**INTRODUCTION:**

The National Human Rights Commission of Nigeria was established by the National Human Rights Commission Act of 1995, and amended in 2010, for the promotion, protection and enforcement of human rights. The Commission in line with its mandate since inception has been playing significant role in the promotion and protection of human rights in Nigeria. It has also been collaborating actively with both regional and international institutions and mechanisms responsible for human rights matters. The Commission also monitor and investigate all alleged cases of human rights violations in Nigeria and make appropriate recommendations to all levels of Government for the prosecution and such other actions as it may deem expedient in each circumstance.

The Commission also make awards and determinations on complaints and it partners with civil society, government as well as other stakeholders on initiating, implementing and monitoring policies and programmes that have impact on the promotion and enjoyment of all human rights in Nigeria. The Nigeria Commission has partnered with the Nigerian Military, the Police, Office of the National Security Adviser as well as other state and non-state actors including the U.N system in Nigeria to embark on series of interventions to address the menace of terrorism and counter insurgency in Nigeria. These include ensuring mainstreaming human rights considerations in counter-insurgency operations as well as respect for the human rights of victims of terrorism and suspects.

Terrorism in Nigeria in its present form is a relatively new phenomenon, even though terror-related acts had occurred in Kano State in **1982** with the Maitatsine religious uprising. Although the activities of some organisations, such as the **Movement for the Emancipation of the Niger Delta (MEND),** the **Biafra Zionist Movement (BZM), Movement for the Advancement of Democracy (MAD) and of recent the Indigenous People of Biafra (IPOB),** put them clearly under the ambit of terror organisations, the degree and magnitude of the loss of lives and property did not match the level being witnessed by the insurgent activities of the Jama’atu Ahlis Sunna Lidda’awati Wal-Jihad (popularly known as “Boko Haram”), since its emergence in 2001.

The Nigerian government is committed to institutionalise respect for human rights and the rule of law. The introduction of National working documents such as; National Security Strategy, National Counter-Terrorism Strategy, National Cyber Security Strategy and the Terrorism Prevention Act are to improve the role of Federal Agencies, ultimately making them more “Human security focused”. The National Human Rights Commission is involved in the Preventing and Countering Violent Extremism (PCVE) programme which is being coordinated by the Office of the National Security Adviser (ONSA). The Commission is also involved in the following:

* Review of the Military Rules of Engagement during internal security operations
* Review of the Armed Forces Act;
* Training of troops deployed for internal security operations on human rights and humanitarian law;
* Review of the systems and processes of the Military and the Police to respect the rights of troops especially their Medicare and other entitlements.

**THE PRINCIPAL SUBJECTS OF CONCERN**

In Nigeria, terrorism has a direct effect on the enjoyment of a number of human rights, in particular the rights to life, liberty, freedom of movement, freedom of religion, freedom of expression and freedom against torture and other cruel, inhuman or degrading treatment. It has challenged the authority of government in the country as some local government areas (LGAs) were occupied in the Northeast of Nigeria by Boko Haram insurgents during the peak of the insurgency between 2010 and 2015. It also undermined civil society, jeopardized peace and security, threatened social and economic development, and had negatively affected the enjoyment of many human rights.

**RIGHT TO LIFE**

* Section 33(1) of the Constitution: “Every person has a right to life, and no one shall be deprived intentionally of his life, save in execution of the sentence of a court in respect of a criminal offence of which he has been found guilty in Nigeria”. From 2010 to date, over 50,000 persons have been killed in Nigeria either as a result of Boko Haram terror acts or due to government’s response to the insurgency. However, many of the lives lost were as a result of terror related activities of the Boko Haram insurgents.

**RIGHT TO DIGNITY OF THE HUMAN PERSON**

* Section 34 of the Constitution: “Every individual is entitled to respect for the dignity of his person…..”
* As a result of the insurgency, many refugees lived in Cameroon in less dignifing conditions. The amenities, at internally displaced camps were obviously overwhelmed because of the overcrowding, thus forcing the IDPs to bath, eat, defecate and sleep almost in the same place. There were no separate living spaces for women and men and women had sex in front of one another.

 **Gender Based and Sexual Violence**

* Gender based and sexual violence was prevalent as a fallout of the insurgency.
* It is evident that young girls in communities impoverished by the years of crisis and insurgency have become vulnerable to sexual violations.

**TRAUMA AND THE RESPONSE TO IT**

* Section 34 (1) (a) of the Constitution: “No one shall be subjected to torture, inhuman and degrading treatment”
* Victims and witnesses of violent conflict are traumatised by the incidents of Boko Haram attacks.

**RIGHTS TO PERSONAL LIBERTY AND FAIR HEARING**

* Section 35 of the Constitution states inter alia: “(1) Every person shall be entitled to his personal liberty and no person shall be deprived of such liberty save in the following cases and in accordance with a procedure permitted by law -….”
* Also, section 36 of the Constitution states inter alia: “(1) In the determination of his civil rights and obligations, including any question or determination by or against any government or authority, a person shall be entitled to a fair hearing within a reasonable time by a court or other tribunal established by law and constituted in such manner as to secure its independence and impartiality”.
* The insurgency and counter insurgency operations have resulted in long detention of suspects without trial. The Federal Government has however constituted special Courts to give speedy trials to suspects who have been in custody for more than three years

**RIGHT TO PRIVATE AND FAMILY LIFE**

* The insurgents routinely abducted men and women during their raids of communities. Families have been separated without information and hope of being reunited. The separation of families brought different dimensions of hardship on the family, especially on women and children.

**RIGHT TO FREEDOM OF THOUGHT, CONSCIENCE AND RELIGION**

* Section 38 (1) of the Constitution states: “Every person shall be entitled to freedom of thought, conscience and religion, including freedom to change his religion or belief, and freedom (either alone or in community with others, and in public or in private) to manifest and propagate his religion or belief in worship, teaching, practice and observance”.
* The whole essence of the Boko haram insurgency is to establish a caliphate purportedly administered on the basis of the teachings of Prophet Muhammed. Thus, in all areas they attacked, the victims were in some instances forced to convert to their religious points of view or face death.

**RIGHT TO FREEDOM OF MOVEMENT**

* Section 41 (1) of the Constitution states: “Every citizen of Nigeria is entitled to move freely throughout Nigeria and to reside in any part thereof, and no citizen of Nigeria shall be expelled from Nigeria or refused entry thereby or exit therefrom”.
* In all the areas occupied by the insurgents, there was restriction on the freedom of movement. The restrictions by the insurgent are clearly illegal and have no basis in law and policy.

**RIGHT TO EDUCATION**

* Article 17 (1) of the African Charter on Human and Peoples Rights states that: “Every individual shall have the right to education”
* The Child Rights Act, 2003, in section 15 guarantees the child’s right to free, compulsory and universal basic education, which the government has a duty to provide. Also, the Compulsory, Free, Universal Basic Education Act, 2004, (UBE Act) address the issues of access, equality, equity, inclusiveness, affordability and the quality of basic education. The impact of the Boko Haram insurgency on the right to education in the North East is examined in its intricate details in this subsection of the assessment. It is imperative to start by stating that the Hausa language meaning of Boko Haram is simply that “western education is a sin”. Thus, living up to their name, the insurgents took steps to ensure the disruption of western education in all its forms.
* Throughout 2013 and 2014, continuing attacks and threats of attack against schools in the north-east led to reduced access to education owing to school closures, the flight of teachers and the withdrawal of children from school by their parents. In Borno State, the authorities took the decision to close all primary and secondary schools in March 2014. The following month, during the period that school closures commenced, Boko Haram abducted 276 girls from the Chibok Government Girls Secondary School.
* From the above statement, the operation of the insurgents was the major factor limiting access to education but the operations of the Nigerian Armed Forces trying to push back the insurgents also resulted in limited restrictions of the right to education.
* “Over 70% of displaced children, both in camps and with host communities were out of school due to lack of classroom infrastructure, inadequate teaching materials and even teachers”. The insurgency had negatively impacted on the enjoyment of the right to education in Nigeria to a great extent.

**SUGGESTIONS AND RECOMMENDATIONS:**

**Fiscal Measures**

* Federal, state and local governments should mobilise more resources through the budgeting system for investments and interventions in the North East;
* Federal, State and LGs should launch a special fund for the rebuilding of the North East region and attract resources from the private sector and civil society through tax incentives and other measures;
* More transparency and openness should be introduced into the management of all funds meant for the region.

**Fully Equip and Train the Armed Forces as well as other security agencies to Defeat the Insurgency**

* The fighting capacity of the armed force such as ammunitions, vehicles, communication devices, working kits, materials for forensic investigations and working environments should be enhanced to ensure that the insurgents are not merely technically defeated but routed from all positions across the Federation;
* Improve interagency collaboration and joint training of the Military, Police, and other law enforcement agencies;
* The welfare and incentives of the armed forces should be enhanced and all personnel who carry out their duties in volatile areas should be incentivized to work selflessly;
* Intensify Training and provision of modern technology on Intelligence, Surveillance and Reconnaissance.

**Engage in Massive De-radicalisation Programme, Peace Building and Promote Respect for Cultural and Religious Diversity**

* The Federal and State Governments should engage in a massive de-radicalisation programme to train extremists and other members of society on the true tenets of Islam and thereby provide counter narratives to extremist views;
* Work with communities to re-establish trust between various stakeholders;
* Religious and community leaders should be involved in the de-radicalisation Programme;
* Mainstream peace studies and respect for religious and cultural diversity in education curriculum.

**Human Rights Training for the Military, Civilian JTF, the Nigerian Police.**

* The Federal and State Governments to embark on the human rights training and skill building needs of armed security agencies should be assessed. Human rights should be included in their curricula so as to increase the awareness and protection of human rights. Continued education on human rights should also be introduced for serving officers.

**SGBV Training and Interventions**

* The Ministry of Justice at the Federal and State Levels and the Police Authorities and Federal/State Ministries of Women Affairs should train or retrain police personnel and investigators on how to conduct proper investigations for effective prosecution;

### Train and retrain prosecutors on how to give adequate representation to survivors;

### Embark on a wide sensitization of communities on the need for parents to burst the culture of silence in sexual offences and to refer their wards promptly to hospital for immediate attention, examination and taking of evidence in the event of a sexual violation. To also educate parents not to succumb to the culture of taking survivors home and treating them without referral to hospitals;

### To search for a source of funding that will ensure prosecutors can travel conveniently to attend these cases wherever they are and can get their witnesses to attend court at all times.

### **Internally Displaced Person (IDPs)**

### Federal, State Governments and Local Governments in the Region to begin an emergency intervention on the welfare of all IDPs by first duly recognizing their existence in all the camps (both official and self-made) and then followed up by providing them with the basic facilities for a dignified life in such camps;

### Improve transparency in interventions from state and non-state actors through participation of representatives of key constituencies;

* Enact Federal/State legislation on witness and victim protection.

**Returnees**

* The Federal and State Governments should draw a framework that will assess the current needs with a view of providing the most needed interventions and protection. Also, draw up projections on the needs of these returnees as they continue to return and repopulate their communities. Especially, there is the urgent need to identify in clear terms their challenges with regards to access to shelter, healthcare, education and justice;
* To involve community, demographic and women leaders in preparing these frameworks and identifying the nature of needs of different families/households, age brackets and gender;
* To support them in starting a new life through skills and occupational kick-start packages. The packages should take into account existing skills and traditional occupations. This however, does not limit the intervention to only farming and other traditional skills; effort should also be made to teach and assist people in acquiring other marketable skills that will ensure self-sufficiency and sustainability of the community and its economy; for peace and harmony.

## **Agriculture and the Right to Adequate Food**

* The Federal Government should provide greater security to communities and rural areas to enable farming to restart;
* Engage in mine clearing operations;
* Prosecute and punish all persons and organisations responsible for diverting food meant for IDPs and create more transparency around disbursement of food for displaced persons.

**Health**

* The Federal and State Governments should identify and fully assess the health needs of the population through collaboration between various tiers of government and development partners;
* Restore damaged facilities and build new ones to ensure availability of service;
* Establishment of trauma centers to rehabilitate victims who have suffered psychological, emotional, physical, sociological trauma as a result of the insurgency. Provide special facilities for trauma and stress management;
* Use incentives to drive health personnel to work in the greatest areas of need.

### **Education**

* The Federal and State Governments should ensure the full implementation of the compulsory, free and universal basic education programme across the country especially in the North East region;
* Make a thorough assessment of the needs, including number of children of school age and the projection for the near future;
* To engage both state and non-state actors in providing facilities for education;
* Train teachers that will be willing to move to these communities and stay;
* Fully implement the Safe Schools Initiative;
* Mainstream peace and respect for diversity in education curriculum and mainstream gender and respect for women’s rights in education curriculum.