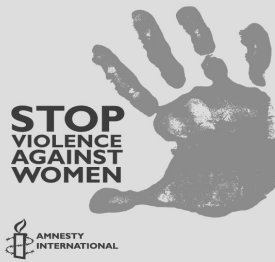


Nigeria



The State fails to prevent investigate and punish violence against women

DEFENDING WOMEN DEFENDING RIGHTS

Women are at the forefront of the global movement of Human Rights Defenders (HRDs) who are active across the world for the promotion, protection and defence of human rights.

Women as HRDs include activists, victims and survivors of human rights abuses, professionals, and women working on behalf of their family members, partners and activist colleagues. They have founded the human rights movement in many parts of the world.

Women HRDs assert the rights of, among others, women and girls, indigenous peoples, ethnic and religious minorities, trade unionists and lesbian, gay bisexual and transgender people. They have documented and exposed violations of civil and political rights and economic, social and cultural rights and often highlighted the gender-specific manifestations, causes and consequences of such violations.. They are protesting against widespread impunity for all forms of violence against women and promoting women's right to live free of gender-based violence. They are supporting countless victims of human rights violations and their relatives in demanding justice; in particular, they have led projects dedicated to supporting victims of gender discrimination, sexual abuse and other forms of violence against women.

Women human rights defenders face marginalization, prejudice, violence and threats to their human rights, safety, well-being on multiple levels: as human rights defenders, as women and as individuals who challenge

societal gender stereotypes and the status of women and raising controversy such as sexuality, sexual orientation and reproductive rights. The perpetrators punishing them for their belief in human rights may be the state, but it may also be political groups, the community and/or their partner or relatives without the state giving effective protection.

Governments and social movements often do not prioritize the rights that women HRDs fight for and this impacts on the credibility and legitimacy of their struggle, increasing their isolation and the risk of public and community repudiation, stigmatisation, discrimination arbitrary arrest and detention. WHRDs have been deliberately killed, abducted, and made to disappear as a consequence of their work. They face gender-specific repercussions, such as sexual harassment, rape and assault to their integrity as human beings.

Many women human rights defenders flee their country in order to find effective protection of their rights.

VIOLENCE AGAINST WOMEN IN NIGERIA

In Nigeria, Africa's most populous country, more than one third and up to two thirds of women are believed to have experienced physical, sexual and psychological violence in the family. The Government, at the federal and state level, fails to prevent, investigate and punish such violence. To fill the void, several NGOs throughout the country work on violence against

women in the family and operate without the support of the Government. Dismissive attitudes toward women within the police and the criminal justice system and scant protection against gender-based violence are some of the challenges that NGOs face.

Some of these organisations work on awareness raising initiatives on violence in the family. They report on the extent of the violence and contribute to policy and legislative changes. One of them is the Legal Defence and Assistance Project (LEDAP) which has both developed a model Domestic Violence Bill proposed to several States' Houses of Assembly and set up a national network of men against violence, who monitor and document cases of violence in the family. Other NGOs focus on enabling survivors of violence in the family to have access to justice, including by providing them with free legal aid. The Women Advocates Research and Documentation Centre (WARDC), Project Alert on Violence against Women but also the International Federation of Female Lawyers (FIDA) run such initiatives. Some NGOs provide counselling, medical care and shelter to women. There are only two shelters for survivors of violence against women in the family in Nigeria and Project Alert runs one of them.

STATE RESPONSIBILITY TO SUPPORT THE WORK OF WOMEN HUMAN RIGHTS DEFENDERS

In the absence of appropriate action by the state, the need for legal reform, for the provision of legal aid and for the protection of women survivors of family violence would be unfulfilled if not for the work of NGOs. However, not only does the state fail to take sufficient steps to protect the rights of women at risk of violence in the family, it also fails to support sufficiently the work of NGOs which do.

Under Article 2 of the **UN Declaration on Human Rights Defenders**, the responsibility and duty of the State is to “protect, promote and implement all human rights and fundamental freedoms...by adopting such steps as may be necessary to create all condition necessary in the social, economic, political and other fields, as well as the legal guarantees required to ensure that all persons under its jurisdiction, individually and in association with others, are able to enjoy all those rights and freedom in practice ” Moreover, under international human rights law, states incur obligations to “respect, protect, and fulfil” human rights. States parties of the UN Convention on the Elimination of Violence against Women in particular are under an obligation to take effective steps to end violence against women, and to take a comprehensive approach to eliminating *all* forms of violence against women and adopting measures designed to eradicate all forms of violence and discrimination.

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The Nigerian authorities, at federal and state levels, are obliged under international human rights law to provide support and protection to women and to the organisations working on their behalf, but they have yet to do so.

INTERNATIONAL HUMAN RIGHTS STANDARDS

The **UN Declaration on Human Rights Defenders**, adopted by consensus of the UN General Assembly in 1998, affirms the right to defend human rights and urges states to protect human rights work and those who carry it out. To bolster implementation of the Declaration, the office of the Special Representative to the UN Secretary General on human rights defenders was created in April 2000.

The Special Representative, Hina Jilani has highlighted the issue of women human rights defenders. Her 2002 report to the UN Commission on Human Rights stated that “while women defenders work as indefatigably as their male counterparts in upholding human rights and the rights of victims of human rights violations, there exist some characteristics that are specific to them as women involved in the defence of human rights” and that “they face risks that are specific to their gender and additional to those faced by men”

In 2003, the **African Commission on Human and Peoples' Rights** established a *focal point* on HRDs, and appointed Commissioner Jainaba Johm as the Special Rapporteur on human rights defenders in Africa. A subsequent African Commission Resolution on the Protection of Human Rights Defenders in Africa in 2004 noted concern about the “persistence of violations” against and “growing risks” faced by human rights defenders in Africa.

Article 12 of UN Declaration on Human Rights Defenders provides that:

1. Everyone has the right, individually and in association with others, to participate in peaceful activities against violations of human rights and fundamental freedoms.

2. The State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the present Declaration.

3. In this connection, everyone is entitled, individually and in association with others, to be protected effectively under national law in reacting against or opposing, through peaceful means, activities and acts, including those by omission, attributable to States that result in violations of human rights and fundamental freedoms, as well as acts of violence perpetrated by groups or individuals that affect the enjoyment of human rights and fundamental freedoms.

TAKE ACTION

Add your voice to the demands of women's NGOs in Nigeria to the government to take full responsibility for stopping VAW. The Federal Minister of Justice in particular must meet its duty to address the fact that Federal law does not conform to Nigeria's obligations under the UN Convention on the Elimination of Violence against Women (CEDAW) and to take action to end discrimination against women, notably in the judicial system. Write to the Federal Minister of Justice urging him to:

- ☞ Publicly acknowledge the invaluable work of NGOs and civil society groups in making a difference for women seeking justice and state his commitment to delivering justice for survivors of violence against women in the family;
- ☞ Implement Nigeria's obligations under the UN Convention on the Elimination of All Forms of Discriminations against Women (CEDAW) which the government has signed and ratified in 1985 by enacting new laws and implementing these laws
- ☞ Provide training to police officers, lawyers and judges and other officials in the criminal justice system in the following areas: protection of women

from violence in the family; investigating reports of family violence; prosecuting such cases; protecting women complainants and witnesses at risk of reprisals and intimidation during investigations and prosecutions;

- ☞ Take steps to relieve the pressures on ill-funded women's shelters run by women's NGOs by creating and funding an adequate number of shelters for women at risk of gender-based violence. Advice from experienced non-governmental organisations in this field on best practice and effective programs should be sought.
- ☞ Fund and support measures such as programmes of civic education, training and systems of support and protection for women who have been subjected to violence in the family

Address:

Chief Bayo Ojo
Attorney-General's Chambers
Federal Secretariat Complex
10th floor, Shehu Shagari Way
PMB 192
Abuja
Nigeria
Fax: +234-9-5235194

