

It's not only an act of terrorism

COMMENT

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This is a good opportunity to address constant discrimination and harmful traditional practices

THE KIDNAPPING by Boko Haram of over 200 schoolgirls in northern Nigeria is an act of gender-based violence for which not only Boko Haram is responsible, but also the Nigerian government. Indeed the militant group has carried out atrocities against boys and men that are equally deplorable, but in this instance it is not by chance that Boko Haram kidnapped girls. They were targeted because they were girls.

The leader of Boko Haram said in a video shortly after the kidnapping that he would sell the girls.

His statement is reflective of an exceptional disdain for girls, which did not exist in isolation, but within a patriarchal society where harmful stereotypes perpetuate girls' inferiority and enable violence against women to be an accepted norm.

Amnesty International has reported that up to two-thirds of Nigerian women may have experienced violence in the home by an intimate partner. While domestic violence differs in nature from the kidnapping of over 200 schoolgirls, the common thread is the context within which the acts occur; in a society that does not accord women equal value and provides the structural conditions whereby a girl or woman can be abused in the home or kidnapped and threatened to be sold in the market.

Discrimination against women is sanctioned in some provisions of Nigerian law.

For example, under the penal code which is applicable in the northern part of the country, the state allows for the correction of child, pupil, servant or wife by beating in as much as the beating does not amount to grievous harm.

Women's human rights organisations in Nigeria report that the police consistently fail to respond effectively to complaints of violence against women due to institutional sexism and perceptions of violence against women as a private family matter.

Harmful traditional practices against girls and women, such as female genital mutilation, child marriage, and ritualistic widowhood practices, are common in many Nigerian communities.

The prevalence of child marriage in northern Nigeria is among the highest in the world, contributing in part to the low literacy rate of women in the north of Nigeria.



UNFAIR: Pupils from a Soweto school display posters calling for the girls kidnapped by Boko Haram to be brought back. The writer says the rights of women and girls in Nigeria are routinely undermined.

PICTURE: DENIS FARRELL / AP

ria. As little as 20 percent of women in this region are literate and have attended school, according to Unicef.

While recent years have witnessed some positive legal reforms towards protection for girls and women in Nigeria, the Nigerian government is nonetheless responsible for maintaining this status quo of discrimination and inequality, and for the violations of numerous rights of the kidnapped girls. These include the girls' rights to dignity, security of the person, education, health, peace, and potentially, their right to life. However, is it fair to blame Nigeria for not guaranteeing the enjoyment of their rights, when the kidnappings were carried out by the extremist group Boko Haram, acting independently from the state?

The answer is yes, it is.

It is an accepted principle of international law that a state is responsible for violations of human rights even when committed by private individuals or groups acting outside of the authority of the state.

Nigeria has obligations under legally binding human rights treaties including the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, and the African Charter on the Rights and Welfare of the Child, as well as its own constitution, to guarantee the full enjoyment of human rights by its citizens.

In the context of violence against women this requires states to prevent violence against women, to protect women from violence, to prosecute acts of violence and punish the perpetrators, as well as to provide redress for survivors of violence.

To do so is to exercise what is commonly referred to as due diligence, which Nigeria has clearly failed to do.

The acceptance of the societal norm of discrimination against girls and women, and failure to promote, protect, and fulfil their human rights, not only enabled the kidnapping of over 200 Nigerian schoolgirls, but continues to guarantee the impunity enjoyed to date by Boko Haram.

Recognising this outrage as an act of violence against women can inform the response to the kidnappings.

There is ample guidance from international human rights treaty bodies concerning the specific steps to be taken by states in exercising due diligence to address violence against women. It also places the actions, or lack thereof, of Nigeria in response to the atrocity in the framework of state accountability, under which it can held be accountable by a relevant organ of the AU or UN.

The campaign to "bring back our girls" has successfully drawn the eyes of the world to the plight of the kidnapped school girls, but it has not effectively placed the campaign in the framework of human rights or articulated the responsibility of the Nigerian government to protect the girls and prosecute the perpetrators. If and when the girls are returned, let's hope that the momentum of the campaign can be sustained and a cry for girls' rights in Nigeria can be equally loud and persuasive.