

Gender-Based Violence in Northern Nigeria. The Context of Muslim and Christian Women's Rights

Abstract

The article explores the problematic of the experience of gender-based violence by both Muslim and Christian women and the question of women's rights under Shari'a in Northern Nigeria. From a perspective of gender studies and anthropology, the current situation of women reflects their insecurity and neglect against the contextual background in which gender-based violence intersects with political-religious insurgency. More than two thousand women and girls in Northern Nigeria are reported to have been kidnapped since the start of 2014. One in three Nigerian women aged 15–24 has been a victim of violence, but it is underreported due to social and psychological pressures.

Introduction

The main purpose of this study is to examine the reason for women's oppression in Northern Nigerian society in socio-cultural and religious contexts. Since the beginning of the Boko Haram attacks against individuals and institutions, the political situation has been adequately researched, however there is not enough analysis undertaken to comprehensively describe the intense phenomenon of gender-based violence (GBV) against women in Nigeria within the specific perspective of the conflict. This study will be limited to the social injustice against Hausa Muslim and Christian women in North-central and North-eastern Nigeria, including any act or threat by men or male dominated institutions that inflict physical, sexual, or psychological harm on a woman or girl because of their gender. The study attempts to test a hypothesis based on published evidence: that links the neglect of women's security to their vulnerability and precarity. Firstly, there is an underreporting of sexual and gender-based violence, particularly rape, in Nigeria, partly due to family, social and psychological pressures; secondly, it is estimated that one in three Nigerian women and girls aged 15–24 has been victims of violence, and more than one third and up to two thirds of women are believed to have experienced physical, sexual and psychological violence in their own family.¹ It is argued that there is a need therefore to try and identify the basic cause of the social prevalence of GBV and its implications, not only in the context of socio-cultural causes, but also in relation to the political-religious related insurgency in Nigeria that currently shapes some frameworks for connecting religion with GBV.

The article provides an overview of the contemporary issues concerning Hausa women from Northern Nigeria, as well as Christian minority groups living under Shari'a law,

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¹ *Gender in Nigeria Report: Improving the Lives of Girls And Women in Nigeria. Issues, Politics, Action*, Abuja: British Council Report, 2012, p. 51.

in particular GBV, women's rights and daily struggles, based on the evidence and arguments of researchers. As they represent many fields of study, such as anthropology, social sciences and gender studies, the research draws attention to current discourses, definitions and different examples of understanding the problematic questions related to women studies.²

The notion of gender-based violence

For a proper understanding of the context within which the paper is situated, I attempt to provide a brief explanation of the notion of GBV. According to the UNHCR, the term 'gender-based violence' is used to distinguish violence, that targets individuals or groups of individuals on the basis of their gender, from other forms of violence. The first official definition of the term 'violence against women' was offered in 1993 in the UN *Declaration on the Elimination of Violence against Women*. It states that violence against woman is any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivations of liberty, whether occurring in public or in private life.³ GBV includes sexual violence against both girls and women. Moreover, as reported by the UN Development Fund for Women (UNIFEM), the term 'gender-based' provides a new context for understanding violence for the reason that it reflects the unequal power relationship between women and men that are based on different gender roles within each society, especially women's subordinate status and that it is perpetrated against a person's will. However, the term also applies to violence that is specifically targeted against men and boys. GBV comprises several categories: overt physical abuse (rape, battering, sexual assault, torture, mutilation, at home or in the workplace); psychological abuse (deprivation of liberty, forced marriage, sexual harassment, at home or in the workplace); deprivation of resources needed for physical and psychological well-being (health care, nutrition, education, means of livelihood); treatment of women as commodities (sexual slavery, forced impregnation, trafficking in women and girls for sexual exploitation).⁴

Some previous studies reflect that as a structurally-motivated phenomenon GBV is legitimised and perpetuated by social norms, institutions and traditional practices. To determine the critical issues and viewpoints concerning GBV a comprehensive review of literature and reports was conducted.⁵ A recent document *Nigeria: Gender-Based Discrimination/Harm/*

² A qualitative methodology is adopted in this research using descriptive and analytical approaches drawing on literature that was gathered over several years. The data collection process included a factual and textual analysis of scholarly articles, scientific literature and international reports edited by non-governmental organisations, regarding Nigerian women and the broad context of the GBV.

³ *Declaration on the Elimination of Violence against Women*, United Nations General Assembly, 20 December 1993, <http://www.un.org/documents/ga/res/48/a48r104.htm> (accessed 20 July 2017).

⁴ Atta Barkindo, Benjamin Tyavkase Gudaku, Caroline Katgurum Wesley, *Our Bodies, Their Battleground. Boko Haram and Gender-Based Violence against Christian Women and Children in North-Eastern Nigeria since 1999*, Abuja: Nigeria Political Violence Research Network (NPVRN), Working Paper No. 1, 2013, p. 6.

⁵ Abiola Afolabi-Akiyode (ed.), *Sharia Implementation in Nigeria, Issues & Challenges on Women's Rights and Access to Justice*, Enugu: WACOL, 2003; Fatima L. Adamu, 'Women's Struggle and the Politics of Difference in Nigeria', *Gender Politik Online*, 2006, p. 1–11; Mojbol O. Okome, 'Domestic, Regional, and International

Violence Against Women provides information and guidance on domestic violence, witchcraft and traditional harmful practices, such as forced marriage or female genital mutilation (FGM)⁶. Explaining the status of women in Nigeria, the Independent Advisory Group on Country Information (IAGCI) states that women are considered to constitute a particular social group (PSG) within the meaning of the UN Refugee Convention from 1951.⁷ Consequently, they share an immutable (or innate) characteristic – their gender – that cannot be changed and they form a distinct group in society as evidenced by widespread discrimination in the exercise of their fundamental rights.⁸ They are at risk of persecution or serious harm. Among the factors associated with an increased risk for physical and sexual violence are: relatively young age, income, being divorced or separated, prior victimization and low level of education of partners.⁹ The *Convention on the Elimination of All Forms of Discrimination against Women* (CEDAW), for instance, identifies the discrimination in the Penal Code. The Penal Code legalises corrective beating of a child, pupil, servant or wife, as long as this does not cause grievous hurt.¹⁰

The Nigeria government has spoken out about the high level of GBV. On the occasion of the *2016 International Day for Women* the House of Representatives in Abuja condemned all forms of GBV, discrimination and other types of injustices against women, including genital mutilation. Hon. Nkeiruka Onyejeocha, local member of the National House of Representatives for Abia State, expressed concern that there is still a lot of societal barriers hindering women from achieving their full potential, as illustrated by the alarming statistics of physical and sexual violence against women and girls. She called for the promotion of gender parity to ensure that women are given the same opportunities and motivation in work places.¹¹

Improvements as evidenced by the adopted *Violence Against Persons (Prohibition) Act 2015* (VAPP) and *Child's Rights Act* should be noted as well.¹² In May 2015 the Nigerian Senate passed the VAPP that intends to eliminate all forms of violence in the public and private life of Nigerian citizens.¹³ However, the new law has been implemented so far only in the Federal

Protection of Nigerian Women against Discrimination: Constraints and Possibilities', *African Studies Quarterly*, Vol. 6, No. 3, 2002, p. 33–63; Charmaine Pereira, 'Locating gender and women's studies in Nigeria: what trajectories for the future?', in *Gender activism and studies in Africa*, Signe Arnfred (eds), Dakar: CODESRIA. The Council for the Development of Social Science Research in Africa, 2004, p. 1–26; Department for International Development, British Council, *Promoting women's rights through Sharia in Northern Nigeria*, Abuja: Department for International Development, 2006.

⁶ United Kingdom: Home Office, *Country Information and Guidance – Nigeria: Gender-Based Discrimination/Harm/Violence Against Women*, August 2015, <https://www.refworld.org/docid/55dda9204.html> (accessed 19 July 2017).

⁷ *Ibid.*, p. 4.

⁸ *Ibidem.*

⁹ Oladimeji Oladepo, Bidemi Yusuf, Oyedunni Arulogun, 'Factors Influencing Gender Based Violence Among Men and Women in Selected States in Nigeria', *African Journal of Reproductive Health*, Vol. 15, No. 4, 2011, p. 84–85.

¹⁰ *Gender in Nigeria Report...*, p. 49.

¹¹ Damilola Oyedele, 'Int'l Women's Day: House Condemns Gender Based Violence, Discrimination', *This Day Live*, 9 March 2016, <http://www.genderhub.org/be-inspired/news-stories/intl-womens-day-house-condemns-gender-based-violence-discrimination> (accessed 20 July 2017).

¹² *Ibidem.*

¹³ *VAPP: Nigeria: Violence Against Persons (Prohibition) Act*, Nigeria: National Assembly, 2015, p. 2,

Capital Territory of Abuja, but it proves the need for further work in the improvement of women's status in Nigeria. The document affirms the right to defend human rights as it provides a maximum protection and remedies for victims and punishment for offenders and for related matters. It serves as a legislative and legal framework for the prevention of violent acts against all vulnerable persons, especially empowering women and girls, as it prohibits multiple forms of GBV such as: rape, physical injury, female circumcision, domestic abuse, trafficking, economic abuse, substance abuse, forceful ejection from home, abandonment of spouse, children and other dependents without sustenance, battery, depriving persons of their liberty, incest, indecent exposure, among others. As the Act states its purpose is to ban 'all traditional behaviour, attitudes or practices, which negatively affect the fundamental rights of women, girls and includes harmful widowhood practices, denial of inheritance or succession rights, forced marriage or forced isolation from family and friends'.¹⁴

Two of acts listed above are very controversial and cause concern to Nigerian women. Firstly, FGM is often considered a religious and social practice upon which woman's worth is placed, but often without her own consent. It is, however, practiced in a number of Nigerian communities (Yoruba, Igbo, Ijaw, Kanuri) under the mistaken belief that it is demanded by certain religion rules. 'FGM is recognised worldwide as a fundamental violation of the human rights of girls and women. It reflects deep-rooted inequality between the sexes and constitutes an extreme form of discrimination against women'.¹⁵ According to UNICEF at least 200 million girls and women have experienced FGM in 30 countries in Africa and the Middle East, where the practice is most common.¹⁶ In Nigeria, the national prevalence rate of FGM is 41 % among adult women age 15-49, but it is practiced on a smaller scale in the north, paradoxically tending to be in a more extreme form: in the North East – 1.3 %, North Central – 9.6 %, North West – 0.4%.¹⁷ Other data reveals that the reported FGM rate among Hausa women is 12.65 %, while among Yoruba – 69.94 %.¹⁸ There is a noticeably lower awareness level in the northern Nigeria: Igala – 20.16%, Fulani – 22.61%, Tiv – 31.19% and Hausa – 33.27%, compared to results in the south of Nigeria: Yoruba – 92.51%, Igbo – 90.37%.¹⁹ The most common form of FGM in the northern part (65% of mutilated women) is Type 2, which is a practice involving the removal of the clitoris along with partial or total excision of the labia minora. It also had been noted that this type of excision performed on Hausa women could be based on religious reason, and since the method is traditional (performed by local circumciser or birth attendant) it is often more painful and

<http://lawnigeria.com/LawsOfTheFederation/Violation-Against-Persons-%28Prohibition%29-Act%2C-2015.html> (accessed 24 July 2017).

¹⁴ Ibid., p. 24.

¹⁵ Tochukwu Okeke, Bond Anyaehie, C. Ezenyeaku, 'An Overview of Female Genital Mutilation in Nigeria', *Annals of Medical & Health Sciences Research*, Vol. 2, No. 1, 2012, p. 72.

¹⁶ *Female Genital Mutilation – Cutting: A global concern*, New York: UNICEF, 2016, p. 2, <https://data.unicef.org/resources/female-genital-mutilationcutting-global-concern/> (accessed 20 July 2017).

¹⁷ Ibidem.

¹⁸ Abayomi S. Oyekale, 'Tribal Perspectives on Female Genital Mutilation (FGM) and HIV and AIDS Risks among Married Women in Nigeria', *Ethno Med*, Vol. 8, No. 2, 2014, p. 190.

¹⁹ Ibidem.

causes higher tendencies of complications or higher risk of HIV.²⁰ The study reveals that the age of circumcision is 0–12 months (85%), overall, middle-aged women (45–49) are more than twice as likely to be circumcised than younger women age 15–49 (36% and 15%, respectively).²¹

Secondly, the newly constituted law does not offer women in the north the adequate protection from certain forms of GBV, which are commonly institutionalised by culture and are possibly underestimated for political reasons. The prohibition of forced isolation from relatives might be viewed by many young women as outlawing the Hausa cultural practice of *purdah* (*kulle*, seclusion of women) and is seen to open to them new agency and empowerment²². However, Coles and Mack claim, in their study of Muslim Hausa women, that in rural areas seclusion is limited, but the practice shows that women are misrecognized and denied the individual status in seclusion²³. Strict form of *kulle*, as a colonial rule, became most marked in the pre-independence time. Since then it had a profound impact on Hausa women's mobility and status in a family life²⁴. However, for many women the seclusion is not regarded as violence, but rather – it gives them a space for their own agency.

Contextual background: Gender-based violence in the political-religious context

GBV is a contentious issue among both Muslim and Christian women in Nigeria. By identifying areas of disagreement and of consensus among researchers, three different perspectives on GBV in the political-religious context were identified, which have a focus on the relationship of GBV to Islam or active opposition to it. The approaches outlined below highlight three typical characterizations and theories as suggested by Barkindo *et al.*²⁵ They present an overview of contemporary issues concerning Boko Haram and GBV against the group of Christian women and children in North-eastern Nigeria since 1999, who are being targeted more frequently in ongoing political and religious power struggle. It is argued that GBV should be interpreted more widely than cultural or economic causes and to include the importance of a broad view of the effects of political insurgency. They endeavor to interrogate the direct link of types and degrees of violence to social, political or ideological motivations, conflict strategies and mobilization processes²⁶. However, it is generally believed that Boko Haram attacks everybody regardless of any religious bias and likewise any cultural background.

The first framework for understanding GBV and the political insurgency by Boko Haram proposed by researchers from *Nigeria's Political Violence Research Network* describes GBV

²⁰ Ibidem.

²¹ *Female Genital Mutilation...*, p. 21.

²² Patrycja Koziel, 'Hausa women's rights and changing perception of gender in Northern Nigeria', in *Hausa and Chadic Studies in Honour of Professor Stanisław Piłaszewicz*, Nina Pawlak, Ewa Siwierska, Izabela Will, Warsaw: Elipsa, 2014, p. 221.

²³ Catherine Coles, Beverly Mack, *Hausa Women in the Twentieth Century*, Madison: The University of Wisconsin Press, 1991, p. 8.

²⁴ Hauwa Mahdi, *Gender & Citizenship, Hausa Women's Political Identity from the Caliphate to the Protectorate*, Göteborg: Göteborg University, 2006, p. 323.

²⁵ Barkindo, Gudaku, Wesley *Our Bodies, Their Battleground. Boko Haram...*, p. 9–11.

²⁶ Ibid., p. 4.

as rooted in Islam and Islamic ideological systems (despite the fact that it could be vehemently rejected by many scholars, as Islam preaches peace)²⁷. It means that there is a strong interpretation of Shari'a and Islamic thought concerning the social meanings ascribed to gender, female identity and man – woman relations within the family and community. The canonical law of Islam is held to be divine law, implemented as part of both individual and whole Muslim community's submission to God's will. It is regarded as the path or way of God, based on several sources for legal guidance, which is recorded in the Qur'an, hadith (the narratives of practices and sayings of Prophet Muhammad), as well as in the consensus, analogical reasoning and interpretations²⁸. However, it is argued that the Shari'a is mediated by different schools of Islamic jurisprudence and interpretations, and the politics of religious institutions and reforms determine the extent to which GBV is directly implicated. Still, GBV, as stated by Barkindo *et al*, is considered to be derived from the opposition toward gender equality and the belief that social and familial roles are legitimately (naturally or divinely) hierarchical because of the differences between sexes. Explaining it further, the Qur'an says:

“and say to the believing women that they should lower their gaze and guard their modesty; and that they should not display their beauty and ornaments except what must ordinarily appear thereof; that they should draw their veils over their bosoms and not display their beauty save to their husbands, or their fathers and their husbands' father, or their sons or their husbands' sons, or their brothers or their brothers' sons, or their sisters' sons, or their women, or their slaves whom their right hand possess, or male servants free of physical desire, or small children who have no sense of sex; and that they should not stamp their feet in order to draw attention to their hidden ornaments”²⁹.

This perspective, in which the power of men over woman is given to the man, is reinforced by Shari'a and justified in religious matters and diverse rights and duties.³⁰ The man's sanctioned right and responsibility to control the life and movement of his wife or daughters, can be interpreted as contributing to the common acceptance and prevalence of several forms of violence against women (honour killings, sexual abuse, rape), supported by religion's rules.

According to the second approach, some Muslim feminist scholars underline the lack of consensus on the patriarchal interpretation in which GBV is accepted as a social practice. The authors argue that GBV is a patriarchal misinterpretation and misrepresentation of Islamic Holy texts.³¹ They suggest that Shari'a cannot justify violence against women, as the problem is not constituted in Islam or Islamic theological texts themselves, but rather, it depends on the misjudgement of Qur'an by conservative Muslim clerics: 'Islamic jurisprudence, or Shari'a, is not a predetermined list of rules, but an intellectual tradition of interpreting texts. Islamic Holy Books can be interpreted to support relatively progressive legislation affecting women's rights

²⁷ Ibid., p. 9.

²⁸ Judith E. Tucker, *Women, Family and Gender in Islamic Law*, Cambridge: Cambridge University Press, 2008, p. 12–13.

²⁹ *The Holy Qur'an*, Surah an-Nur 24:31, translated by A.A. Yusuf, Hertfordshire: Wordsworth, 2000.

³⁰ Mahdi, *Gender & Citizenship, Hausa Women's...*, p. 207–210.

³¹ Barkindo, Gudaku, Wesley, *Our Bodies, Their Battleground. Boko Haram...*, p. 10.

or to serve as an obstacle'.³² The perspectives or theories about interpretation of texts vary just as there are different analysis of feminists regarding the causes of gender problems.³³ The tensions between these discourses also suggest the support gathered by Boko Haram among patriarchal Muslims in the North and its conflict with modernisation and progressive interpretation of women's rights represented by the government.

Additional to these two arguments is a third perspective, in which it is argued that GBV can be interpreted as state political manipulation of Islam.³⁴ Scholars and authors of publication reject the direct linkage between religion and GBV and propose the examination of relations between state and religion. They reveal that the state has the outstanding responsibility to create laws and prohibitions, but it has refused to regard GBV as a form of violence showing dismissive attitudes toward women's precarious position. The Government, at the federal and state level, has failed to prevent, investigate and punish such violence. However, in many cases and interpretations of law, the right for women to divorce, the question of custody for their children or inheritance, are protected. This negligence brings about misunderstanding of women's rights, as well as opening a space for the incursionary and discriminatory acts of violence by Boko Haram. In addition, Sami Zubaida claims that 'there is generally shared commitment between Islamists and regimes to preserve patriarchal family relations'.³⁵ Furthermore, the concept of women is based here on the 'Sunni ultra-Salafi radicalism' and, as stated by Gilbert in explaining the ideologically-driven mindset,

"women are traditionally treated as second-class citizens under Salafi ideology [...]. Islam casts women as lesser beings who, to varying degrees, require male guardianship. Female sexuality is generally perceived as a powerful and dangerous force, a predatory threat to male spirituality and family honor – a perilous feminine element that demands stringent supervision and – because of their lesser value and legal status – leads to grave endangerment to women".³⁶

The most significant marker of the current situation in Nigeria was the plight of 276 girls (both Muslim and Christians) abducted in the middle of the night on April 14, 2014, by the militant Islamist group Boko Haram from their secondary school's dormitory in the town of Chibok. The injustice elicited open condemnation and special advocacy. This abduction, which has garnered international attention through *#bringbackourgirls* campaign, was not the first time Boko Haram attacked young girls for attending school. Since Boko Haram has launched its more widespread and systematic attacks against civilians,³⁷ unknown numbers of girls have been

³² Ibidem.

³³ Margot Badran, 'Shari'a Activism in Nigeria in the Era of Hudud', in *Feminism in Islam. Secular and Religious Convergences*, Oxford: Oneworld Publications, 2009, p. 279–299.

³⁴ Ibidem.

³⁵ Sami Zubaida, 'Islam and the Politics of Community and Citizenship', *Middle East Report*, Vol. 31, No. 4, 2001, p. 24.

³⁶ Lela Gilbert, *Gender-Based Violence as an Expression of Christian Persecution in Muslim Lands*, World Watch Research Unit of Open Doors International, 2013, p. 15.

³⁷ Sabina Brakoniecka, 'The Beginnings of the Boko Haram Rebellion from a Micro-level Perspective', *Hemispheres. Studies on Cultures and Societies*, Vol. 30, No. 3, 2015, p. 78–85.

forced to participate in military operations and civil, collective violence (burning schools, killings of teachers and open threats to countless families supporting their daughters' education).

During several raids in towns and villages in North-eastern Nigeria, abducted women and girls under the age of 15 years were forced to marry members of Boko Haram or forcibly recruited into the group, conscripted to serve as spies and to take active part both in battle or in executions.³⁸ Many were detained in camps and towns under Boko Haram control. More recently, women and girls, who spent time in captivity and escaped, reported the cases of sexual violence such as sexual slavery. They have found themselves rejected by the local communities and became subject to further abuse. Being referred to as 'Boko Haram wives', 'Sambisa women', 'Boko Haram blood', 'Annoba' (epidemics) by the local communities, reveals the social stigma they now carry from the fears that their exposure to direct violence could spread to other members of society.³⁹ Further consequence of the suspicion that they are linked to attacks, is that they have been placed in prison camps by government troops. It is reported that they are subjected to inhuman treatment and severe maltreatment (including theft, rape), by the government troops.⁴⁰ The successive and repeated subjugation of girls and women reflects one of the most pervasive violations of the rights of women and girls during the period of displacement due to an armed conflict. Moreover, a little progress has been made to end violations by Nigerian armed forces and provide accountability for crimes under international law. As reported by Nahida, a 50-year-old woman whose eight-year-old daughter was injured in Hussainiya (Zaria) in 2015, told Amnesty International:

"My daughter, aged eight, had gone to Hussainiya in the morning because every Saturday she had lessons there from 9am to 2pm. I sent my son to collect her but he called me and said he could not approach because there were soldiers around the Hussainiya. He then called again and said at about 2.30pm and said there was shooting. I set off with my 17-year-old daughter and my other son and we managed to reach the Hussainiya through back roads. We did not attempt to leave as it was too dangerous. At night the shooting grew more intense. The soldiers were flashing bright lights and shooting with heavy weapons. In the morning when the soldiers stormed the building they shot blindly. Bullets were flying everywhere and injured and killed people. My eight-year-old daughter was hit [in her lower right flank, seemingly by shrapnel from a ricocheting bullet]. She said to a soldier 'why did you do this' and he slapped her hard on her face. Two women I know were killed there. Jamila, a woman in her 30s, was shot in the chest near the kitchen and Fatima, a young girl of about 18 or 20, was shot in the head near the toilet".⁴¹

³⁸ *Bad Blood. Perceptions of children born of conflict-related sexual violence and women and girls associated with Boko Haram in northeast Nigeria*, London: International Alert/UNICEF Nigeria, 2016, p. 6–10.

³⁹ *Ibid.*, p. 15.

⁴⁰ *Nigeria: Human rights violations by the military continue in the absence of accountability for crimes under international law. Written statement to the 32nd session of the UN Human Rights Council* (13 June – 1 July 2016), London: Amnesty International, 2016, p. 1–2, <https://www.amnesty.org/en/documents/afr44/4203/2016/en/> (accessed 19 July 2017).

⁴¹ *Nigeria – "Unearthing the Truth": Unlawful Killings and Mass Cover-Up in Zaria*, 22 April 2016, London: Amnesty International, <https://www.amnesty.org/en/documents/afr01/3883/2016/en/> (accessed 20 July 2017).

In recent years, however, the impact that the conflict has on women has moved to the forefront, the issue of Nigerian women's subordinate and unstable status and the question of their extreme exploitation and vulnerability in conflict zones have been also engaged with, regarded as a crisis needing intervention. The concern has been raised that women are not just victims of GBV, but also captured as a tactic of war⁴². In this context, some current researchers argue there is evidence that gender is now an increasingly significant component of operations, tactics, messaging and ideology, which reveals in turn a great instrumentalisation of women's status. As Zenn and Pearson state, the version of Shari'a supported by the military group

“promotes narrow gender roles for men and women, enforcing strict rules on women's dress and sexual conduct and instituting other discriminatory and abusive practices against women. Boko Haram's leaders listed among the values to be opposed: ‘the rights and privileges of Women, the idea of homosexuality, lesbianism, rape of infants, blue films, prostitution’ and beauty pageants, associated with Western ideals”⁴³.

The report cited previously includes the description of woman's experience: ‘their movements were restricted and they were given little food. The older women were often released, while the younger women were forced into marriage, sometimes after the payment of a dowry. Christian women and girls were told to convert and attend Qur'anic classes to prepare them for a forced marriage’⁴⁴. Simultaneously, many Muslim women were effectively used as slave labourers and were frequently humiliated by their militia captors.

Since the start of 2014, more than 2000 women and girls in the region have been kidnapped and thousands of children, both girls and boys, were forced out of schools across communities in Adamawa, Borno, Yobe and Kaduna states.⁴⁵ What is important to emphasize is that GBV against Muslim women and girls has implications for the long term insecurity of the girl child and their right to education. The armed insurgency, the use of women as a tactic of war and the further abuse in government military camps reveals their vulnerability and precarity. A continuum of vulnerability is situated within the fabric of social inequalities and unequal power relations under Shari'a law in Northern Nigeria. Young, unmarried women in particular become subjected to many forms of discrimination, being targeted by strangers or their own family members, they are especially vulnerable to exploitation precisely because they tend to lack any means of recourse due to their age. Married female women were more likely to experience physical violence than single women.⁴⁶

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⁴² Jacob Zenn, Elisabeth Pearson, ‘Women, Gender and the evolving tactics of Boko Haram’, *Journal of Terrorism Research*, Vol. 5, No. 1, 2014, p. 46–57.

⁴³ Idem., p. 47–51.

⁴⁴ Amnesty International Report, ‘*Our job is to shoot, slaughter and kill*’. *Boko Haram's reign of terror in north east Nigeria*, London: Amnesty International, 2015, p. 32, <https://www.amnesty.org/en/documents/afr44/1360/2015/en/> (accessed 15 July 2017).

⁴⁵ *Nigeria: Human rights violations...*, p. 3.

⁴⁶ *Nigeria: Gender-Based Discrimination...*, p. 15.

Muslim women's rights under Shari'a and their activism

The introduction of Shari'a in 12 states in the Northern Nigeria successively from 1999 has opened a new sphere for raising serious questions about the human rights of Muslim girls and women. The complexities of plural legal systems (statutory law, customary law, and Shari'a) mean that women are protected from discrimination under the constitution and legal acts on the national level, but customary and religious laws, including Shari'a, profoundly restrict these rights in practice.⁴⁷ Hence, discriminatory laws, violence against Muslim women and gender stereotypes continue to hinder a greater progress towards gender equality in Nigeria. There is no sufficient state law nor specific Islamic legal thought prohibiting domestic violence against Muslim women in Nigeria, except in southern and central states (Lagos, Ebonyi, Cross River, Jigawa, Ekiti and Federal Capital Territory of Abuja), but the extent of the effectiveness of this law should be subjected to a broader research.⁴⁸

As suggested by feminist Muslim scholars,⁴⁹ Islam accepts woman's active pursuit of her rights as member of the society and even fosters it through an egalitarian and non-discriminatory approach. However, in social practice it looks different, because Islamic legal thought has assigned women and men distinct social roles⁵⁰. Women systematically face violence at home and in public space.⁵¹ Some social practices applicable in the Hausa regions permit violence against women, such as corporal punishment, sexual harassment, bullying of girls, marriages of pre-pubescent girls to older men, verbal abuse, emotional and psychological abuse, marital rape, according to the report *Promoting women's rights through Sharia in Northern Nigeria*.⁵² Moreover, the ongoing conflict between Boko Haram members and the Nigerian security forces, the government's inability or unwillingness to protect women and girls from criminal activity, as well as the high prevalence of different types of acts of violence which are woven into social and cultural discourse, disrupt the provision of internal security, health, education and other public services guaranteed by the Nigerian government. Some high-risk

⁴⁷ Margot Badran, 'Shari'a Activism in Nigeria...', p. 279–299.

⁴⁸ *Nigeria: Gender-Based Discrimination...*, p. 10.

⁴⁹ Saba Mahmood, *Politics of Piety: The Islamic Revival and the Feminist Subject*, Princeton: Princeton University Press, 2005; Akachi Adimora-Ezeigbo, *Gender Issues in Nigeria: A Feminine Perspective*, Lagos: Vista Books, 1996.

⁵⁰ Tucker, *Women, Family and Gender...*, p. 24–37.

⁵¹ Mariam M. Abdul (eds.), *An analysis of the socio-economic, socio cultural, religious, environmental, technological, language and educational factors on women's right in Nigeria: the case of Northern Nigeria*, Madrid: Nawey 2012. See more: Oluyemisi Bamgbose, 'Customary Law Practices and Violence against Women: The Position under the Nigerian Legal System', in *Proceedings of the Women's World 2002. The 8th International Interdisciplinary Congress on Women*, United Nations Economic and Social Council. Economic Commission for Africa, Kampala: Makerere University, 2002.

⁵² See more: Sylvia C. Ifemeje, 'Gender-Based Domestic Violence in Nigeria: A Socio-Legal Perspective', *Indian Journal of Gender Studies*, Vol. 19, No. 1, 2012, p. 137–148; Ani Kelechi Johnmary, 'Violent Traditional Gender Practices and Implications for Nation Building Process in Nigeria', *Public Policy and Administration Research*, Vol. 2, No. 5, 2012, p. 44–56; Nkiru Igbellina-Igbokwe, 'Contextualizing Gender Based Violence Within Patriarchy in Nigeria', *Pan-African Voices for Freedom and Justice, Pambazuka News*, Issue 632, 2013, p. 1–12.

factors of the normalisation of GBV include the perception that violent actions are justified and go unpunished. Also the perpetrators show no remorse, as the common practice shows, the rule of 'punishing the victim, not the perpetrator' still holds more weight.⁵³ The victim is punished for making unproved allegations, as reported in cases of many Hausa women, while the perpetrator enjoys impunity. For instance, Bariya Ibrahim Magazu, aged 17 years, was sentenced to 180 strokes of cane by a lower Shari'a court of Tsafe in Zamfara State, in September 2000: 100 strokes for having had sexual relations outside marriage and 80 strokes for allegedly falsely accusing three men of raping her. It reflects that, since there were not four (male) witnesses to support her allegations of rape, there was no conviction and she as the victim was accused of having extramarital sexual relations and therefore faced severe consequences.⁵⁴ Similar problems were experienced by Haruna Dutsi and Aishat Dutsi or Umaru Tori Gwaram.

The definitions of rape, which is criminalised in the Shari'a penal laws, do not conform to the principles underlying the Rome Statute definition, they do not provide sufficient protection or redress for women and girls who have been raped, and furthermore, also discriminate against married ones. In some cases, a woman's failure to consent has not been considered in criminal proceedings.⁵⁵ It means that GBV might be seen as one of results of discrimination under Shari'a in cases of rape. Women try to avoid being accused of the offence of adultery (*zina*), which carries a sentence of death by stoning. Several cases from Northern Nigeria involving the charge of adultery (of Amina Lawal and Safiyatu Hussaini) have been globally heard and publicised in many official reports.⁵⁶ Amnesty International describes how in Kano state married women are liable to be punished, if they cannot meet the required conditions to prove their case:

"Kano Shari'a Penal Code Law in Section 127 lists conditions that must be fulfilled in order to prove rape or *zina* (extramarital sexual relations) in respect of a married person: Islam; maturity; sanity; liberty; valid marriage; consummation of the marriage; four witnesses; or confession. If a woman who alleges that she has been raped fails to establish any of these conditions, she is liable to imprisonment for one year and up to 100 lashes".⁵⁷

The effect is that Hausa women are being discouraged from seeking justice because of the social stigma and the lack of diligent prosecution. For instance, in high risk areas within Kano state (Hotoro community, Kofar Ruwa Motor Park, Naibawa Motor Park and the rural community of Zakirai in Gabasawa) the rape cases are under special control of organisations: Justice for All, Kano State Justice Sector Reform Team (KJSRT) and Coalition against Rape and Violence (CARAV).⁵⁸ They ensure that women and girls have equal access to effective safety, security and justice systems; implement a state-wide public sensitisation on rape that is aimed at educating and discouraging would-be perpetrators, encouraging victims and members of their families

⁵³ *Rape: The Silent Weapon, Nigeria*, Amnesty International Report, 28 November 2006, p. 33, <https://www.amnesty.org/en/documents/afr44/020/2006/en/> (accessed 17 July 2017).

⁵⁴ *Ibid.*, p. 34.

⁵⁵ Chineze Onyejekwe, 'Nigeria: The Dominance of Rape', *Journal of International Women's Studies*, Vol. 10, No. 1, 2008, p. 52.

⁵⁶ Pereira, 'Locating gender and women's studies in Nigeria...', p. 56.

⁵⁷ *Rape: The Silent...*, p. 33.

⁵⁸ *Justice for All Nigeria*, London: British Council, October 2015, p. 6.

to report rape cases.

Certain gender issues are revealed when the relationship between Muslim women and men, their respective roles, privileges, status and positions are identified and analyzed.⁵⁹ Hausa women's activism in response to insurgency based violence experienced in Nigeria is not widespread. There are a few organizations striving to improve Hausa women's empowerment, eliminate discriminatory practices and prevent violence against women in the family, but they operate without the support of the government. Awareness of women's perspectives and education are particularly critical for understanding the roots of the problem of violence and enhancing the effectiveness of any prevention programmes among Muslim women. Project Alert on Violence against Women, Legal Defence and Assistance Project (it developed a model Domestic Violence Bill proposed to several States' Houses of Assembly and set up a national network of men against violence), the Women Advocates Research and Documentation Centre (WARDC) and the International Federation of Female Lawyers (FIDA) are non-governmental organisations (NGOs) that have provided counselling, medical care and contributed to policy and legislative changes, thereby enabling survivors of violence in the family to have access to justice, including providing them with shelter, free legal aid and assistance, and services on training, research, advocacy and conflict resolution to mention a few. Abdul *et al* identify challenges faced by activists, which can be classified as both external to the movement and within the feminist's collectives, starting with a poor recognition of Hausa women's issues by the government; the gross misconception that their intervention might disrupt the status quo of the society; negative press and double standards within and outside the movement.⁶⁰

Women are reclaiming their rights under Islam in several religious communities that are uniting in the Federation of Muslim Women's Associations in Nigeria (FOMWAN) – previously the Muslim Sisters Organisation (MSO). Other human rights organisations, which have also been developed to pay more attention to women issues, are stated below: The Centre for Citizens' Emancipation and Empowerment (aimed at liberation of women in purdah and tenders legal advice to the oppressed and underprivileged women); BAOBAB for Women's Human Rights; The Centre for Citizens' Emancipation and Empowerment, Women's Rights Advancement and Protection Alternative (WRAPA); The Women's Consortium of Nigeria (WOCON); The Nigerian Feminists' Forum (NFF), the international solidarity network Women Living Under Muslim Laws (WLURL); The National Council of Women's Societies; Girls Power Initiative (GPI); Women's Consortium of Nigeria; Widening Scope for Rights and Development (WISCORD); Women's Aid Collective; Women Against Rape, Sexual Harassment and Sexual Exploitation (WARSHE); Women Centre For Peace And Development (WOPED); Murtala Muhammed Foundation.

Women's Rights Advancement and Protection Alternative (WRAPA) also embarked on a three year project focusing on Islamic Family Law in seven Shari'a implementing states in Nigeria. The project was aimed at: documenting Islamic Family Law and practices towards

⁵⁹ Nina Pawlak, 'Woman' and 'man' in Hausa language and culture', in *Hausa and Chadic studies in honour...*, p. 172–187.

⁶⁰ Miriam M. Abdul (eds.), *Analysis of the History, Organisations and Challenges of Feminism in Nigeria*, Madrid: Agency for International Development Cooperation (AECID), 2011.

achieving and enhancing the full recognition and enjoyment of women's rights with specific focus on key family law issues; legal aid support for women which have achieved positive attitudinal shifts in perceptions and practices.⁶¹ Additionally, Project Alert focuses on the area of women's human rights abuse, offering services, shelter to victims of abuse and carrying out advocacy and sensitisation on issues such practices as FGM, female disinheritance, male child preference, girl-child marriage, sexual harassment and domestic violence. The organisation, Murtala Muhammed Foundation, has sought to improve the living conditions of Nigerians and implemented information-sharing on strategies to prevent and manage disasters effectively, through the programme 'Grief Trauma and Counseling' to victims of communities, where disasters have occurred.⁶² From 2015 it embarked on a project to interview relatives of each of the missing Chibok girls. The team managed to question almost all of the families and to highlight how the families have struggled to cope with violence and trauma.

Conclusions

The paper examines the complex context of Nigerian women's insecurity and exposure to GBV. It is argued that high levels of GBV intersect with and are deepened by the political insurgency, strengthened by socio-cultural practices. The direction of changes in the current situation is difficult to predict. As Alexander Thurston concludes: 'Boko Haram represents an ugly paradox: its ideas have limited appeal but significant staying power'.⁶³ Undoubtedly, the existence of GBV affecting women was the evident practice before the appearance of Boko Haram. Conflicting religious discourses co-exist, patriarchy is in opposition to modernization, as well as progressive readings of the Shari'a. The continuous violence and the unstable security situation contribute to acts of discrimination in which women and girls, both Muslim and Christian, have been targeted. There is a lack of comprehensive official figures and data to assess the extent of the claim regarding the direct state involvement in perpetrating rights violations against women. It should be ensured that all Nigerian women, who have been subjected to any form of violence, have access to redress in the form of equal access to justice, economic and social rights, including education, freedom of movement, property, employment, social entitlements and political participation in the context of gender-sensitivity measures.

⁶¹ Ibid., p. 13.

⁶² *Murtala Muhammed Foundation website*, 2016, <http://mmfnigeria.org> (accessed 10 June 2017).

⁶³ Alexander Thurston, *Boko Haram: The History of and African Jihadist Movement*, Princeton: Princeton University Press, 2017, p. 301.

