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# SEXUAL VIOLENCE AGAINST WOMEN IN NIGERIAN ARMED CONFLICTS

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## ABSTRACT

The study looked at sexual assault on women committed during armed conflict in northeastern Nigeria by Boko Haram and security forces. In times of armed conflict, both the security forces and insurgents/terrorists commit various atrocities against women and girls who are particularly vulnerable. Women in northeastern Nigeria, notably in the states of Borno, Yobe, and Adamawa, experience sexual abuse at the hands of rebels and security forces engaged in counterinsurgency operations. Many of the pregnant women and teenage girls living in IDP camps were raped by military and members of the civilian JTF. Many of the abductees interviewed by Human Rights Watch in 2014 and 2015 disclosed that they were raped and became symbols of sexual satisfaction to the terrorists. Boko Haram carried out similar atrocities in their camps. The majority of the women and girls who rejected the request were brutalized and threatened by either the security personnel or Boko Haram in their camps. Babies are typically ignored and abandoned when they are born in Boko Haram and IDP camps. As a result of the Boko Haram insurgency, sexual violence becomes widespread in northeastern Nigeria. This is against both human rights laws and international humanitarian law during armed conflict. Sexual assault has a wide range of negative effects on the victims, including psychological, physical, social, economic, and societal effects. The idea of sexual assault, rape, Boko Haram and sexual assault, security forces and sexual assault in counterinsurgency, and the consequences of sexual assault were all discussed in the article. This theoretical justification adopted radical feminism.

The first instance of humanitarian assistance occurred in Nigeria during the civil war<sup>1</sup>. In Nigeria, civilian rule has been in place continuously since the end of military control in 1999. Internal upheavals, numerous civil unrests, militancy, and insurgency are just a few of the difficulties Nigeria has had to deal with. Some have turned into circumstances that call for military action or what might be referred to as non-international armed war. Civilians have lost property, life, and limb during the use of military action to suppress or

control some of the crises, and it would appear. Military actions that result in civilian deaths violate the principles of international humanitarian law (IHL), Through the lens of recent Nigerian experience, this work highlights the protections available to civilian areas in the context of non-international armed conflicts and argues for the Federal Republic of Nigeria's Armed Forces to strictly adhere to IHL obligations in any situation requiring their intervention inside the Nigerian state's borders.

### **RESEARCH QUESTION:**

1. What were the steps taken by the government against Boko Haram for all irreparable damage he caused.
2. Sexual violence caused by Boko Haram on Nigerian women and its effects.

### **Introduction:**

The safeguarding of civilian populations is one of the core tenets of contemporary armed conflict. The protection of civilian populations during armed conflict is guaranteed by contemporary international humanitarian law, assuring that the dignity of the human person is and shall be preserved even in the midst of hostilities. The Geneva Conventions<sup>1</sup> and the Law of The Hague, along with customary international humanitarian law, the Additional Protocols of 1977<sup>2</sup>, and other international agreements, serve as the main legal framework for how civilians in non-international armed conflict are treated and protected (NIAC).

Every time there was an armed war, it was also accompanied by sexual violence. It is still a common occurrence in numerous conflicts that terrorist organizations like Boko Haram, al-Qaeda, the Taliban, the Islamic State of Iraq and Syria (ISIS), and al-Shabaab are responsible for. One of the unique problems with sexual assault is that it continues to be an unreported crime since victims may be afraid to come forward or talk about it due to taboos, feelings of guilt or shame, or fear of revenge. Sexual assault is not committed in a vacuum; it frequently occurs alongside other crimes including kidnapping, property destruction, and looting. Sexual assault has grave repercussions, especially for the victims, who experience physical, psychological, social, and financial harm.

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<sup>1</sup> 1864 and 1949

<sup>2</sup> <https://www.britannica.com/event/Geneva-Conventions>

In both times of peace and armed conflict, sexual assault against women and girls is more common in Africa's conflict zones and affects those who have been forced to flee their homes. Women and children in particular are frequently at risk of sexual violence in conflict zones, involving rape, sexual abuse, mutilation, enforced prostitution, sexual slavery, and other atrocities. Employees of the security forces, rebels, militia members, as well as peacekeeping and humanitarian personnel, are all capable of committing sexual violence during armed conflict. Due to armed war and insurgency, Africa currently experiences significant insecurity.

As part of their military offensive against the Nigerian government, Boko Haram has started using intentional sexual abuse against women. HIV testing revealed that many of the women who had been rescued from Boko Haram camps were pregnant. The widespread belief regarding the high prevalence of pregnancies among the female Boko Haram sexual assault victims who were saved is that these pregnancies were the product of a planned Boko Haram strategy to make sure the women gave birth to children who would carry on the insurgency. Due to the prevalent taboo surrounding rape in Nigeria, the true scope of Boko Haram's sexual brutality against Nigerian women may never be known.<sup>3</sup>

Several survivors are reluctant to discuss their ordeal for fear of being stigmatized by other people in the community. These senseless acts have had a negative impact on society; they have wrecked lives, destroyed marriages, and left the victims in despair. In conflict zones, security troops are stationed with the intention of safeguarding the populace. In the framework of counterinsurgency, sexual assault was also committed by security forces and civilian JTF. Security forces fighting the Boko Haram insurgency in Nigeria, Niger, Chad, and Cameroon sexually assaulted women and young girls.

This action contravenes the norms of engagement for security personnel in counterinsurgency and peacekeeping operations set forth by international humanitarian law. Serious sexual violence has been committed by Boko Haram insurgents, especially in Sambisa Forest. In light of this context, this research studied sexual violence committed by both security personnel and rebels during the Boko Haram insurgency in north-eastern Nigeria.<sup>4</sup>

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<sup>3</sup> <https://legalpediaonline.com/rape-under-the-nigerian-laws/>

<sup>4</sup> <https://www.reuters.com/article/ozatp-uk-nigeria-boko-haram-abuses-un-idAFKBN0MT0P620150402>

### **The role of human rights and current situation in Nigeria:**

International Humanitarian Law takes precedence over domestic law when there is an armed conflict. Human Rights Law is still enforceable, nonetheless. Despite the ongoing hostilities,<sup>5</sup> some rights continue to be unalienable. All civilians who are protected people under the applicable provisions<sup>6</sup> of the Geneva Conventions are entitled to protection while an armed conflict is ongoing, and as such, civilians must always be treated with respect in both international and domestic armed conflicts.<sup>7</sup>

Respect for one's person, honor, family rights, religious beliefs and practices, manners, and customs are among the rights to which civilians are always entitled under the applicable regulations. They must always be treated with compassion, and they must also receive special protection from any acts of aggression or threats of violence<sup>8</sup>, as well as from taunts and attention from the general public. Women must get special protection from attacks on their honor, including rape, forced prostitution, and other types of indecent assault. During an armed war, civilian property must also be protected. Liability under IHL may result from the willful, unjustifiable, and wasteful destruction of civilian property. Attacks against civilian populations are prohibited. It is expressly forbidden to commit or threaten acts of violence with the intention of terrorizing civilian populations.

In 2001, Human Rights Watch highlighted and denounced the apparent retaliation of Nigerian soldiers who had massacred over a hundred residents in numerous communities in Benue State. It was claimed that the slaughter of civilians was not justified by the soldiers' deaths following the Tiv/Jukun conflicts. The episode brought to mind a similar series of incidents in Odi, Bayelsa State, where soldiers seeking retaliation for the alleged execution of 12 policemen by local armed groups burnt the entire town and killed dozens of residents. No member of the military forces has been charged with the offence up until this point.<sup>9</sup>

Amnesty International has recently been at the forefront of disclosing civil rights violations in Nigeria, particularly during military-led domestic interventions. Amnesty International cited

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<sup>5</sup> Article 27 GCIV.

<sup>6</sup> Ibid. n.21

<sup>7</sup> <https://www.icrc.org/en/doc/war-and-law/treaties-customary-law/geneva-conventions/overview-geneva-conventions.htm>

<sup>8</sup> 3 Article 46 paras 1 and 2 Hague Regulations, and Article 53 GC IV

<sup>9</sup> Civilians in Non-International Armed Conflicts: The Contemporary Nigerian Experience

reliable information from a top officer in the Nigerian Army that over 950 persons died in military detention in just the first six months of 2013 in a widely read report urging an urgent investigation into the killings of hundreds of Boko Haram suspects. Amnesty International further asserts that it has verified the veracity of these atrocity recordings and that it has extracted metadata, such as timestamps, establishing the date of the incident.<sup>10</sup>

### **Conceptual explanation of sexual violence**

Campbell et al. (2000) claim that sexual assault is a severe issue that affects millions of people every year throughout the world. Sexual assault can occur at any moment, including during armed combat or other violent events. It can be committed by a wide range of individuals for a wide range of purposes. It is influenced by a number of variables that operate in a variety of social, cultural, and economic contexts. The countries that experience conflict, terrorism, and insurgency have the highest prevalence rates of sexual violence instances worldwide.<sup>11</sup> The victims of sexual assault experience severe effects on their physical and emotional health. Armed conflict that involves sexual violence sometimes involves the use of force, threats with weapons, manipulation, or coercion of the victims.<sup>12</sup> In numerous conflicts, including those in Algeria, Bosnia Herzegovina, Liberia, Rwanda, Central Africa, Sierra Leone, Southern Sudan, Mali, Nigeria, Libya, Afghanistan, Iraq, and Syria, rape as a form of sexual violence has been documented (Amnesty International, 2011)<sup>13</sup>. Sexual violence, according to John (1998), is any sort of sexual interaction in which the partner's consent is not acquired. When someone is persuaded, forced, or tricked into engaging in sexual activity without their consent or into a sexual connection with a victim who is unable to resist due to their age, disease, disability, or use of a substance like alcohol, it is considered sexual assault. Another type of sexual violence is forceful sexual activity, such as rape, which is sex without consent. Incest, child sexual abuse, sacred rite abuse, non-stranger rape, statutory rape, marriage or partner rape, sexual exploitation, sexual contact, inappropriate touching, voyeurism, forced abortion, and rape during armed conflict are also examples of sexual violence. Other forms of sexual violence include forced kissing, forced breast and genital fondling, forced exposure to pornography, attempted rape, and forced exposure to it. Others include masturbating in public

<sup>10</sup> Civilians in Non-International Armed Conflicts: The Contemporary Nigerian Experience

<sup>11</sup> <https://info.lse.ac.uk/Making-a-choice/What-is-sexual-violence#:~:text=Sexual%20violence%20can%20be%20defined,When%20can%20someone%20not%20consent%3F>

<sup>12</sup> <https://jhumanitarianaction.springeropen.com/articles/10.1186/s41018-016-0007-7>

<sup>13</sup> This annual study lists 157 nations and territories where governments and armed opposition organisations

and exposing one's genitalia or naked body to others without their consent. People of all ages, races, genders, faiths, professions, nationalities, acquaintances, neighbours, and family members can be victims of sexual violence.

### **Explanation of rape**

Rape is a heinous crime a worrisome epidemic that is being elaborate in modern-day Nigeria because of many elements inherited in the Nigerian society. Rape is a criminal offense of forcing a few frames to have intercourse with one mainly the use of violence.<sup>14</sup> It is an act of sexual violence that entails sex without consent or towards a person being inclined to have interaction in the act. Rape is related to the usage of risk, pressure, duress, psychological depression, torture and coercion to reap sexual gratification unlawfully. It entails any illegal sexual conduct or moves along with caress and fondling breast and frame, one's non-public components or genital organs to derive sexual pleasure. Rape is assaultive assault on any unwilling sufferer. It is aggression towards ladies primarily for the duration of wars, towards slave girls, inmates and social corporations who lack electricity or status, wherein the perpetrators make use of it as an approach of humiliating, degrading and dehumanizing their victims. Rape is a sexual attack related to a few sorts of penetration i.e., virginal, oral, or anal because of pressure or risk of pressure, loss of consent or lack of ability of the sufferer to offer consent because of age, intoxication or intellectual status (Achunike et al, 2014). World Health Organization (1995) noted in Rothbau (1998), described rape as bodily compelled or in any other case coerced penetration, although slight-of the vulva or anus, the use of penis, different frame components or an object.<sup>15</sup> Section 375 of the Criminal Code applies to Southern Nigeria<sup>16</sup> described rape as "any individual who has illegal carnal know-how of a female or girl, without her consent or together along with her consent, if the consent is acquired via way of pressure or by threats or intimidation of any kind, or via way of worry of harm, or via way of approach of fake and fraudulent illustration as to the character of the act, or in the case of married female, via way of personating her husband is responsible of an offence that is known as rape". Section 282 of the Penal Code<sup>17</sup> applies to Northern Nigeria described rape as. A guy is stated to devote rape who has sexual sex with a female in any of the following: (a) towards her will (b) without her consent (c) together along with the consent, while her consent

<sup>14</sup> <https://legalpediaonline.com/rape-under-the-nigerian-laws/>

<sup>15</sup> [https://apps.who.int/iris/bitstream/handle/10665/77434/WHO\\_RHR\\_12.37\\_eng.pdf](https://apps.who.int/iris/bitstream/handle/10665/77434/WHO_RHR_12.37_eng.pdf)

<sup>16</sup> Article 19(3) of the ICCP

has been acquired via way of setting her in worry of dying or of hurt (d) together along with her consent, while the person is aware of that he is now no longer her husband and that her consent is given due to the fact she believes that he is the person to whom she is or believes herself to be lawfully married (e) without or with her consent while she is below fourteen years of age or of unsound mind. . Sexual sex via way of a guy together along with his very own spouse isn't rape, if she has attained to puberty" (Adegbite, 2015).

The two meanings mentioned above demonstrate that rape in Nigeria can only be committed by a man against a woman, not the other way around. According to Nigerian law, neither a woman nor a man may be accused of rape.<sup>18</sup> This isn't the case in other cultures because it's been established that anyone can rape a male, including a woman, as is the case in the US and the UK. For instance, the US Department of Justice defines rape as any oral or physical invasion of the victim's sex organ by another person, regardless of how slight, without the victim's consent (Vetten, 2014)<sup>19</sup>.

### **North eastern Nigerian sexual violence and Boko haram**

The sexual assault of women and girls who have been abducted by militants is a regular issue in the camps. However, little is known about the abuse that captive women and girls experience. They suffered physical and mental abuse, as well as rape, forced labour, forced military duty, forced marriage to their captors, and sexual abuse, including rape. Security personnel discovered numerous used and unopened condoms in the camps in the occupied territory. The rape of female hostages by Boko Haram has gone undetected due to the culture of secrecy, stigma, and shame surrounding sexual abuse in Nigeria.<sup>20</sup>

The captives of Boko Haram are forced to join the rebels. Boko Haram commander Abubakar Shekau emphasized that "they are against western education for girls, instead proposing that the girls attend Quranic Schools or married and Chibok girls would be offered in marriage because they are our slaves" in a video that was broadcast in May 2014.<sup>21</sup> The insurgents forced girls and women who had been kidnapped into marriage. Boko Haram abducted girls

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<sup>18</sup> <https://lawpadi.com/laws-rape-every-nigerian-know/>

<sup>19</sup> Concern and indignation over the high rate of rape and other sexual violence in South Africa have spurred debates in parliament, marches, and campaigns.

<sup>20</sup> <https://www.hrw.org/news/2016/10/31/nigeria-officials-abusing-displaced-women-girls>

<sup>21</sup> <https://www.govinfo.gov/content/pkg/CHRG-113shrg94293/html/CHRG-113shrg94293.htm>

get married before they reach adolescence, which has an adverse effect on their health (Buba, 2015).<sup>22</sup>

### **Security personnel<sup>23</sup> and sexual assault in the battle against boko haram insurgency**

Amnesty International (2016) claims that sexual violence is categorically forbidden by international humanitarian law (IHL) and is also illegal under international criminal law when it occurs in armed conflict. Conflict-affected societies and camps for refugees and internally displaced people (IDPs) frequently have high rates of sexual assault. This is due to the vulnerability of the displaced women and girls. Sexual assault was committed by security personnel and civilian JTF members during the counterinsurgency. In order to combat the Boko Haram insurgency, security personnel in Nigeria, Niger, Chad, and Cameroon raped women and young girls in villages and IDP camps. The rules of engagement for security personnel engaged in peacekeeping and counterinsurgency operations are violated by this act. Nigeria: Officials Abusing Displaced Women and Girls by Human Rights Watch (2015) is a detailed report on sexual violence committed by security personnel and civilian JTF. Human Rights Watch interviewed people at an IDP camp.<sup>24</sup>

During a horrific Boko Haram onslaught in Baga, close to Lake Chad, in January 2015, a 16-year-old girl claimed she was pulled by a vigilante member of the group in command of distributing aid in the camp.

Since he is also from Baga, he was aware of the death of my parents. I thought he was very interested in getting married because he would bring me things like rice and pasta. However, he was also requesting sex. I always said I was too little for him. He handed me a cup of liquid the day he sexually assaulted me. I drank it and fell asleep right away. It was in his dormitory. When I awoke, I was aware that something was wrong. My private area was bleeding, and I was in discomfort. I was dizzy and had trouble walking. I knew I was expecting when my period stopped, and all I wanted was to pass away and be reunited with my deceased mother. I couldn't even go to the clinic for prenatal care because I was too ashamed. I just feel bad for

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<sup>22</sup> The Brides of Boko Haram: Economic Shocks, Marriage Practices, and Insurgency in Nigeria\*

<sup>23</sup> Nigeria Security situation

<sup>24</sup> Violations and abuses committed by Boko Haram and the impact on human rights in the countries affected\* Report of the United Nations High Commissioner for Human Rights

the baby since I don't have any food or affection to give him and he eventually died because the man fled the camp.

### **Violations of human rights by Boko Haram:**

1. According to government sources in the affected States, Boko Haram has killed about 20,000 civilians since 2009, including an unknown number of women and children. However, the actual number of fatalities is probably significantly greater. People in civilian clothing have been bombed, shot, beheaded, amputated, stoned, drowned, and burned.<sup>25</sup>
2. People who have been kidnapped and civilians living in Boko Haram-controlled areas and villages have both experienced various forms of torture and other cruel, inhuman, or degrading treatment. Interviewees claimed that women and children who were unable or unable to travel to various Boko Haram strongholds, were unable to recite the Koran, or who refused to adopt the group's views were repeatedly beaten.
3. The Boko Haram camp in Buniyadi reportedly executed six boys suspected of stealing motorbikes and selling them, while one male abductee accused of "fornication" was buried up to his neck and stoned to death, according to abductees rescued by the Nigerian army from Sambisa Forest.
4. Since 2009, Boko Haram has widely and severely abused women and girls through forced marriages, forced pregnancies, forced conversions, sexual enslavement, and other types of sexual brutality. The group's view on the place of women and girls in society serves as justification for these activities. Shekau stated in one video message that "God directed me to market them, they are his assets and I would carry out his instructions" and that the group had taken the girls from Chibok. He described kidnapped girls as "spoils of war"<sup>26</sup> in another communication.
5. Boko Haram has allegedly recruited and used both boys and girls for active hostilities, according to testimony OHCHR has received. Boys who wanted to show their allegiance to Boko Haram were made to assault their own families, while girls were made to marry,

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<sup>25</sup> <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8233023/>

<sup>26</sup> warfare ideas

clean, cook, and carry equipment and weapons. Since 2014,<sup>27</sup> the practice of using some boys and girls as human shields and bomb detonators has increased, according to consistent accounts OHCHR has received. For instance, a 12-year-old girl was used to set up a bomb at a bus stop in Damaturu, State of Yobe, in May 2015, which resulted in the deaths of seven people. Both the Cameroon and the Niger reported similar instances.<sup>28</sup>

6. Children between the ages of 6 to 15 who had been kidnapped in Nigeria recalled being encircled by "many guns, and armored vehicles," as well as how Boko Haram fighters had whipped them with cables for not praying or for praying late. Four youngsters, aged between 12 and 14, who had previously been kidnapped by Boko Haram and were reunited with their families after escaping were interviewed by OHCHR in April 2015 in Yola, State of Adamawa. They had been subjected to sexual assault and exploitation, which left them severely traumatized. Drawings made by refugee children in the Niger who were receiving psychiatric counselling showed abuse, disregard for human rights, and violations of international humanitarian law. Some of the drawings included phrases like "we hacked their heads off" and "they destroyed our houses, shops, and cars."
7. In addition to contaminating water facilities, Boko Haram has attacked civilian targets covered by international law, such as schools, mosques, churches, jails, hospitals, and markets.

#### **The actions governments have taken:**

1. The Governments of the impacted States have taken a number of actions to combat Boko Haram, some of which address abuses and violations of international human rights and international humanitarian law. However, some of the restrictions give rise to human rights issues, especially when it comes to the rights of those who are imprisoned or otherwise robbed of their liberty to a fair trial.
2. In Nigeria, the government has established committees to examine the underlying reasons for the insecurity and violence in the region's north-east and to offer solutions. As a result of claims of human rights breaches involving the army and the Civilian Joint Task Force, an investigation was also launched. After conducting an investigation, the military

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<sup>27</sup> April 2014

<sup>28</sup> <https://www.ohchr.org/en/stories/2015/10/boko-harams-path-destruction>

authorities came to the conclusion in December 2014 that Boko Haram fighters occasionally used military uniforms and weapons that had been taken from the army to carry out extrajudicial murders that were supposedly carried out by the army. It didn't establish who was in charge of State actors. The Nigerian army freed 100 men, 24 women, and 58 youngsters suspected of terrorist activity in early July 2015 as a result of a joint operation task force's 2013 audit of Boko Haram detainees and its recommendations for strengthening suspect screening. In July and November 2014, respectively, a victims' support fund and the Presidential Initiative for the North-east to promote rehabilitation, economic development, and reconstruction were formed.<sup>29</sup>

3. In the Niger, a counterterrorism cell was established within the police, a specialized judicial center within the High Court was established to handle terrorism cases, and the law regarding terrorist offences was revised to make it clear that anyone detained for terrorism-related offences on Niger territory falls under the purview of the aforementioned judicial center. However, OHCHR<sup>30</sup> learned that the High Court's newly established judicial center lacked enough staff to carry out its duties.
4. Due to a staffing deficit, the police cell apparently has also been unable to perform preliminary investigations in accordance with the law. The Interior and Defense Ministries are accused of interfering with the legal system, which resulted in the re-arrest of individuals the court had exonerated due to a lack of proof. Additionally, the aforementioned ministries reportedly refused pleas from the legal officers for investigations into claims of abuse and ill-treatment, claiming that doing so would "demoralize" the soldiers.
5. 84 children who had been taken into custody at the Institute Cameroonian de enhance after being rescued by the military from what was later determined to be a Koranic school in Guirvidig, according to the Cameroonian government, were freed in June 2015. Military tribunals have been utilized to speed up the trial of Boko Haram suspects in Cameroon's far north, including by increasing the number of court sessions from five to 10 per month and setting up sessions in other locations (Maroua and Yagoua), where

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<sup>29</sup> <https://www.govinfo.gov/content/pkg/CHRG-113shrg94293/html/CHRG-113shrg94293.htm>

<sup>30</sup>Office of the United Nations High Commissioner for Human Rights

Boko Haram captives are housed. The Government claims that the decision to use military tribunals was made in light of the situation brought on by the Boko Haram insurgency.<sup>31</sup>

## **Resulting from Sexual Violence**

Numerous effects of sexual violence are felt by the victims as well as by society at large. It has an impact on the survivor, their family members, the government, and society at large.

### **1. EFFECT ON THE FAMILY**

Parents, friends, children, spouses, and coworkers of the victim of sexual assault may also be impacted. Loved ones may go through identical reactions and emotions to the survivor as they try to make sense of what happened. Some typical responses are wrath, fear, guilt, and self-blame. The family of the survivor may also face stigmatization and social exclusion, which could have a negative social and financial impact on all of the family members.

### **2. EFFECTS ON SOCIETY:**

If sexual violence is practiced in the community, members may experience dread, wrath, and obsession. Communities must also consider the financial costs of things like medical care, legal fees, and mental health programmers. As a result of the uncertainty that such an event could happen to any member of the society, society becomes disorganized and fosters an environment of disorder, violence, and dread (Black, 2011).

### **3. IMPACT ON SURVIVORS**

Sexual assault victims respond in their own distinctive ways. Sexual assault has both immediate and long-term effects on one's physical and mental health. Post-traumatic traumatic stress, guilt, humiliation, stigma, dread, numbness, shock, and feelings of exclusion are a few common emotional reactions. Stress disorder, phobias, and long-term risky conduct for one's health have all been related to the psychological impacts of sexual violence. Eating disorders, anxiety disorders, and sadness can all be responses. Personal injuries and unintended pregnancy are examples of physical effects. Some health effects, such harm to the body's

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<sup>31</sup> <https://carnegieendowment.org/2019/05/03/stabilizing-northeast-nigeria-after-boko-haram-pub-79042>

organs, suicide, maternal mortality, STDs<sup>32</sup>, and HIV/AIDS<sup>33</sup>, can be lethal. Medical costs and lost wages are two examples of how sexual abuse has an economic impact. Sexual assault and the emotional response that results from it can cause survivors to perform less well at work, lose their jobs, and become incapable of working. In terms of society, it causes stigma, prejudice, and low self-esteem.

### **Legal framework for international humanitarian sexual violence**

Sexual violence is categorized as a breach of the law of war under the 1949 Geneva Conventions. Several people were charged with crimes of sexual violence perpetrated during conflicts in Africa by the International Criminal Court (ICC). Serious crimes involving gender-based and sexual assault are under the purview of the ICC.<sup>34</sup>

Sexual violence is considered torture, inhumane treatment, or cruel treatment of the victims in accordance with international humanitarian law, international criminal law, and human rights laws. In violation of Articles 3 and 5 of the 1949 Geneva Conventions, crimes against humanity, which are punished by the International Criminal Court, and human rights laws, rape and other types of sexual assault are outlawed in both times of war and peace. Article 1 of the United Nations Declaration on the Elimination of Violence Against Women of 1993 was violated by security personnel or terrorists who committed sexual violence in the form of rape in times of peace or war. A number of clauses of the 2003 African Charter on Human and Peoples' Rights of Women in Africa (Maputo Protocol)<sup>35</sup> attempt to protect women from sexual assault and other forms of degrading treatment (Gaggioli, 2014).

Sexual abuse against women and children is a serious violation of international humanitarian law, according to the International Conference for the Protection of War Victims, which was convened in Geneva in August 1993. Rape is a kind of torture, and as such, it is punishable under the laws for grave violations. Rape, sexual slavery, forced prostitution, forced pregnancies, forced sterilization, and any other form of sexual violence are all considered

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<sup>32</sup> Sexually transmitted diseases

<sup>33</sup> Acquired immunodeficiency syndrome

<sup>34</sup> Rule 29: form of sexual violence

<sup>35</sup> PROTOCOL TO THE AFRICAN CHARTER ON HUMAN AND PEOPLES' RIGHTS ON THE RIGHTS OF WOMEN IN AFRICA (The Maputo Protocol of 2003)

serious violations of Article 3 of the Geneva Conventions and are classified as international crimes under the Rome Statute, which was adopted by states in 1998.

Section 34 of the 1999 Constitution (as modified) guarantees the right to human dignity.<sup>36</sup> No one shall endure torture or other cruel, inhumane, or humiliating treatment. No one shall be subjected to slavery, servitude, or any other kind of forced or involuntary labour. Various laws made sexual assault illegal, whether it occurred in an armed conflict or not. In Nigeria, the maximum sentence for rape as a form of sexual violence is life in prison, while it is possible for it to be less. Life in prison or death is the choice in India. In France, the sentence ranges from 15 years to death. It is a life sentence in the US and the UK. Israel has a 16-year prison sentence and the death penalty in Saudi Arabia, North Korea, China, and Egypt.

### **Conclusion and suggestions:**

That the goal was to highlight the need for a better understanding of international humanitarian law (IHL) and human rights in order to manage circumstances of non-international armed conflict in Nigeria. In order to facilitate an IHL and rights-based understanding of non-international armed conflict in Nigeria, the current regulatory framework was examined, and pertinent legislation, judicial rulings, and legislative actions were detailed. Therefore, as a vital part of Nigeria's international commitments, the Federal Government and the military forces of Nigeria should be conscious of upholding a spotless record with regard to humanitarian law and human rights. Our is due to the fact that it is evident from this work that the Government of Nigeria and the military forces have not done enough to ensure that the system is compliant with IHL and human rights requirements, despite much being said about strengthening it.<sup>37</sup>

This is a significant element in the lax application of global best practices. It is urgent to make it easier for Nigerian military personnel to learn about contemporary armed conflict techniques that haven't yet become commonplace ye there, as well as to educate them about them.<sup>38</sup> To promote reliable, effective, and lasting IHL knowledge generally, education and

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<sup>36</sup> Every citizen has a right to respect for their own dignity. No one shall be forced to engage in forced labour, abuse, or slavery.

<sup>37</sup> <http://nigeriainfo.fm/lagos/local/item/403-nigerian-navy-to-partner-with-red-cross-on-personnel-training> last accessed 24 June, 2015

<sup>38</sup> <https://www.ohchr.org/en/stories/2019/11/northeast-nigeria-addressing-impunity-sexual-violence-amidst-decade-long-conflict>

training deficiencies must be filled. Training sessions on international regulatory instruments that may promote lasting IHL knowledge and practice must be maintained. Finally, it is important to develop and implement a national military reform strategy that integrates properly streamlined regulatory oversight, training, public involvement, introduction and maintenance of contemporary concepts of warfare and counterinsurgency techniques, as well as awareness of international humanitarian law and human rights. The recent events in Nigeria prove that there are regulations and sanctions in existence to prevent the violation of civilian rights during non-international armed conflict.

Insurgents from Boko Haram are sexually abusing women and girls in northeastern Nigeria. They use this strategy by kidnapping hundreds of women and girls. In armed combat, Boko Haram and security forces like the JTF and civilian JTF have perpetrated numerous acts of sexual violence that are against both international humanitarian law and human rights law. The majority of IDP camps and Boko Haram locations serve as settings for sexual assault of women and young girls. In the study, the following suggestions are made:

1. To serve as a deterrent to larger society, sexual assaulters should face harsh punishment when caught, both in times of peace and during armed conflict.
2. International community should assist Nigerian government to combat Boko Haram and ensure that abducted women and girls in Boko Haram camps are rescue and special treatment should be given to the victims of sexual violence. Boko Haram suspect should also be prosecuted in accordance with the International Humanitarian Law and Human Rights Law in armed conflict.
3. The government should set up an independent commission of investigation to look into general claims of human rights and humanitarian law violations by government security personnel and make recommendations for how to prevent them from happening again.
4. Legislators should study and maybe change the security forces' rules of engagement in armed combat.
5. To be able to care for the growing number of IDPs, the government should increase resources for relief and emergency operations. For women and girls who are victims of sexual exploitation, basic necessities such housing, healthcare, education, and leisure

activities should be made available in order to provide post-rape care in accordance with WHO standards.

6. In order to provide particular treatment to camp-based victims of sexual assault, the government should fund medical equipment, supplies, and personnel.

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