

An Intersectionality Approach to Addressing Gender-Based Violence Against Internally Displaced Women Living in IDP Camps in Northern Nigeria

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ABSTRACT

In the Internally Displaced Persons (IDP) camps, gender-based violence continues to be widespread. Women and girls living in IDP camps are not only vulnerable because of their gender and displacement status, they become even more vulnerable because family and community structures have broken down. This article aims at discussing the intersectional paradigm, developed primarily in the past two decades, and how it helps us to better understand gender based violence of the IDPs. It argues that there is no ‘one size fits all’ approach to gender based violence against women in general and IDP women in particular. A more complex analysis is needed to understand how race, class, gender, sexuality, ethnicity, and displacement status intersect with violence against women. These intersecting vulnerabilities which makes them exposed to gender-based violence from a number of different perpetrators equally lead to a lack of access to sexual and reproductive health services. The plight of women living in IDP camps, lack of protection and especially the pressing need for a specific protection regime is the focus of this article. Using analytical study to inquire into the connection between power and gender-based violence against vulnerable persons of concern such as IDP, findings reveals that structural contexts elevate risks of gender-based violence (GBV) targeting internally displaced (ID) girls and women living in IDPs camps and therefore, the intersectional approach, not typically used in the post-conflict situation literature, must become a significant part of its framework.

INTRODUCTION

Gender-based violence in conflict settings violates the fundamental human rights of women and therefore, is to be regarded as a human rights issue to be addressed by human rights instruments and treaties. Gender-based violence may be described as that violence which infringes on persons or groups of individuals on a core basis of being male or female.

The United Nations Declaration on the Elimination of Violence against Women (1994) defines violence against women as “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 deprivation of liberty.” This violence can occur in public and private spheres. It is that act that is directed to a woman because she is born a woman and such violence affects her disproportionately.

While men can also be victims of gender based violence in certain circumstances, women are affected differently due to their gender division of labor, roles and responsibilities. Gender-based violence in war affected communities can be noticed in different ways, for example forced prostitution, forced marriage, rape, torture, trafficking, custodial violence, forced displacement, enforced abortion among others.¹ In times of war instabilities, women do not have the “traditional protection” of their families and husbands. They tend to face many violations of their human rights which this paper seeks to analyse through the theory of intersectionality.

¹ D. Muzurana and others, Gender and Conflict in Peace Making in D. Muzurana and others (eds) *Gender, Conflict and Peace Making* (New York: Rowman & Littlefield Publishers, 2005) 1-22 at 4

Women living in IDPs camps do not even exercise their rights.² The conditionality surrounding women in IDPs camps setting such as sexual slavery, rape and forced prostitution clearly deny them of their basic fundamental rights, and it can be said that the state is the greater potential violator of these rights. This is so because the violation of women's human rights includes not only acts committed by governments, but that government has got to bear the social and political responsibility to stop violence against women. This can be clearly understood via the Principle of Responsibility to Protect.

In other words, states have the obligation to protect and secure rights and put positive measures inclusive of affirmative action in areas of law and also bring abusers of gender based violence to justice.³ This indicates that the government is a de facto "collaborator" if there is no protection measures put in place to prevent and respect women's rights from violent actions. In addition, this shows that women are denied and not given equal protection under the state law to prevent them from gender based violence.

One of the greatest limitations of human rights framework is that the implementation process of human rights is left entirely in the hands of the states and its political will. There are fewer efforts put to women human rights violations in times of war and even within the domestic household, therefore, administering justice to women becomes a challenging catastrophe to national justice systems. States may not be able to do the implementation; since gender based violence vis-a-vis violence against women (VAW) is considered as a lesser priority as opposed to poverty, peace stability, among others. Therefore, as human rights activists, there is a need to be reminded to use the framework and put in mind that there is failure to incorporate the International Instruments into domestic frameworks in which case human rights framework remains unequally practiced.

It is noteworthy that the human rights framework has opened doors for women to participate in political spaces and legal structures. Long before the women's movement came into force, gender based violence and other women human rights violations were not considered in the political sphere, but now, women feminists have combined efforts in a global voice with the help of international law to fight injustices such as rape, women trafficking and sexual violence assaults. However, the limitation to this is that the principle of universality has not been widely and equally practiced by political governments, and is only understood and used by elites who are likely to make human rights a monopoly. This calls for an effective analysis of the concept of universality and its implications in the human rights framework.

The human rights framework has therefore become a great advantage in bringing to light gender based violent actions through the facilitation of political engagements with governments, lobbying, advocacy and mobilisations through the global technologies and networks and documentation of human rights interest stories of gender based violence in times of war. The issue of gender based violence has moved from being invisible to being embraced in the human right programmes by state parties, human rights organisations and individuals. The framework has also driven demand of concrete accountability borne by the governments.

²An overwhelming majority of IDPs in Nigeria are women and children. According to UN estimates, about 2.2 million IDPs consisting of 531, 000 women, 423, 000 men, 677, 000 girls and 569,000 boys were displaced in the North East as of December 2021 and 890, 000 are in IDP camps. See generally, Nigeria-2021 year-end report- available at [www.https://reporting.unhcr.org-nigeria](https://reporting.unhcr.org-nigeria). Last accessed 27/05/24. Although there is the challenges of determining the exact figures of displaced persons as most IDPs are not in camps but have taken shelter with members of the extended family in various communities. However, according to IOM and NEMA Displacement Tracking Matrix Report of February 2015, about 1,188, 018 IDPs are identified in Adamawa, Bauchi, Borno, Gombe, Taraba and Yobe states. Also NEMA identified about 47, 276 IDPs in Abuja, Kaduna, Kano, Plateau and Nassarawa states.

The Boko-Haram insurgency has killed over 30,000 people between 2009 and 2018, driven over 1.8 million people out of their homes and destroyed properties worth about #16 billion. See International Committee of the Red Cross Migration and Displacement: Humanity with its Back to the Work. Int. Rev. 2018; (904): 16. <https://iiste.org/journals/index.php/RHSS/article/view/32138>. ISSN (paper) 2224-5766, ISSN (online) 2225-6484. The insurgency has apart from the mass internal displacement of persons, generated 177,000 refugees in neighbouring countries of Cameroon, Chad and Niger Republic. See generally Relief.web 2020, North-east Nigeria: Displaced Report 33 for August 2020. <https://www.relief.web.int/report/Nigeria/North-east-nigeria-displacement-report-33-august-2020>. Last accessed 23/9/2018

³ M. Novak Indivisibility of Human Rights in R. Smith and C. van den Anker (eds) *The Essentials of Human Rights* (London: Hodder & Stoughton, 2005) 178-180 cited in P. Gulu, *The Usefulness of Human Rights Framework in Addressing Gender Based Violence* (Women's International League for Peace and Freedom, 2010)

Human rights, however, still face two-three important aspects, such as impunity and implementation means. This needs to be incorporated in the framework, especially by institutions working for peace, social justice and development of marginalized groups such as women and girls whose rights are not respected and protected in times of post- conflict situations (camps). As this culture of violence against women evolves from time to time, it is through the human rights framework that gender based violence can be analysed if political and social justice is to be administered.

It can be said that there is perhaps a strong will to put women issues especially gender based violence into the legal system (as we can see the lobbying for the national policy to be adopted into law), but the fact still remains that the political hierarchy is male dominated; thus the legislation may not have an immediate effect on solving the situations of women rights violations. The poser is how can we be able to use human rights framework to unleash injustices in the social, cultural, economic and political arenas and uphold those rights that are already realised in order to have a transformed-equal social justice system?

The human rights framework has done great in making sure that gender based violence in conflict areas moves from being an individual problem to making it more visible as a massive social problem. Gender based violence like sexual abuse, rape etc used as weapons of war which were hidden and quieted in the private sphere have all been brought to discussion through the human rights instruments at local, national and international heights. This calls for a time to work together and end the revolving cycle of gender based violence through effective implementation of the human rights instruments. Gender based violence in conflict affected areas/war can only come to an end if human rights are respected, protected and fulfilled. Therefore, as human rights activists, we have to analyze the cultural, social, economic and political relations within societies and also look at the intersecting factors of vulnerability in order to address issues of gender based violence. Thus, human rights framework need to be used to advance the successes of women's human rights in the social-cultural, political and economic facets, with special focus on violence against women in war torn areas.

This paper will therefore not only show the usefulness of the human rights framework in tackling gender-based violence, but equally the necessity of appreciating the fact that the violence being faced by these women is multi-dimensional, with a view to emphasising the necessity of the urgent need for a specific legal protection framework for them. This will help in analysing the human rights instruments and how they address gender-based violence with a view to evaluating the strengths and weaknesses of the various legal frameworks protecting internally displaced women living in IDP camps in Nigeria.

Theoretical Framework

This section presents a number of theories extracted from previous research on the concept of Gender Based Violence. To understand the conceptualisation, the study will assume a gender and feminist theoretical perspective and investigate how gender inequality, patriarchal structures and socially constructed norms around masculinity and femininity can cause GBV.

The Concept of Gender-Based Violence (Gbv)

The concept of GBV in humanitarian crisis was first highlighted in the early 1990s at a time when large-scale and systematic sexual violence perpetrated against women and girls were reported from Rwanda and former Yugoslavia (Read-Hamilton, 2014).⁴ By subsequent years, programmes responding to the issue in conflicts received more attention and GBV as a concept became synonymous with men's violence against women (Read-Hamilton, 2014).⁵ Though violence against women still remains largely in focus in research and practice on GBV, a broader conceptualisation of the term has started to gain more recognition. The Inter-Agency Standing Committee (IASC) in defining GBV refers to it as an umbrella term including "any harmful act that is perpetuated against a person's will and on the basis of socially ascribed differences (e.g. gender) between

⁴S. Read-Hamilton , 'Gender-based Violence: A Confused and Contested Term' Humanitarian Exchange Magazine, Humanitarian Practice Network (HPN)/Overseas Development Institute (ODI), No. 60, February 2014. <<https://odihpn.org/magazine/gender-based-violence-in-emergencies> accessed 29 February 2020

⁵*ibid*

males and females” (IASC, 2015:5).⁶ According to this broader definition, GBV does not only include violence against women and girls, but also violence perpetrated against men and boys with the purpose of reinforcing notions of masculinity and femininity. While a broader interpretation highlights that GBV could be a potential threat to anyone, yet it acknowledges that violence against women and girls remain the most common form of GBV (IASC, 2015; Bradshaw and Fordham, 2013;⁷ Aquino, 2014;⁸ Sohrabizadeh, 2016).⁹

According to the IASC, GBV includes all “acts that inflict physical, sexual or mental harm or suffering, threats of such acts, coercion, and other deprivations of liberty” (IASC, 2015:5). GBV takes many forms and is often divided into four categories of violence: physical, sexual, physiological/emotional and economic violence. Examples of specific forms of GBV include, but are not exclusive to, violence in close relationships including domestic and intimate partner violence; non-partner rape; other forms of sexual exploitation, harassment and abuse; trafficking; early and forced marriage and traditional practices, such as female genital mutilation; and crimes committed in the name of so-called “honour” (IASC, 2015;¹⁰ Wirtz et al, 2015).¹¹ Thus GBV can be found in both public sphere and private space of the home. It is also widely recognised that GBV knows no social, economic and national boundaries and remain an endemic public health concern in every country in the world (Ellsberg et. al. 2015)¹²

The perpetration of GBV is largely driven by unequal power relations where a perpetrator take advantage of privileges one enjoys to use power over another person (Casey, Bulls and Yager, 2016,¹³ Jewkes et al. 2015).¹⁴ Research has showed that gender inequality is a unifying characteristic for most forms of GBV. Hence, GBV is often referred to as the ultimate manifestation of gender inequality (IASC, 2015;¹⁵ Read-Hamilton, 2014).¹⁶ Systemic gender inequality has also contributed to a widespread normalisation and acceptance of GBV. As a result, perpetrators are often not held accountable and survivors are discouraged from speaking out and accessing support (IASC, 2015).¹⁷ However, GBV is not only a result of unequal gender norms. Other intersecting social factors, such as age, disability, sexual orientation, gender identity, class, religion and ethnicity also play a role in shaping power imbalances between individuals (EIGE, 2017).¹⁸ This means that different groups of people are targeted and affected by GBV in different ways and might also experience different forms of GBV (Rumbach and Knight, 2014).¹⁹ Existing evidence suggests that GBV tends to escalate in the aftermath of disasters (Bradshaw and Fordham, 2013; Fisher, 2010).²⁰ In post disaster settings, higher rates of sexual violence committed by perpetrators unknown to the survivor are often found, especially in aid distribution site and shelter settlements for internally displaced populations (Ferris 2014; Fordham, 2011)

⁶ IASC Guidelines for Integrating Gender-Based Violence Interventions in Humanitarian Action, 2015

⁷ S. Bradshaw and M. Fordham Women, Girls and Disasters: A Review for DFID (2013) <https://www.gov.uk/government/uploads/system/uploads/attachemnt_data/file/236656/women-girls-disasters.pdf> accessed 28 February 2020

⁸ Aquino, K. ‘Storm of Violence, Surge of Struggle: Women in the Aftermath of Typhoon Haiyan (Yolanda)’ [2014] (20) (1) *Asian Center for Women’s Studies*; 148-163

⁹ Sohrabizadeh, Sanaz ‘The Neglect of Women’s Capacities in Disaster Management Systems in Iran: A Qualitative Study, [2016] *Indian Journal of Gender Studies*

¹⁰ IASC *op cit*

¹¹ A. Wirtz and others ‘Gender-based Violence in Conflict and Displacement: Qualitative Findings from Displaced Women in Colombia’ [2014] (8) (10) *Conflict and Health*

¹² Mary Ellsberg and others *Prevention of Violence Against Women and Girls: What does the Evidence Say?* (Lancet, 2015)

¹³E. Casey and others ‘Gender Transformative Approaches to Engaging Men in Gender-based Violence Prevention: A Review and Conceptual Model’ [2016] (5) *Trauma, Violence & Abuse*; 1-16

¹⁴ Rachel Jewkes and others Hegemonic Masculinity: Combining Theory and Practice in Gender Interventions, Culture, Health & Sexuality [2015] (17) (2); 112-127 <<https://doi.org/10.1080/13691058.2015.1085094>> accessed 20 February 2019

¹⁵ IASC *op cit*

¹⁶ Read-Hamilton *op cit*

¹⁷ IASC *op cit*

¹⁸ EIGE (European Institute for Gender Equality) What is gender-based Violence?-Forms of Violence (2017) <<https://eige.europa.eu/Gender-based-violence/what-Gender-based-violence/forms-Gender-based-violence>> 29 February 2020

¹⁹ J. Rumbach and K. Knight Sexual and Gender Minorities in Humanitarian Emergencies in L. W. Roeder Jr (Ed) *Issues of Gender and Sexual Orientation in Humanitarian Emergencies: Risks and Risk Reduction* (Virginia: Springer, 2014)

²⁰S. Fisher ‘Violence Against Women and Natural Disasters: Findings from Post-Tsunami Sri Lanka’ [2010] (16) (8) *Violence Against Women*; 902-918

Internally Displaced Persons

They are people who have suffered displacement from their community. They are forced to flee from their habitations; however, they have not crossed their country's border. In other words, they are still within their country. This fact is what significantly distinguishes an internally displaced person from a refugee, since refugee has been defined as 'being outside their country of nationality... or of habitual residence.'

According to Shacknove,

'...alienage is an unnecessary condition for establishing refugee status. It ...is a sub-set of a broader category: the physical access of the international community to the unprotected person. The refugee need not necessarily cross an international frontier to gain such access. Thus, I shall argue that refugees are, in essence, persons whose basic needs are unprotected by their country of origin, who have no remaining recourse than to seek international restitution of their needs, and who are so situated that their international assistance is possible.'²¹

It can be rightly said that there is no internationally agreed definition of IDP, but a working definition has been provided by the UN wherein an IDP is defined to be '...person who have been forced to flee their homes suddenly or unexpectedly in large numbers, as a result of armed conflict, internal strife, systematic violations of human rights or natural or man-made disasters, and who are within the territory of their own country.'²²

According to the Guiding Principles, IDPs are 'persons or groups of persons who have been forced to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalised violence, and who have not crossed an internationally recognised State border.'²³

The Social Ecology of Perpetration of Gbv

To conceptualise and understand the causes of GBV in different contexts, researchers and practitioners commonly apply the widely recognised "Ecological Model" (Heise, Ellsberg and Goetemoeller, 1999;²⁴ Dahlberg and Krug, 2002; Heise, 2011).²⁵ The model is used to identify risk factors associated with the occurrence of GBV in non-disaster times and is referred to as useful to look at both individuals at risk of experiencing violence and those perpetrating violence (Heise, 2011).²⁶ The fact that this study goes beyond examining the causes of GBV clearly makes this model/theory inappropriate.

Theories of Rights

Rights are those important conditions of social life without which no person can generally realise his best self. These are the essential conditions for health of both the individual and his society. It is only when people get and enjoy their rights that they can develop their personalities and contribute their best services to the society. In simple words, rights are the common claims of people which every cultured society recognizes as essential claims for their development, and which are therefore enforced by the state.²⁷ There are compelling theories of rights offered by several theorists.

The concept of human rights finds its origin from the notions of 'natural right' which was developed by

²¹ Andrew Shacknove 'Who Is a Refugee?' [1985] 95 *Ethics* 274 At 277

²² Analytical Report of The Secretary General on Internally Displaced Persons, E/CN.4/1992/23, 14 February 1992, Para 17

²³ UN Doc. E/CN.4/1998/53/Add.2, Para 2

²⁴ L Heise And M Ellsberg And M Gottemoeller 'Ending Violence Against Women' Population Reports Vol XXVII Number 4 Series L No 11 John Hopkins University School Of Public Health, Population Information Program: Baltimore, 1999

²⁵ L Heise *What Works To Prevent Partner Violence: An Evidence Overview* STRIVE-Tackling The Structural Drivers Of HIV, London School Of Hygiene And Tropical Medicine (2011) <<https://Strive.Ishtm.Ac.Uk/Resources/What-Works-Prevent-Partner-Violence-Evidence-Overview>> Accessed 29 February 2020

²⁶ *Ibid*

²⁷ Rights: Meaning And Theories; Different Kinds Of Rights; Concept Of Human Rights. Available At www.Civilserviceindia.Com/Subject/

classical Greek philosophers like Aristotle. Scholars like Thomas Aquinas in *Summa Theologica*,²⁸ posit in his explanation of natural rights that there were behaviours that were naturally right (or wrong) because God ordained it so. According to him, what was naturally right could be ascertained by humans by ‘right reason’- thinking properly.

According to Hugo Grotius in *De Jure belli ac pacis*,²⁹ in his exposition of the immutability of what is naturally right and wrong, he posits that the Law of Nature is now so unalterable, that it cannot be changed even by God himself. He went further to state to the effect that although the power of God is infinite, yet there are some things, to which it does not extend. Thus two and two must make four, nor is it possible otherwise; nor, again, can what is really evil not be evil.³⁰

A shift in natural right came about around the 17th Century and it was understood that basic rights were necessary for civil society, and according to Immanuel Kant, a true system of politics cannot therefore take a single step without first paying tribute to morality. The rights of man must be held sacred, however great a sacrifice the ruling power must make.

Thomas Paine in “*The Rights of Man (1791 and 1792)*”,³¹ made a distinction between natural rights and civil rights: Natural rights are those which pertain to man in right of his existence. Of this kind are all the intellectual rights, our rights of the mind, and also all those rights of acting as an individual for his own comfort and happiness, which are not injurious to the natural rights of others. Civil rights are those which pertain to man in right of being a member of society. Every civil right has for his foundation, some natural right pre-existing in the individual, but to the enjoyment of which his individual power is not, in all cases, sufficiently competent. Of this kind are all those which relate to security and protection.

Rights in a civil society can be seen as hallowed (Jacques Rousseau).³² According to him “But the social order is a sacred right which serves as a basis for other rights. And as it is not a natural right, it must be one founded on covenants.” He then went further to elaborate a number of rights of citizens and limits on the sovereign’s power.

These rights which are to be claimed by humans are what culminate to what we refer to as human rights. The entitlements of these rights are now contained in legal documents to protect these human rights in Nigeria, culminating in the 1999 Constitution specifically Chapter IV. These rights in a series of judicial authorities have been held to be enforceable. The inclusion of these internationally recognized rights in our laws goes to show and strengthen the fact that they are universal and inalienable.

The Universality of Rights

In theoretical review, many theorists expressed their views about human rights. Human rights are claims and demands essential to the protection of human life and the enhancement of human dignity, and should therefore enjoy full social and political sanctions. Human rights are those “fundamental rights to which every man inhabiting any part of the world should be deemed entitled by virtue of having been born a human being” (Subhash C. Kashyap).³³ They are simply what every human being owes to every other human being, and such represent universal moral obligation. Human rights are norms which are definite, high priority, universal, existing and valid, independent of recognition or implementation in the customs or legal system of particular country.

²⁸ Thomas Aquinas *The Summa Theological of St. Thomas Aquina* (6th Ed) (London: Burns Oates & Washbourne, 1912)

²⁹ Grotius and Hugo and Louise Ropes Loomis *The Law of War and Peace (De Jure Belli Ac Pacis)* (New York: Published for the Classics Club by Walter J. Black, 1949)

³⁰ *ibid*

³¹ Thomas Paine *Rights of Man, Part I* (1971). in B Kuklick (Ed) *Paine Political Writings* Cambridge Texts in the History of Political Thought (Cambridge: Cambridge University Press, 2000) 57-154

³² Rousseau Jean-Jacques *The Declaration of the Rights of Man and of the Citizen* (1789)

³³ C Kashyap Subhash *State of Democracy in India Paper for the World Conference on South Asia on Democracy, Sustainable Development and Peace* (New Delhi, 2011)

The United Nations Centre of Human Rights defines human rights as “those rights which are inherent in our nature and without which we cannot live as human beings.” The Universal Declaration of Human Rights which was adopted in 1948 states that human rights are “rights derived from the inherent dignity of human person.” The basic fundamental human rights streams from this Declaration. Human rights are universal, inalienable, indivisible, interdependent and inter-related.

Art 1 of the Declaration of Human Rights states that “all human beings are born free and equal.” Art 5 of the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) adopted by the United Nations General Assembly in 1979 and ratified by Nigeria in 1984 “encourages nations to modify the social and cultural patterns of conduct of men and women with the view to eliminate inferiority and superiority of either sexes or stereotype roles of men and women”.

The African Charter on Human and Peoples Rights (ACHPR) was domesticated in Nigeria in form of the African Charter on Human and Peoples Rights (Enforcement and Domestication) Act Cap 10, 1990. Art 18 states/requires that the State shall ensure the elimination of every form of discrimination against women and also ensure the protection of the rights of women.

The Rights of Women in Nigeria

The rights of women are predicated on the idea that women should have equal rights with men. The campaign for the recognition of women rights can be traced back to about 1848,³⁴ with the first gathering devoted to women’s rights in the United States held between the 19th-20th July, 1848 in Seneca Falls, New York.³⁵

In Africa, the treaty that cursorily provides for the protection of sexual rights is the African Charter on Human and People’s Right and the Protocol to the African Charter which situates sexual health and rights within the recognition of women’s reproductive rights as human rights.

The major issue with the rights and status of displaced persons in Nigeria generally is that there is no specific national legal framework on their protection and assistance, apart from international conventions and the general Constitutional provisions on fundamental human rights available to every citizen. There are obvious gaps and inadequacies in our national laws under which the emergency management agencies operate.³⁶

In Nigeria, fundamentally, there is no specific national legal framework on the protection of IDPs. Other laws relied upon are general laws which directly or indirectly touch on the protection and assistance of IDPs.

Theory of Feminism

The concept of feminism was first used by Charles Fourier in the 18th century. Fourier argued the development can be possible with giving more rights and freedoms to women.³⁷ Also he argued that all sexual expressions should be enjoyed as long as people are not abused, and that ‘affirming one’s difference’ can actually enhance social integration.³⁸ The first approaches of feminism showed up among the works by Marie Le Jars de Gourney, Christine Pizan, Olympe de Gouges, Mary Wollstonecraft and Hedwig Dohm in 17th, 18th and at the beginning of 19th century. Firstly, society believed that human rights are male rights because of patriarchal order; the identity of women was not accepted. However, in 1791, French political activists Olympe de Gouges protested that situation and suggested to adapt ‘the declaration of human rights’ for women as equal as men. In her Declaration of the Rights of Woman and Female Citizen (1791) she challenged the

³⁴ E DuBois *Feminism and Suffrage: The Emergence of an Independent Women’s Movement in the U.S. 1848-1869* (Ithaca, NY: Cornell University Press, 1978)

³⁵ *ibid*

³⁶ E Hatsuwa ‘Assessing The Rights and Status of Internally Displaced Persons: A Case Study of Boko Haram Induced IDP’s in North Eastern Nigeria’ NIALS Staff Seminar paper presented in NIALS, Lagos

³⁷ L F Goldstein ‘Early Feminist Themes in French Utopian Socialism: The St-Simonians and Fourier’ [1982] *Journal of History of Ideas* (43) (1)

³⁸ C Fourier *Le Nouveau Monde amoureux*, (Paris: Editions Anthropos 1967) 389-463

practice of male authority and the notion of male-female inequality.³⁹

Feminism is a theory which examines gender inequality, women's social roles, experiences, interests and chores on variety of fields such as anthropology, sociology, communication, psychoanalysis, politics, home economics, literature and philosophy.⁴⁰ It is a theory that posits that men and women should be equal politically, economically and socially.

Feminism sees patriarchy as a social order which is established and ruled by males. In patriarchy, males hold the primary power and predominate and fully control the social life. For example, father figure holds the absolute authority over children and women in a traditional family as a core of the family. So this situation directly reflects the social order and shapes the order according to the principle of male supremacy. Although the equal rights which are written on the law codes, in practice, society is not equal because of the patriarchal order.⁴¹ Feminism as a struggle of women movement against patriarchy fights against every kind of gender inequality. However, many feminists gaze out the different windows to find solutions for the problems of society. Thus feminist ideology can make different forms of definitions. Each definition of feminism depends on priorities and key concepts of the ideology, history, culture and beliefs.

Radical Feminism

This is a perspective of feminism that calls for radical recording of male supremacist society and eliminating the gender inequality in all social and economic context.⁴² According to Sheila Jefferys "Radical feminist theorists do not seek to make gender a bit more flexible, but to eliminate it. They are gender abolitionists, and understand gender to provide the framework and rationale for male dominance. In the radical feminist approach, masculinity is the behaviour of the male ruling class and femininity is the behaviour of the subordinate class of women. Thus, gender can have no place in the egalitarian future that feminism aims to create."⁴³

Radical feminists want to free both men and women from the rigid gender roles that society has imposed upon them. It is this sex-gender system that has created oppressions and radical feminist's mission to overthrow this system by any possible means. Sometimes radical feminists believe that they must wage a war against men, patriarchy, and the gender system which confines them to rigid social roles. They completely reject these roles, all aspects of patriarchy, and in some cases, they reject men as well. The radical feminists have divided into two groups⁴⁴ and these are:

1) Radical-Libertarian Feminism: Radical-Libertarian feminists believe that femininity and reproduction limit women's capacity to contribute to society. Women should essentially be androgynous. Radical-Libertarian feminists like to violate sexual norms and believe that women should control every aspect of their sexuality. They also advocate artificial means of reproduction so that less time is devoted to pregnancy and more time is devoted to worthwhile things. They are strong promoters of abortion, contraceptives and other forms of birth control.

2) Radical-Cultural Feminism: Radical-Cultural feminist views are dramatically different from radical-Libertarian feminists' view. The Radical-Cultural feminists believe that women should encompass their femininity because it is better than masculinity. This type of radical feminist sees sex as male dominated. They see a link between sex, female subordination, porn, rape and abuse. These must be eliminated, according to Cultural-Radical feminists. Yet another opposing view is that reproduction is the source of power for women.

³⁹ S Mousset *Women's Rights and the French Revolution: A Biography of Olympe de Gouges* (New Brunswick (U.S.A.) & London (U.K.): Transaction Publishers, 2007) 99

⁴⁰ M B Zembat 'An Analysis of the Concept of the Theory of Feminism and Historical Changing and Developments of Feminism' (2017) a term paper presented to the Gottingen Georg-August Universitat

⁴¹ L Craig 'Societies, Networks and Transitions' *Cengage Learning* (2007) (1) 111-114 in M B Zembat *op cit* 4

⁴² W Ellen 'Radical Feminism and Feminist Radicalism' *Social Text* 9/10: The 60's without Apology [1984] 91-118 <JSTOR 466537>

⁴³ S Jefferys *Gender Hurts: A Feminist Analysis of the Politics of Transgenderism* (Abingdon, Oxon: Routledge, Taylor & Francis Group, 2013)

⁴⁴ <<http://www.yorku.ca/mlc/sosc3990A/projects/radfer/radfer2.html>> in M B Zennat *op cit*

They believe that men are jealous of women, and that they try to control reproduction through means of technology.

Liberal Feminism

This perspective of feminism can basically be defined as individualist form of feminist theory. Liberal feminists argue that society holds the false belief that women are intellectually and physically less capable than men because of their nature. This wrong belief creates discrimination in academy, marketplace, political arena, sport activities, social life etc. So liberal feminists believe that “female subordination is rooted in a set of customary and legal constraints that blocks women’s entrance to and success in the so-called public world.”⁴⁵ Liberal feminists create and support acts of legislation that remove the barriers for women. They strive for sexual equality via political and legal reform.⁴⁶ These acts of legislation demand equal opportunities and rights for women, including equal access to jobs and equal pay. Liberal feminists believe that removing these barriers directly challenges the ideologies of patriarchy, as well as liberates women. Critics of liberal feminism argue that its individualist assumptions make it difficult to see the ways in which underlying social structures and values disadvantage women. They argue that even if women are not dependent upon individual men, they are still dependent upon a patriarchal state. These critics believe the institutional changes like the introduction of women’s suffrages are insufficient to emancipate women.⁴⁷ Also it has been criticized for ignoring race and class issues.⁴⁸

Socialist Feminism

Socialist feminism theory analyzes the connection between the oppressions of women and other oppression in society, such as racism and economic injustice. Socialist feminists believe that there is a direct link between class struggle and gender inequality.⁴⁹ Socialist feminism is a two-pinged theory that broadens Marxist feminism’s argument for the role of capitalism in the oppression of women and radical feminism’s theory of the role of gender and the patriarchy. Socialist feminists reject radical feminism’s main claim that patriarchy is the only or primary source of oppression of women.⁵⁰

Socialist feminism draws upon many concepts found in Marxism; such as a historical materials point of view, which means that they relate their ideas to the material and historical conditions of people’s lives. Socialist feminists thus consider how the sexism and gendered division labor of each historical era is determined by the economic system of the time. Women’s position within the family may help explain the problem of developing working class consciousness. As with exchange relationships in general in capitalism, underlying these seemingly equal exchange relationships are power relationships. Various relationships, such as those between males and females, relationships in the family, prostitution, surrogate motherhood, etc may appear to express equality, but because of the underlying unequal power relations cancel inequalities.⁵¹ In contrast to ideals of liberal feminism, which tend to focus on the individual woman, the socialist feminist theory focuses on the broader context of social relations in the community and includes aspects of race, ethnicity and other differences.

Cultural Feminism

This perspective of feminist theory used to criticize the view that there is a ‘female nature’ or ‘female essence’ or related attempts to revalidate attributes ascribed to femaleness.⁵² Cultural feminists believe that there are fundamental biological differences between men and women, and that women should celebrate these differences. Women are inherently more kind and gentle. Because of these differences, if women ruled the

⁴⁵ A Heywood *Political Ideologies: An Introduction* (5th ed) (Palsgrave Macmillan, (2012)

⁴⁶ R Tong *Feminist Thought: A Comprehensive Introduction* (Oxon, United Kingdom: Unwin Human Ltd, 1989 Chapter 1)

⁴⁷ B Valerie *Feminist Debate: Issues of Theory and Political Practice* (Basingstoke:Macmillan, 1999) 14-15

⁴⁸ S Mills ‘Postcolonial Feminist Theory’ in S Jackson and J Jones (eds) *Contemporary Feminist Theories* (Edinburgh: Edinburgh University Press, 1998) 98-112

⁴⁹ A Heywood *Political Ideologies: An Introduction* (5th ed) (Palsgrave Macmillan, 2012)

⁵⁰ I Buchanan ‘Socialist Feminism’ in *A Dictionary of Critical Theory* (Oxford Reference Online, Oxford University Press, 2011)

⁵¹ Z Eisenstein ‘Constructing a Theory of Capitalist Patriarchy and Socialist Feminism’ [1999] *Critical Sociology*, 196-201

⁵² L Alcoff *Cultural Feminism Versus Post-Structuralism: the Identity Crisis in Feminist Theory* (1988)

world there would be no more war and it would be a better place. Essentially, a women's way is the right and better way for everyone. Linda Alcoff said "Man has said that women can be defined, delineated, captured, understood, explained, and diagnosed to a level of determination never accorded to man himself, who is conceived as a rational animal with free will."

Cultural feminists are usually non-political, instead focusing on individual change and influencing or transforming society through this individual change. They usually advocate separate female counter-cultures as a way to change society but not completely disconnect.

Ecofeminism

According to ecofeminists, patriarchy is harmful to women, as well as the environment. There is a link between a male's desire to dominate unruly women and wilderness. Men feel as though they must tame and conquer both in order to have complete power. Ecofeminists say that it is the desire that destroys both women and the Earth. This theory of feminism seeks to eradicate all forms of social justice, not just injustice against women and the environment.⁵³

Although the feminist theory goes a long way in analysing and tracing the struggle for the entitlement of women to basic fundamental human rights, for the purpose of this study, it is inadequate as a sole discourse as it argues more in favour of or against the equality of men and women and due to this fact, it does not adequately address the issue of the necessity for a specific legal protection for the IDPs women. Thus, using a femininity-centric approach would be inadequate. This leads to going further to export/explore the gender equity discourse.

Gender Equality Vs. Gender Equity

Using the gender equality vs. equity discourse, equity refers to fairness of treatment for both women and men, according to their respective needs. "Gender equality, equality between men and women...does not mean that women and men have become the same, but that their rights, responsibilities and opportunities will not depend on whether they are born male or female. Gender equity means fairness of treatment for men and women according to their respective needs. This may include equal treatment or treatment that are different but which is considered equivalent in terms of rights, benefits, obligations, and opportunities."⁵⁴ Whilst equality is the end goal, equity is seen as the means to get there.

The concept of gender equity refers to "fairness of treatment for women and men, according to their respective needs. This may include equal treatment or treatment that is different but which is considered equivalent in terms of rights, benefits, obligations and opportunities."⁵⁵ It is distinct and different from the concept of gender equality, which is the effective equality between men and women that entails the concept that all human beings, both men and women, are free to develop their personal abilities and make choices without the limitations set by stereotypical views, rigid gender roles, and prejudices. Gender equality means the different behaviour, aspirations, and needs of women and men are considered, valued, and favoured equally. It does not mean that women and men have to become the same but that their rights, responsibilities, and opportunities will not depend on whether they are born male or female.⁵⁶ It is important to note that women have different needs from men which require different legal remedies. The law must be made to recognise differences that are relevant to women's lives, status and possibilities. There is the need to recognising the particular difference of women living in IDPs camps as a class.

⁵³ K J Warren *Ecofeminist Philosophy: A Western Perspective on What It Is and Why It Matters* (Lanham, Maryland: Roman & Littlefield Publishers, Inc, 2000)

⁵⁴ United Nations Educational, Scientific and Cultural Organization (UNESCO)

⁵⁵ International Labour Office (2000) ABC of Women's Workers Rights and Gender Equality 48 Geneva: ILO

⁵⁶ *ibid* cited in L Mencarini (2014) Gender Equity in A C Michael (ed) Encyclopedia of Quality of Life and Well-Being Research Springer, Dordrecht <<https://doi.org/10.1007/978-94-007-0753-5>> accessed 20 February 2020

The Intersectionality Theory

Intersectionality is a theoretical framework for understanding how an aspect of one's social and political identities (gender, race, class, sexuality, ability, etc) might combine to create unique modes of discrimination (Cooper, Brittner, 2016). It aims to broaden the agenda of the first waves of feminism, which largely focused on the experiences of white, middle class women. The broad agenda means that intersectionality is used to find combinations of injustices that are felt by members of society.⁵⁷

The purpose of intersectionality as a theory is to identify how overlapping categories of identity impact individuals and institutions, and take these relationships into account when working to promote social and political equity (Crenshaw, K., (1989)).⁵⁸

Intersectionality or intersectional feminism is “the complex, cumulative manner in which the effects of different forms of discrimination combine, overlap, or intersect.” (The Merriam-Webster dictionary). In a simpler term, it essentially means that discrimination does not exist in a bubble-different kinds of prejudice can be amplified in different ways when put together. The word/term itself was first used by scholar and civil rights advocate Kimberle Crenshaw in 1989⁵⁹ when she saw that gender and race were being looked at as completely separate issues and to her this was not right. She saw that women of colour, for example, who are doubly discriminated against, particularly in law. In that article, Kimberly Crenshaw considered three cases- *DeGraffenreid v. General Motors*;⁶⁰ *Moore v Hughes Helicopter*⁶¹ and *Payne v Travenol*⁶² to illustrate intersectionality.⁶³

Monica Miller in an unpublished 2014 interview with Vox, views it as an intersectional feminist approach which understands that categories of identity and difference cannot be separated and doesn't abandon one category of analysis such as gender, or sexuality in favor of (over) analysing others such as race, and class.⁶⁴

Intersectionality as being employed today encompasses more than just the intersections of race and gender. It is now widely used to illustrate the interplay between any kinds of discrimination, whether it is based on gender, race, age, class, socioeconomic status, physical or mental ability, gender or sexual identity, religion, or ethnicity.

⁵⁷ An example was given of a black woman who might face discrimination from a company that is not distinctly due to her race (because the company does not discriminate against black men) nor her gender (because the company does not discriminate against white women), but by a unique combination of the two. (It is a qualitative analytic framework that identifies how interlocking systems of power affect those who are most marginalized in society). Brittner Cooper Intersectionality, 1 (2016) <doi:10.1093/oxfordhb/9780199328581.013.20>

⁵⁸ ‘What does Intersectionality Feminism Actually Mean?’ International Women’s Development Agency 11 May 2018

⁵⁹ K Crenshaw ‘Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics’ [1989] *The University of Chicago Legal Forum*; 139-167

⁶⁰ 413 F Supp 142 (E D Mo 1976). In that case, five (5) African American women sued car manufacturer General Motors for racial and gender discrimination. But the courts found that women in general weren't discriminated against when it came to jobs as secretaries, and the fact that GM employed African American factory workers disproved racial discrimination. It ignored the fact that the sheer majority of secretaries were white women, and factory workers were all men, so the women lost.

⁶¹ 708 F2d 475 (9th Cir 1983)

⁶² 673 F2d 798 (5th Cir 1982)

⁶³ She used the intersectionality approach to address the legal problem in the cases. In *DeGraffenreid v. General Motors*, 5 women sued GM for both race and gender discrimination and to her the law was inadequate to address this, she explained that “The particular challenge in the law was one that was grounded in the fact that anti-discrimination law looks at race and gender separately.” The consequence being that “when African-American women or any other women of color experience either compound or overlapping discrimination, the law initially just was not there to come to their defence.” Intersectionality, she said, was a way of addressing the court’s blind spot. In that article, she talked about the way back women were excluded from both mainstream anti-racist theory and feminist theory. She made clear that this exclusion could not be remedied “simply by including Black women in an already established analytical structure”. Because the intersectional experience is greater than the sum of racism and sexism, she further opined that any analysis that does not take intersectionality into account cannot sufficiently address the particular manner in which Black women are subordinated.

⁶⁴ See generally Desmond-Harris, J., “To Understand the Women’s March on Washington, You Need to Understand Intersectional Feminism: It’s Much Bigger Than “Check Your Privilege””, available on <https://www.vox.com/identities/2017/1/17/14267766/womens-march-on-washington>. Accessed 12/10/2020

One of the critiques of the theory is Christina H. Sommers,⁶⁵ who posits that intersectionality is no more than “a conspiracy theory that leads to tribalism and bullying”. To her she sees the consequences of intersectional analysis in feminist groups and organisations as victimization, creation of new reasons for anger, bullying of white men, and new divisions rather than unity.

Intersectionality, Sandra Fredma proposes three main ways in which discrimination on more grounds than one can be conceptualized

1. **Sequential Multiple Discrimination:** when a person suffers discrimination on different grounds on separate occasions. e.g., a woman with a disability might suffer discrimination once because of her gender and on another 8r occasion because of her disability. This type of discrimination is the easiest to deal with, because each incident can be assessed individually, and judges accordingly;
2. **Addictive Multiple Discrimination:** when a person suffers discrimination on the same occasion but on two grounds, for example a gay woman is harassed because she is woman and gay. This type of discrimination is additive, because each of the grounds can be identified.
3. **Intersectional Discrimination:** This happens in a situation when two or multiple grounds operate simultaneously and interact in an inseparable manner, producing distinct and specific forms of discrimination.⁶⁶

Multiple discrimination including intersectional discrimination, are relatively recent concepts, which although now widely accepted, have not yet been fully reflected within the law and legal practice. Anti-discrimination law and its associated practice have traditionally taken a single-axis perspective, identifying and addressing single grounds in cases of discrimination.

It can be assumed that there is an absence of data and legal mechanisms capable of dealing with intersectional discrimination in IDPs camps in NorthEast Nigeria. Research into certain areas, for example women from disadvantaged communities, has produced some evidence that intersectional experiences of discrimination exist, and that policy and practice need to address all dimensions.

Gbv and Intersectionality:

Intersectional lenses can be very effective in dealing with gender-based violence, both in understanding the pervasiveness of the phenomenon, and in performing, and in informing measures to address it. The personal and social resources used to cope with gender-based violence by survivors are influenced not only by gender, but also by the way that gender interacts with other aspects of identity and social position, such as ethnicity or identity or class. An intersectional approach to working with people who have experienced gender-based violence can provide for a more nuanced approach, by taking into account multiple forms of oppression and structural violence. Different forms of oppression accumulate over time and shape the sense of power, residence and well-being of survivors, as well as affecting their capacity to deal with the trauma.

An intersectional approach can also better inform strategies for the prevention of gender-based violence by looking at the myriad of factors that lead to certain groups becoming more vulnerable and which limit their access to services and support.

⁶⁵ Intersectional Feminism: What is it? FACTUAL FEMINIST American Enterprise Institute

⁶⁶ An example can be given of a young Roma woman who is discriminated in the labour market because she is roma and is perceived to be dangerous because she is a woman and is therefore bound to have children soon and she is young and therefore inexperienced. In particular circumstances, the combination of these factors creates a synergy so that the discrimination cannot be fully understood as the addition of criteria alone. In being considered and inexperienced and incompetent, the woman shares certain experiences of discrimination with young people, in being assumed to fit into a traditional role, she shares experiences with other women, and in being perceived as dangerous she shares experiences with all Roma, including men. However, it is the particular intersection of all these factors that makes her case individual

An intersectional approach is also useful when understanding the causes of gender-based violence in relation to men, and in recognising that there are more ways of ‘being a man’ than traditional notions of masculinity allow-and that these should be acknowledged.

An intersectional approach to discrimination: since the emergence of the term in 1989, intersectionality has been engaged in three main ways:

- a) applying an intersectional framework of analysis within research and teaching, particularly as applied to specific issues—for example, the interaction of disability and gender within the labour market;
- b) developing intersectionality as a theory and methodology
- c) employing an inspectional lens to inform political intervention and advocacy work from NGOs and other campaigning organizations.

An intersectional analysis can be a useful tool for challenging the way that discrimination is perceived by society and at a legal level. It is primarily an analysis of the structures of power operating in context specific situations, and serves the purpose of making visible experiences of discrimination that would otherwise be lost within a single grounds analysis.

Employing this approach matters to this work in the sense that the whole purpose of intersectional feminism is to listen to different kinds of feminists-making your feminism intersectional makes perfect sense to us- your life experiences are based on how your multiple identities intermingle.

The fact that the oppression of gender functions along multiple levels leads to the conclusion that the utilisation of intersectionality and feminist theories are useful tools to unravel and analyse gender violence. Within the IDPs context, intersectionality is especially important because the historical oppressions of race and class are extremely prominent and substantial.

The Concept of Recognition of State Responsibility (R2p)

R2P although a relatively new and novel concept, can be said to have deep roots not only in human rights, humanitarian, and refugee law, but also in the very notion of sovereignty.⁶⁷

The framework of the Responsibility to Protect (R2P) basically contains three responsibilities: the responsibility to prevent; the responsibility to protect; and the responsibility to rebuild.⁶⁸ The framework extends to situations where “a population is suffering serious harm, as a result of internal war, insurgency, repression or state failure.” The ‘responsibility to protect’ implies above all else a responsibility to react to situations of compelling need for human protection.”

The R2P framework contains two ‘levels’ of responsibilities. First, individual states have the primary responsibility to protect through the sovereignty as responsibility concept. Second, when a state is unable or unwilling to fulfill its responsibility, or it commits atrocities against its own population, the international community has a collective responsibility to act in its place.⁶⁹ Thus, individual states have the primary responsibility to protect their own citizens within the R2P framework, but the international community is to operate as a final, collective protector.

⁶⁷ E C Luck ‘Sovereignty, Choice and the Responsibility to Protect’ [1989] *Global Responsibility to Protect (1) (10-21)*; 14 <www.brill.nl/gr2p> accessed 10 April 2018

⁶⁸ International Commission on Intervention and State Sovereignty ‘The Responsibility to Protect’ Ottawa, International Development Research Centre 2001a. Para. 2.14 in H Peltonen ‘Sovereignty as Responsibility, Responsibility to Protect and International Order: On Responsibility, Communal Crime Prevention and International Law’ [2011] *Uluslararası İlişkiler*, (7) (28); 59-81

⁶⁹ *ibid* International Commission Para. 2.29

Each individual state has the responsibility to protect its populations. The international community, through the United Nations, also has the responsibility to help to protect populations from genocide, war crimes, ethnic cleaning and crimes against humanity.⁷⁰

The 'R' concept under the R2P framework connotes that the individual state's responsibility to protect is an inalienable responsibility arising from sovereignty as responsibility.⁷¹ The ICISS report asserts that internally national authorities are responsible to their citizens, and externally they are responsible to the international community through the UN.⁷² In other words, where a state cannot or would not fulfill its responsibility to protect, the international community's responsibility to protect is activated.

According to Laski, rights are those conditions of social life without which no man can seek, in general, to be himself at his best. Rights are, in fact, social concept and deeply connected with social life. The essentiality of rights is established by the fact that individuals claim them for the development of their best self. He places rights, individuals and state on the same plank in the sense that they cannot be separated from each other and there is no antagonism between them.

He emphasizes the long cherished view that the state has a very important role to play in the realisation and, before that, recognition of human rights. It is the primary duty of the state to help individual in his efforts to achieve his best self and, if that be the case, the state has a very big responsibility in the field of realisation of rights.

In his analyses of the legal theory of state, the central theme of the legal theory of rights is that they completely depend upon the institutions and recognition of state. An individual cannot claim rights if those are not recognised by the state. He went further to posit that mere recognition is not sufficient for the exercise of rights. The state must, through law and institutions, implement the rights.

Note also that the CEDAW Committee addressed the issue of State responsibility for its own actions, and for the actions of private citizens (non-state actors). It is emphasised however, that discrimination under the convention is not restricted to action by and on behalf of Governments.⁷³ For example under Art 2e, the convention calls on States parties to take all appropriate measures to eliminate discrimination against women by any person, organisation or enterprise. Under general international law and specific human rights covenants, States may also be responsible for private acts if they fail to act with due diligence to prevent violations of rights or to investigate and punish acts of violence, and for providing compensation.⁷⁴

Summary of the Theoretical Framework

A gender perspective means to look at a phenomenon from a constructionist perspective, where the social expectations of what a woman or man "is" are in focus (Bradshaw, 2013).⁷⁵ A gender and feminist theoretical perspective shows the importance of recognising the complexities around gender norms and relations in societies and how other dimensions of stratification, such as gender identity and sexual orientation, intersect with gender and influence on the expectations of oppression and subordination. This study applies a gender perspective that is moving away from a categorical understanding of women and men as fixed binary categories. Instead, it seeks to understand the empirical material by viewing gender and masculinities in particular, as a dynamic system within which multiple identities and social relations intersect and shape power hierarchies and norms around GBV.

The Ecological Model although shows that to actualise/guarantee the human rights of IDPs women, one has to work across several levels of the society, it is important to note that the model have not been applied to post

⁷⁰ United Nations General Assembly World Summit Outcome Para. 138-39

⁷¹ International Commission Para. 2.14, 2.15

⁷² International Commission Para. 2.15

⁷³ Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) GA Resolution 34/180 Articles 2e, 2f and 5

⁷⁴ CEDAW GA Resolution 34/180 2e

⁷⁵ S Bradshaw *Gender, Development and Disasters* (Edward Elgar: Cheltenham, 2013)

disaster times where dynamics and characteristics of GBV may differ and to a broader definition of GBV (most models focus on VAW).

Rather than a single-axis approach or narrow approach, the intersectional approach would demonstrate an improved understanding of the study and also go a long way in answering the research questions.

This section demonstrates that the applicability of the feminist legal theory and human rights approach would be too narrow and inefficient to interpret gender based violence against women in post conflict situations. The findings confirm that applying an intersectional theoretical framework approach in this situation would set a unique example of progressive integration of intersectionality in implementation of laws contributing to a breakthrough in the legal frameworks for the protection of women living in IDP camps.

Hence, in this study, the intersectional model will function as a framework and starting point to understand the collected material and their applicability to a broader definition of GBV, and in a post disaster setting in the NorthEast Nigeria to the effect that gender based violence against women living in IDP camps entails an intersection of gender and other grounds of discrimination.

Applicability of the Theoretical Framework to the Research Question

The research questions which the study intends to explore and answer using the multidimensional lens with respect of identification of theoretical framework are:

1. What are the Gender-based violence affecting women living in IDPs camps and the extent?
2. What is the legal framework for the protection of women living in IDP camps in Nigeria?
3. What are the existing policies, programs and interventions aimed at addressing sexual violence in IDP camps, and how effective have they been in preventing and responding to such violence?
4. What are the barriers, challenges and gaps in accessing support services and justice for survivors of sexual violence in IDP camps?
5. How do gender dynamics within IDP camps influence the occurrence and reporting of sexual violence against women?
6. What are the coping mechanisms, residence factors and support networks that women develop in response to sexual violence in IDP camps?

Using a multi-conceptual approach to gender-based violence, the paper looks at the human rights approach, together with the gender approach⁷⁶

The Human Rights Approach

The concept of women's human rights provides women and girls all over the world with a universal standard against which the treatment of individuals and groups by government, NGOs and community institutions is measured. The concept of human rights has been described as 'action-demanding' (Freeden 1991, in Pickup, et. al. 2001).⁷⁷ Therefore, understanding gender-based violence against women as a violation of human rights enables activists to demand both state's protection, and recourse against the perpetrators of abuse.

In other words, human rights also promise the engagement of the responsibility of the state in a way that other approaches to claims cannot. The conceptualisation of a claim as a human right immediately involves the recognition of state and international responsibility if the rights is denied or violated. Concerns, when conceived of as rights, are elevated from the realm of state and international promises premises on good faith,

⁷⁶ H Claudia Children and Gender based Violence: An Overview of Existing Conceptual Framework (Save the Children, Sweden, 2007)

⁷⁷ F Pickup and others Ending Violence Against Women: A Challenge for Development (Oxford: Oxfam, 2001)

to a level of legal entitlement requiring national and international response. Concerns, when conceived of as claims of human rights, become fundamental, immutable and priority claims.

Moreso, human rights not only create entitlements for rights-holders, but they also create duties for states. Therefore, states are required to ensure the fulfillment of human rights by acting in a way that enables rights-holders to enjoy the rights to which they are entitled. Human rights require that actions- of a legislative, administrative, policy or programme nature- are considered in light of the obligations inherent in human rights. Actions which violate or fail to support the realisation of human rights contravene human rights obligations. A right-based approach thus assumes the creation of an enabling environment in which human rights can be enjoyed and also promises an environment which can prevent the many conflicts based on poverty, discrimination and exclusion.

The Gender Approach/Framework

A gender framework to understanding violence starts by recognising both violence and conflict as gendered activities within a patriarchal system of ideology and institutions. This means that, as social actors, women and men and boys and girls, all experience violence and conflict differently, as victims and as perpetrators (Moser 2001).⁷⁸

Gender-based violence is grounded in ideas of masculinity and femininity (prescribed norms and definitions of what it means to be a male or female) and how men and women and boys and girls are positioned vis-a-vis one another, and vis-a-vis other groups. In addition, gender identities exist within a patriarchal system that encourages violent behaviour within a context of assumed privilege and hierarchical power for certain groups of men, and that instills in many men a sense of entitlement to use violence to keep their privileges (Dobash and Dobash, 1980).⁷⁹

In their analysis of men's use of violence, Dobash and Dobash (1981) emphasise that violence against women is an expression of male domination, a cultural phenomenon stemming from a history of sanctioned abuse and ownership of women. Although no longer legally sanctioned, feminist theory proposes that, the underlying culture of inequality persists through the expression of gender roles and social norms (Ritter et. al. 2014).⁸⁰

A gender analysis considers that boys and girls have differential access to resources, that they have different needs and interests within a context of unequal power relations. It implies recognising the nature of exclusion and empowerment in terms of gender ideologies.

Using a gender lens makes a difference to what you see of war, peace, women's right abuse and violation of women's rights. Therefore, applying a gender analysis in decision-making can make a difference in what actions are taken. Gender awareness calls for sensitivity to gender difference, inviting us to notice gender power relations and to see how these shapes institutions like the family, the military, or the state; how they intersect with class and ethnic relations; how power, oppression and exploitation work in and through them. Gender awareness invites us to act for change (Cockburn, 2001).⁸¹

An approach that allows the intersection of a gendered and human right approach would go a long way to enhancing a multifaceted lens through which the urgent need for the domestication and implementation of laws that specifically provide for the protection of the basic rights of women living in IDP camps while putting into consideration their vulnerability and circumstances surrounding their being there.

⁷⁸ C Moser 'The Gendered Continuum of Violence and Conflict: A Operational Framework' (2001) in C Moser and F Clark (eds) *Victims, Perpetrators or Actors: Gender, Armed Conflict and Political Violence* (London: Zed Books)

⁷⁹ R E Dobash and R Dobash *Violence Against Wives: A Case Against Patriarchy* (London: Open Books, 1980)

⁸⁰ K Ritter and others 'Intimate Partner Violence, PTSD, and Substance Use' (2014)

⁸¹ C Cockburn 'The Gendered Dynamics of Armed Conflict and Political Violence' in C Moser and F Clark (eds) *Victims, Perpetrators or Actors: Gender, Armed Conflict and Political Violence* (London: Zed Books, 2001) 18

CONCLUSION

Gender-based violence in conflict settings violates the fundamental human rights of women and therefore, is to be regarded as a human rights issue to be addressed by human rights instruments and treaties. Gender-based violence may be described as violence that infringed on persons or groups of individuals on a core basis of being male or female.

Note that not all acts of gender-based violence affect women only but also male are victims of gender based violence in certain circumstances. Women are affected differently due to their gender division of labor, roles and responsibilities. Gender-based violence in war affected communities can be noticed in different ways for example forced prostitution, forced marriage, rape, torture, trafficking, custodial violence, forced displacement, enforced abortion among others.⁸² In times of war instabilities, women do not have “traditional protection” of their families and husbands. They face many violations of their human rights.

Women living in IDPs camps do not even exercise their rights. The conditionality surrounding women in IDPs camps setting such as sexual slavery, rape and forced prostitution clearly deny them of their basic fundamental rights. And it can be said that the state is the greater potential violator of these rights. This is so in that the violation of women’s human rights includes not only acts committed by governments but that government has got to bear the social and political responsibility to stop violence against women. In other words, state has the obligation to protect and secure rights and put positive measures inclusive of affirmative action in areas of law and also bring abusers of gender based violence to justice.⁸³ This indicate that the government is a de facto “collaborator” if there is no protection measures put in place to prevent and respect women’s rights from violent actions. In addition this shows that women are denied and not given equal protection under the state law to prevent them from gender based violence.

One of the greatest limitations of human rights framework is that the implementation process of the human rights is left entirely in the hands of the states and its political will. And there are fewer efforts put to women human rights violations in times of war even within the domestic household and therefore administering justice to women becomes a challenging catastrophe to national justice systems.

States may not be able to do the implementation since gender based violence is considered as a lesser priority as opposed to poverty, peace stability among others. Therefore as human rights activists, there is a need to be reminded to use the framework and put in mind that there is failure to incorporate. In this case human rights framework remains unequally practiced.

Note that the human rights framework has opened doors for women to participate in political spaces and legal structures. Long before the women’s movement came into force, gender based violence and other women human rights violations were not considered in the political sphere but now women feminists have combined efforts in a global voice with the help of international law to fight injustices such as rape, women trafficking and sexual violence assaults. However, the limitation to this is that the principle of universality has not been widely and equally practiced by political governments and is only understood and used by elites who are likely to make human rights a monopoly. This calls for an effective analysis of the concept of universality and its implications in the human rights framework.

The human rights framework has therefore been a great advantage in bringing to light gender based violent actions through the facilitation of political engagements with governments, lobbying, advocacy and mobilisations through the global technologies and networks and documentation of human rights interest stories of gender based violence in times of war. The issue of gender based violence has moved from being invisible to being embraced in the human right programmes by state parties, human rights organisations and individuals. The framework has also driven demand of concrete accountability borne by the governments.

⁸² D Muzurana, D and others ‘Gender and Conflict in Peace Making’ in D Muzurana and others (eds) *Gender, Conflict and Peace Making* (New York: Rowman & Littlefield Publishers, 2005) 1-22 at 4

⁸³ M Novak ‘Indivisibility of Human Rights’ in R Smith and C van den Anker (eds) *The Essentials of Human Rights* (London: Hodder & Stoughton, 2005) 178-180 in P Gulu ‘The Usefulness of Human Rights Framework in Addressing Gender Based Violence’ (Women’s International League for Peace and Freedom, 2010)

Human rights however still face two-three important aspects such as impunity and implementation means. This needs to be incorporated in the framework especially by institutions working for peace, social justice and development of marginalized groups such as women and girls whose rights are not respected and protected in times of war (camps). As this culture of VAW evolves from time to time, it is through the human rights framework that gender based violence can be analysed if political and social justice is to be administered. It is only by applying an intersectional and inclusive approach that policies can truly reflect the structural discrimination and barriers that women living in IDPs face while in camps; that meets the varied needs of women in all their complexity and diversities.

The review of theoretical/ conceptual approaches to gender based violence, with a focus on human rights and gender shows that if taken separately, each approach offers a fragmented explanation of the phenomenon. However, by integrating all perspectives into a holistic approach is essential to adequately understand the causes of gender-based violence and effectively move towards its elimination. This approach is best because it allows us stand on the framework of the idea that all people are equal by virtue of the inherent dignity of all human beings, and to ensure that the distribution of power, wealth, rights, opportunities become equal, a special focus on vulnerable groups is needed.

The study objective is to explore lived experiences and understanding of violence with internally displaced young men and women in NorthEast Nigeria. Therefore, this paper began with an examination of international human rights law, with particular emphasis on the universality of human rights, concentrating on universal declaration, the principle of equality and equity. The feminist legal theory and the theory of intersectionality is equally considered and concludes by proposing an integrated conceptual framework for gender based violence of women living in IDPs camps in NorthEast Nigeria.

This paper showed the usefulness of the intersectional framework in tackling gender-based violence. This will help in analysing the human rights instruments and how they address gender-based violence with a view to evaluating the strength and weaknesses of the various legal frameworks protecting internally displaced women living in IDPs camps in Nigeria.

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