

Impact of the Boko Haram Insurgency on the Child's Right to Education in Nigeria

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Abstract

This paper is focused on the impact of the Boko Haram insurgency in Nigeria on the child's right to education. The article concludes by assessing how the Nigerian government has lived up to its obligations under international law to ensure the realisation of the child's right to education in the face of the insurgency in the North-eastern part of the country. Concrete recommendations are made to the Nigerian government with regard to addressing the impact of the insurgency on the rights of the child.

Keywords

Armed conflict; Boko Haram; children's rights; civilian joint task force (CJTF); counter-insurgency; education; humanitarian assistance; insurgency; internally displaced persons.

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1 Introduction

Armed conflict affects the entire populace but it makes a special impact on children as a vulnerable group.¹ They are made to pay the price for a war that is not of their making, hence losing out on the beauty of childhood as they to grow up among families and communities torn apart by armed conflicts, or even partake in the conflicts as child soldiers.² They are exposed to human rights violations as the conflict affects the provision of services, including food, health, education and infrastructure, and also affects adults who are significant to the children, such as fathers, mothers and siblings.³ Often children are separated from families and loved ones, left to face the harsh effects of conflict as refugees or internally displaced persons, and suffer from hunger and disease as a result of the tactics of the combatants to disrupt the supply of food.⁴

Children in Nigeria have experienced their fair share of the insurgency ravaging the north-eastern part of the country. Some children have been killed, abducted, forcefully recruited, and internally displaced, while others have sought refuge in neighbouring countries.⁵ Throughout 2014 the armed conflict in north-eastern Nigeria was one of the world's deadliest for children.⁶ Education was profoundly affected as a result of the targeted attacks on school children, teachers, schools and other education facilities.⁷

This paper considers the effect of the Boko Haram⁸ insurgency in Nigeria while focusing on its impact on the child's right to education. It considers

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¹ *Impact of Armed Conflict on Children: Promotion and Protection of the Rights of Children* GA Res 48/157, UN Doc A/51/306 (1996) paras 29-31.

² Bellamy *State of the World's Children* 39.

³ Brett 1996 *Int'l J Child Rts* 116.

⁴ Cox 2013 http://www.histproj.org/completed/COX_War,%20Blockades,%20and%20Hunger.pdf.

⁵ UNICEF 2015 http://www.unicef.org/media/files/Child_Alert_MISSING_CHILD_HOODS_Embargo_00_01_GMT_13_April.pdf; UNHCR 2013 <http://www.unhcr.org/cgi-bin/texis/vtx/search?page=search&docid=51a602776&query=boko%20haram>.

⁶ UNICEF Nigeria 2015 <https://childrenandarmedconflict.un.org/press-release/urgent-action-to-protect-children-in-north-east-nigeria/>.

⁷ Olamilekan 2014 *J Educ Hum Dev* 376.

⁸ This Hausa phrase translates as "western education is a sin". "Boko" in the Hausa language means education, while "Haram" in Arabic means forbidden. The Boko

the normative framework for the right to education under international and regional human rights instruments. It then discusses the child's right to education in Nigeria. This section of the paper is followed by a discussion on the impact of armed conflict on the right to education of the child in the context of the Boko Haram insurgency in Nigeria. The paper also considers the effectiveness of the steps taken by the Nigerian government to secure children's right to education in line with its obligations under international law, in the context of the insurgency. And finally, recommendations are made to the Nigerian government with regard to addressing the impact of the insurgency on the rights of the child.

2 The child's right to education

Fafunwa⁹ describes education as the aggregate of all processes through which a child develops abilities, attitudes and other forms of behaviour which are of a positive value to society. Education enables individuals to acquire appropriate knowledge, values and skills for personal development and also contributes meaningfully to the development of society.¹⁰ Education was declared a basic human right for every individual in the *Universal Declaration of Human Rights*¹¹ and this has been reaffirmed in the *International Covenant on Economic, Social and Cultural Rights* (1966) (ICESCR),¹² the *Convention on the Rights of the Child* (1989) (CRC),¹³ the *African Charter on Human and Peoples' Rights* (1981),¹⁴ the *African Charter on the Rights and Welfare of the Child* (1990) (ACRWC)¹⁵ and the *Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa* (2003) (*African Women's Protocol*), amongst other international and regional human rights instruments.

Drawing on articles 13 and 14 of the ICESCR, which make a comprehensive provision for the right to education, article 28 of the CRC recognises the right of the child to education. With a view to achieving this right progressively and on the basis of equal opportunity, states are required to make primary education compulsory and available free to all;

Haram sect seeks to end every activity be it political or social associated with Western society, and totally rejects western education. See Chothia 2015 <http://www.bbc.com/news/world-africa-13809501>.

⁹ Fafunwa *History of Education in Nigeria* 2.

¹⁰ Seetanah 2009 *J Appl Econ* 139.

¹¹ Article 26 of the *Universal Declaration of Human Rights* (1948).

¹² Articles 13-14 of the ICESCR.

¹³ Articles 28-29 of the CRC.

¹⁴ Article 17(1) of the *African Charter on Human and Peoples' Rights* (1981).

¹⁵ Article 11 of the ACRWC.

to encourage the development of different forms of secondary education; to offer financial assistance in case of need, as well as to take measures to encourage regular attendance at schools and the reduction of drop-out rates. Article 29 of the CRC details the aims of the education of the child, which is directed at preparing the child for a responsible life in a free society, amongst other things.

In the African context, article 11 of the ACRWC contains provisions similar to those of article 28(1) of the CRC, though it does not require a progressive realisation of the right.¹⁶ Considering the precarious position of the girl child in accessing education, the *African Women's Protocol* requires State Parties to eliminate all forms of discrimination in the provision of access to education,¹⁷ and to promote the enrolment and retention of girls in school.¹⁸

The right to education guaranteed under the ICESCR, CRC, ACRWC and other international instruments is not suspended in situations of armed conflicts, as states have the obligation to respect, protect and fulfil the right whether or not an emergency situation exists.¹⁹ Concerned about the consequences of brutal armed conflicts for education, Vernor Munoz,²⁰ former Special Rapporteur on the Right to Education, noted in his report that "security in schools", which includes an uninterrupted education in conditions conducive to knowledge acquisition and character development, forms part of the right to education.

Under international humanitarian law, during armed conflict, whether international or non-international, children benefit from the general protection provided for civilians who are not taking part in hostilities.²¹ The *Fourth Geneva Convention* (1949) (GCIV 1949)²² and the *Additional Protocols* of 1977 (AP1²³ and AP2²⁴) lay down rules according special

¹⁶ See art 4 of the CRC.

¹⁷ Article 12(1)(a) of the *African Women's Protocol*.

¹⁸ Article 12(2)(c) of the *African Women's Protocol*.

¹⁹ *Report of the Special Rapporteur on the Right to Education* UN Doc A/HRC/8/10 (2008) para 37.

²⁰ *Report of the Special Rapporteur on the Right to Education* UN Doc A/HRC/8/10 (2008) para 21.

²¹ See generally Solf 1986 *Am UJ Int'l L & Pol'y* 117.

²² *ICRC Convention Relative to the Protection of Civilian Persons in Times of War* (1949) (*Fourth Geneva Convention*).

²³ *ICRC Protocol Additional to the Geneva Convention of 12 August 1949, and Relating to the Protection of Victims of International Armed Conflicts* (1977) (*Protocol 1 / AP1*).

protection to children. Article 77 of AP1 requires that children be protected from indecent assault, and parties to conflict must provide them with the care they require.

Article 38 of the CRC requires states to respect the rules of international humanitarian law in armed conflicts, which are relevant to the child,²⁵ and to take all feasible measures to ensure the protection and care of children who are affected by armed conflict.²⁶ Article 22 of the ACRWC contains a similar provision and requires that children must be protected from abuse and from participating in hostilities.²⁷

With regard to education, the GCIV 1949 in article 24 (1) requires parties to conflict to ensure that children under fifteen who are orphaned or separated from their families as a result of war have access to education.²⁸ In the case of occupied territories, article 50 requires the occupying power with the co-operation of the national and local authorities to facilitate the proper working of all institutions devoted to the care and education of children. With regard to internees, article 94 provides that children and young people must be allowed to attend schools either within the place of internment or outside. In addition, the AP1 provides in article 78(2) that an evacuation must take account of the need for continuity in a child's education.

In situations of displacement, children leave the place where they have access to school and go to a place where they have no access to education. Hence, the *United Nations Guiding Principles on Internal Displacement* (1998)²⁹ in principle 23 requires the concerned authorities to ensure that internally displaced children receive free and compulsory education which should respect their cultural identity, language and religion. Special efforts must also be taken to ensure girls' participation.³⁰ Also, the *African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention)*³¹ requires

²⁴ ICRC Protocol Additional to the Geneva Convention of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts (1977) (Protocol 2 / AP2).

²⁵ Article 38(1) of the CRC.

²⁶ Article 38(4) of the CRC.

²⁷ Ang Commentary 26.

²⁸ See art 4(3) of AP2.

²⁹ UN Guiding Principles on Internal Displacement ADM 1.1, PRL 12.1, PR00/98/109 (1998) (*Guiding Principles*).

³⁰ Principle 23(3) of the *Guiding Principles*.

³¹ AU Convention for the Protection and Assistance of Internally Displaced Persons in Africa (2009) (*Kampala Convention*) adopted by the Special Summit of the African

State parties to provide internally displaced persons, including children, with adequate humanitarian assistance such as food, water, shelter, medical care, sanitation, education and other necessary social services, and in appropriate cases to extend such assistance to host communities.³²

3 Child education in Nigeria: an overview

The *Constitution of the Federal Republic of Nigeria*, 1999 (as amended) (CFRN 1999) does not guarantee an enforceable right to education, but draws the attention of the government to it in Chapter II as a Fundamental Objective and Directive Principle of State Policy. Section 18 provides that government shall direct its policy towards ensuring the availability of equal and adequate educational opportunities at all levels. The government is required to strive to eradicate illiteracy by providing as and when practicable free, compulsory universal primary education; free secondary education; free university education and a free adult literacy programme.³³ The rights contained in Chapter II of the *Constitution*, which include the right to education, are however stated to be non-justiciable but are merely objectives to guide government policies.³⁴

The principal law protecting the rights of children in Nigeria, the *Child's Right Act*, 2003 (CRA 2003), in section 15 guarantees the child's right to free, compulsory and universal basic education, which the government has a duty to provide. Also, the *Compulsory, Free Universal Basic Education Act*, 2004 (UBE Act) addresses the issues of access, equality, equity, inclusiveness, the affordability and the quality of basic education.

Basic education, which is structured in the National Policy on Education (NPE) document of 1977 (last revised in 2013),³⁵ largely caters for children. It is considered important as it serves as the foundation upon which the pursuit of higher education is built, and is hence made the centre piece of educational policies by successive governments in Nigeria.³⁶ A commendable strategy in fulfilment of the objectives of basic education in the NPE³⁷ is the Universal Basic Education (UBE) scheme,

Union held in Kampala, Uganda on 22 October 2009 and entered into force on 6 December 2012.

³² Article 9(2)(b) of the *Kampala Convention*.

³³ Section 18(3) of the *Constitution of the Federal Republic of Nigeria*, 1999 (as amended) (CFRN 1999).

³⁴ See s 6(6)(c) of the CFRN 1999. This is despite the fact that Nigeria is a party to the ICESCR, CRC, ACRWC, the *African Charter* and the *African Women's Protocol*.

³⁵ Federal Republic of Nigeria *National Policy on Education*.

³⁶ Labo-Popoola, Bello and Atanda 2009 *PJSS* 252.

³⁷ Federal Republic of Nigeria *National Policy on Education* 4-7.

which was put in place to enhance the success rate of the first nine years of schooling. This initiative is aimed at eradicating illiteracy, ignorance and poverty, and facilitating national development.³⁸ The UBE programme is a strategy adopted by Nigeria to meet the Education for All (EFA) agenda and the Millennium Development Goals (MDGs) with respect to child education.³⁹ The scope of the UBE scheme covers formal basic education, nomadic education, literacy and non-formal education. Formal basic education covers the first nine years of schooling, nomadic education is offered to the school-age children of pastoral farmers, while literacy and non-formal education are programmes for out-of-school children and illiterate adults.⁴⁰

4 The impact of armed conflict on education

According to Graca Machel,⁴¹ attacking schools during armed conflict is a grave violation of children's rights. Such attacks are mounted against students, teachers and other education personnel. They include the killing, abduction, kidnapping, illegal detention, torturing, sexual abuse of and forced recruitment of school children and teachers, and result in the violent denial of children's right to access to education. Such attacks also involve damaging educational buildings and other facilities, occupying school buildings for military purposes, initiating violent attacks on educational activities such as attacks on convoys carrying examination papers, and prevention of the repair, rehabilitation or reconstruction of schools already attacked.⁴²

Under international humanitarian law, schools are protected civilian objects and therefore benefit from the humanitarian principles of distinction and proportionality.⁴³ The targeted attacks at schools during conflict and the general state of insecurity could force them to close down. This has the effect of depriving millions of children of their right to education and therefore the ability to realize their potentials.⁴⁴ Condemning such grave violations of children's rights, the United Nations Security Council (UNSC)

³⁸ Gabriel 2012 *IJLD* 215.

³⁹ UBEC 2016 <http://ubeconline.com>; Olorunyomi 2014 *Int'l J Asian African Stud*; Duze 2012 *IEJAPS* 42.

⁴⁰ Ajayi 2007 *Social Sciences* 343.

⁴¹ *Impact of Armed Conflict on Children: Promotion and Protection of the Rights of Children* GA Res 48/157, UN Doc A/51/306 (1996).

⁴² O'Mally *Education under Attack* 59-60.

⁴³ Article 18 of the GCIV 1949.

⁴⁴ *Report of the Special Representative of the Secretary-General for Children and Armed Conflict* UN Doc A/70/162 (2015) para 18.

in Resolutions 1998 (2011),⁴⁵ 2143 (2014)⁴⁶ and 2225 (2015)⁴⁷ urges parties involved in armed conflict to refrain from actions that impede children's access to education.⁴⁸

Jones and Naylor⁴⁹ have noted several ways in which armed conflict can affect education. These include, among others, school closure due to targeted attacks; collateral damage and the military use of school buildings; death and injury to teachers and students; the fear of sending children to school and teachers' fear of attending school due to their being threatened with targeted attacks; general insecurity reducing the freedom of movement; the forced recruitment of teachers and students by armed forces (state and non-state); forced population displacement interrupting education; and the public health impacts of conflict, which reduce the possibility of access and learning.⁵⁰ These disruptions have the effect of preventing access to education and diminishing the quality of the learning experience.⁵¹ Even where educational opportunities exist, parents worried about the safety of their children may be reluctant to send them to school.⁵² In 2014, conflict in the Democratic Republic of Congo kept over 31 000 children out of school in response to the attacks that had taken place on 22 schools, of which 12 were thereafter used for military purposes.⁵³

Also, O'Mally⁵⁴ has noted the longer term impacts of armed conflict on education as a result of the occurrence of persistent attacks over a number of years and the use of force to prevent recovery from such attacks. Such long-term effects include the reduced enrolment and permanent drop-out of students and the withdrawal of educational personnel leading to a shortage of teachers; and the general impact of

⁴⁵ Adopted by the UNSC at its 6581st meeting on 12 July 2011 (*UNSC Resolution S/RES/1998* (2011) (Resolution 1998 (2011))).

⁴⁶ Adopted by the UNSC at its 7129th meeting on 7 March 2014 (*UNSC Resolution S/RES/2143* (2014)) (Resolution 2143 (2014)).

⁴⁷ Adopted by the UNSC at its 7466th meeting on 18 June 2015 (*UNSC Resolution S/RES/2225* (2015)) (Resolution 2225 (2015)).

⁴⁸ Resolution 1998 (2011) para 4; Resolution 2143 (2014) para 17; Resolution 2225 (2015) para 1; *Impact of Armed Conflict on Children: Promotion and Protection of the Rights of Children* GA Res 48/157, UN Doc A/51/306 (1996) para 199.

⁴⁹ Jones and Naylor *Quantitative Impact of Armed Conflict* 4.

⁵⁰ Jones and Naylor *Quantitative Impact of Armed Conflict* 4.

⁵¹ O'Mally *Longer-Term Impact of Attacks on Education Systems* 2.

⁵² *Impact of Armed Conflict on Children: Promotion and Protection of the Rights of Children* GA Res 48/157, UN Doc A/51/306 (1996) para 199.

⁵³ *Annual Report of the Secretary General: Children and Armed Conflict* A/69/926-S/2015/409 (2015) para 63.

⁵⁴ O'Mally *Longer-Term Impact of Attacks on Education Systems* 5-6.

armed conflict on the government's resources reduces the government's capacity to manage or deliver education.⁵⁵ As a result, conflict-affected areas have some of the world's worst indicators for education, as millions of children are deprived of their only chance of the schooling that could transform their lives.⁵⁶ Armed conflict also poses a problem for states in the implementation of the EFA and MDGs with regard to universal primary education.⁵⁷

The exposure of children to traumatic events such as the loss of loved ones, displacement, a lack of food, and the interruption of school associated with armed conflict has detrimental consequences for their mental health and psychological well-being.⁵⁸ Children are affected by Post-Traumatic Stress Disorders (PTSD) such as irritability, insomnia, sleeping disorders, fear, aggression, confusion and an inability to concentrate,⁵⁹ which greatly affects their ability to have a loving relationship with their family and friends and to perform well in school. In a study conducted on 796 children living in the occupied West Bank and Gaza, an area affected by armed conflict, they were found to have behavioural and psychological problems such as depression and fears, to have a tendency to be disobedient and to engage in fighting, and to suffer from sleep disturbances, nightmares and low self-esteem.⁶⁰ It was discovered that children in Sri Lanka who suffered traumatising experiences during the prevalent armed conflict suffered from PTSD, and both their memory tests and their school grades demonstrated a significant impairment of their cognitive development.⁶¹ It has also been shown that children of school age in Rwanda exposed to the 1994 genocide experience had a drop in educational achievement.⁶²

Given that the environment has an influence on development, on learning and other aspects of behaviour, a society characterized by any form of violence will not be conducive for social interaction in the form of teaching and learning.⁶³ Violence can affect students' performance in school as insecurity constitutes a negative reinforcement due to the obvious fact that teaching and learning cannot successfully occur in an environment of

⁵⁵ O'Mally *Longer-Term Impact of Attacks on Education Systems* 5-6.

⁵⁶ UNESCO *Hidden Crisis* 125.

⁵⁷ UNESCO *Quantitative Impact of Conflict on Education* 4.

⁵⁸ Barenbaum, Ruchkin and Schwab-Stone 2004 *J Child Psychol Psychiatry*.

⁵⁹ Thabet 2004 *J Child Psychol Psychiatry* 533-534.

⁶⁰ Baker 1990 *Am J Orthopsychiatry* 502.

⁶¹ Elbert *et al* 2009 *Child Abuse and Neglect* 238.

⁶² Akresh and De Walque 2008 <http://ssrn.com/abstract=1149109>.

⁶³ Joda and Abdulrasheed 2015 *EJEDP* 48.

fear.⁶⁴ Also, war not only destroys lives and schools, but it also diverts resources from education to the military.⁶⁵ While spending on defence provides security which sustains a stable business environment, it consumes resources that could be put to more productive use.⁶⁶

5 The impact of the Boko Haram insurgency on the child's right to education in Nigeria

5.1 Effect on school attendance

According to Oladunjoye and Omemu,⁶⁷ attendance at school is dependent on the readiness of the child, encouragement from parents, the provision of school materials, the distance to school and, very importantly, the security of the child. The present state of insecurity in the North Eastern region of Nigeria has been traumatic for children as they are forced to flee from their homes in fear, to witness killings, or to live as displaced persons or refugees.⁶⁸ UNICEF reports that as a result of the incessant attacks on schools, school children and teachers,⁶⁹ over one million children have been forced out of school,⁷⁰ while their teachers have also been forced to stay away from school.⁷¹ Some schools have been forced to shut down and the deserted school buildings have been converted into shelters for internally displaced persons.⁷² The children who were supposed to populate the schools have either sought refuge along with their families in neighbouring countries or have been internally displaced, as over 1.4 million children have been forced to flee the north-eastern region.⁷³

The attacks by the insurgents have led to the deaths of many children. In July 2013 the insurgents invaded a government-owned boarding school in Mamudo village in Yobe state, killed 42 students and teachers and burnt down the school.⁷⁴ On 25 February 2014 the insurgents invaded Federal

⁶⁴ Umar and Manabete "Peace and Security" 207-208.

⁶⁵ UNESCO *Hidden Crisis* 146.

⁶⁶ Edame and Nwankwo 2013 *RJFA* 62.

⁶⁷ Oladunjoye and Omemu 2013 *BJE* 4.

⁶⁸ Yule *et al* "Children in Armed Conflict" 218.

⁶⁹ It has been reported that at least 198 teachers were killed by the insurgents between 2012 and 2014. See *Annual Report of the Secretary General: Children and Armed Conflict A/69/926-S/2015/409* (2015) para 235.

⁷⁰ UNICEF 2015 http://www.unicef.org/media/media_86621.html.

⁷¹ Atsua and Abdullahi 2015 *Knowledge Review* 4.

⁷² Protection Sector Working Group 2015 https://www.humanitarianresponse.info/en/system/files/documents/files/idp_protection_strategy_march_2015_1.pdf 8.

⁷³ UNICEF Press Centre 2015 http://www.unicef.org/media/media_85551.html.

⁷⁴ Agba *et al* 2013 <http://allafrica.com/stories/201307080649.html>.

Government College, Buni Yadi, Yobe State and gruesomely murdered about 59 students and burnt several buildings in the school.⁷⁵ In November 2014 a suicide bomber entered a secondary school by disguising himself as a member of the school and killed about 47 school pupils and injured many others during their morning assembly.⁷⁶ Also in April 2014 over 200 Chibok girls were abducted from their school dormitory and to date they have not been found except for some that are reported to have escaped.⁷⁷ The Chibok girls' abduction represented the largest single incident of abduction attributable to the Boko Haram.⁷⁸ The incident attracted international condemnation and led to the famous "#BringBackOurGirls" campaign, which extended even to the White House and continues to this date.⁷⁹

The north-eastern part of Nigeria, which is being ravaged by Boko Haram, has ordinarily recorded a low literacy level, as it has the highest proportion of out-of-school Children (OOSC).⁸⁰ The Nigerian Demographic and Health Survey 2013 (NDHS)⁸¹ showed that the north east had the lowest rate of school attendance in Nigeria, as against the south-eastern region, which had the highest. Yobe State in particular had the worst rate among all the states in Nigeria in terms of school attendance for both male and female children in primary and secondary school, with just 12 per cent attendance,⁸² compared to 75 per cent in Imo State in the south east.⁸³ A recent study conducted in some schools in Damaturu, the capital city of Yobe State, revealed that the insecurity in the region has caused a further

⁷⁵ Anon 2014 <http://www.sunnewsonline.com/new/buni-yadi-students-massacre-yobe/>.

⁷⁶ Anon 2014 <http://www.theguardian.com/world/2014/nov/10/nigeria-school-bomb-blast>.

⁷⁷ Oke and Labeodan "Boko Haram Insurgence" 100-102.

⁷⁸ *Annual Report of the Secretary General: Children and Armed Conflict A/69/926-S/2015/409* (2015) para 236

⁷⁹ A World at School 2015 <http://www.aworldatschool.org/news/entry/chibok-girls-anniversary-events-held-around-the-world-1873>; Anon 2016 <http://www.bbc.com/news/world-africa-36324577>.

⁸⁰ Fabunmi 2005 *IJAAAS* 1. According to UNICEF, OOSC includes children who do not have access to school in their community; those who do not enrol despite the availability of a school; those who enrol later than normal; those enrolled in schools with no learning facilities or teachers; those who drop out of the education system as well as those who enrol but do not attend. See UNICEF 2015 [http://www.unicef.org/ghana/REALLY_SIMPLE_STATS_-_Issue_4\(1\).pdf](http://www.unicef.org/ghana/REALLY_SIMPLE_STATS_-_Issue_4(1).pdf).

⁸¹ National Population Commission and ICF International *Nigeria Demographic and Health Survey 2013*.

⁸² National Population Commission and ICF International *Nigeria Demographic and Health Survey 2013* 26-27.

⁸³ National Population Commission and ICF International *Nigeria Demographic and Health Survey 2013* 262-268.

reduction in school attendance.⁸⁴ Borno State has had the most devastating experience since the Boko Haram insurgency, with a huge negative impact on basic education. Despite the ordinarily low primary and secondary school attendance level in the state (35 and 28 per cent respectively),⁸⁵ a recent study revealed that the insurgency has affected basic education, as school attendance has been drastically reduced owing to attacks on schools which have left many children hurt and the abduction of over 200 Chibok girls, and also because many children and teachers have narrowly escaped death during the attacks on their communities.⁸⁶

Female education in the north east, which was very poor prior to the insurgency,⁸⁷ has worsened as a result of the attacks on schools and the kidnapping of female students, with some being turned into suicide bombers.⁸⁸ This state of insecurity has forced parents to keep their daughters away from school.⁸⁹ It has been shown that due to the insurgency, and particularly the abduction of the Chibok girls, female students are apprehensive of being kidnapped, thereby causing them to stay away from school.⁹⁰

The study carried out by Oladunjoye and Omemu⁹¹ shows that school attendance has been affected mostly in rural areas as they are usually neglected, unlike school attendance urban areas, where the schools enjoy a measure of protection afforded by the security forces. The constant attacks by the sect undermine the effort of government to improve education in the northern region, and no right-thinking parents would want to send their wards to school for fear that they would become victims of the attacks.⁹² Some parents prefer to send their children to neighbouring states that are peaceful, but the masses in the north east, who are counted among the poorest, cannot afford that luxury.⁹³ In situations such as this, the children may never return to school or complete their

⁸⁴ Abdullahi and Terhema 2014 *JRES* 35.

⁸⁵ National Population Commission and ICF International *Nigeria Demographic and Health Survey 2013* 26-27.

⁸⁶ Abdulrasheed, Onuselogu and Obioma 2015 *AJER* 490-494.

⁸⁷ National Population Commission and ICF International *Nigeria Demographic and Health Survey 2013* 26-27.

⁸⁸ Sanni 2015 *Afr J Psychol Study Soc Issues* 51.

⁸⁹ UNICEF 2014 http://www.unicef.org/nigeria/media_8480.html.

⁹⁰ Joda and Abdulrasheed 2015 *EJEDP* 48.

⁹¹ Oladunjoye and Omemu 2013 *BJE* 7.

⁹² Ohiwerei 2014 *Scholarly Journal of Education* 165.

⁹³ Khan and Hamidu 2015 *Jadavpur J Int'l Rel* 29.

education even when the insurgency is over, thus diminishing their contribution to their society.⁹⁴

5.2 Education facilities

Availability, which is one of the essential enablers of education, requires that all of the necessary infrastructure and learning facilities must be in place.⁹⁵ The physical condition of a school has a direct positive or negative effect on a teacher's morale and effectiveness, and on the general learning environment.⁹⁶ Inadequate educational facilities pose a threat to the right to education. Nigerian schools are ordinarily ill equipped and not conducive to learning,⁹⁷ and the destruction of the available school facilities by the insurgents leaves basic education in a dire situation. Access to basic education in the north-eastern states has been badly affected by the targeted attacks on school facilities by Boko Haram.⁹⁸ According to UNICEF,⁹⁹ over 300 schools were destroyed and 314 children killed between 2012 and 2014.

In Borno, which is the worst hit of all the states, the Executive Chairman of the Borno State Universal Basic Education Board (SUBEB), Bukarkullima,¹⁰⁰ stated that over 512 schools have been destroyed over the years.¹⁰¹ When this is done not only the building but also the teaching materials and the children's school records are destroyed.

The economic burden on the Nigerian government of managing the Boko Haram insurgency has been dire,¹⁰² and the huge spending on security has had a ripple effect on the funding of other sectors. Despite the importance of education in the development of human capital, excessive defence spending has affected the funding of other sectors including the educational sector.¹⁰³ Nigeria is still struggling to improve the standard of

⁹⁴ O'Mally *Longer-Term Impact of Attacks on Education Systems* 13.

⁹⁵ *CESCR General Comment No 13: The Right to Education (Article 13)* E/C.12/1999/10 (1999) para 6(a).

⁹⁶ Owoeye and Yara 2011 *Asian Social Science* 64.

⁹⁷ Nwangwu 1997 *Comparative Education* 91.

⁹⁸ Human Rights Watch 2014 <http://www.hrw.org/world-report/2014/country-chapters/nigeria>.

⁹⁹ UNICEF 2015 http://www.unicef.org/media/files/Child_Alert_MISSING_CHILD_HOODS_Embargo_00_01_GMT_13_April.pdf.

¹⁰⁰ Amnesty International 2013 <https://www.amnesty.org/en/documents/AFR44/019/2013/en/> 12.

¹⁰¹ Anumba 2015 <http://www.sunnewsonline.com/new/buni-yadi-students-massacre-yobe/>.

¹⁰² Bamidele 2015 *Confl Stud* Q 52.

¹⁰³ Olofin 2012 *Am J Soc Sci* 122.

education, but the meagre resources available are being channelled into rebuilding the schools destroyed by the insurgents.¹⁰⁴

5.3 Educational challenges of internally displaced persons (IDPs)

One of the gravest consequences of the Boko Haram insurgency is the large number of people that have been displaced.¹⁰⁵ The International Organisation for Migration set up a Displacement Tracking Matrix in July 2014 to support the government in collecting and disseminating data on IDPs.¹⁰⁶ As of December 2015 the total number of IDPs in Nigeria was 2,151,979 individuals, identified in Adamawa, Bauchi, Benue, Borno, Gombe, Taraba, Yobe, Nasarawa, Plateau, Kaduna, Kano, Zamfara and Abuja.¹⁰⁷ The report also states that 84 per cent of these had been displaced by the insurgency, while others were the victims of communal clashes in the northern region. The majority of the IDPs were identified in Borno (64 per cent), Adamawa (6.32 per cent) and Yobe (6.1 per cent). 92 percent of them live in host communities, while 8 per cent live in the camps.¹⁰⁸ Children constitute 55.7 per cent of the IDP population and more than half of them are 5 years old or younger.¹⁰⁹

As many IDPs are sheltered in schools and humanitarian assistance is limited to life-saving interventions, displaced children are generally unable to pursue their education.¹¹⁰ The occupation of the schools by the IDPs and security forces has damaged and destroyed some infrastructure and denied children access to the schools so occupied. An increase in the number of IDPs in Adamawa during the school holidays in September 2014 led to the use of schools as shelters, preventing classes from resuming at the start of the academic year.¹¹¹ Given that education planning does not take account of situations of population increase due to displacement, children are refused attendance at host community schools that do not have the facilities or staff to take on more students. In cases

¹⁰⁴ Awortu 2015 *Research on Humanities and Social Science* 217.

¹⁰⁵ IOM 2016 <https://data.unhcr.org/SahelSituation/download.php?id=2083>.

¹⁰⁶ IOM and NEMA 2015 https://nigeria.iom.int/sites/default/files/dtm/01_IOM%20DTM%20Nigeria_Round%20VII%20Report_20151223.pdf.

¹⁰⁷ IOM and NEMA 2015 https://nigeria.iom.int/sites/default/files/dtm/01_IOM%20DTM%20Nigeria_Round%20VII%20Report_20151223.pdf 1.

¹⁰⁸ IOM and NEMA 2015 https://nigeria.iom.int/sites/default/files/dtm/01_IOM%20DTM%20Nigeria_Round%20VII%20Report_20151223.pdf 4.

¹⁰⁹ IOM and NEMA 2015 https://nigeria.iom.int/sites/default/files/dtm/01_IOM%20DTM%20Nigeria_Round%20VII%20Report_20151223.pdf 2.

¹¹⁰ IDMC 2014 <http://www.internaldisplacement.org/assets/library/Africa/Nigeria/pdf/201412-af-nigeria-overview-en.pdf> 13.

¹¹¹ IDMC 2014 <http://www.internaldisplacement.org/assets/library/Africa/Nigeria/pdf/201412-af-nigeria-overview-en.pdf> 13.

where they are accepted, the overstretching of the resources has reduced the quality of education.¹¹² Due to their fear of attack or abduction, some parents refuse to allow their children go to school, and they tend to prioritize basic needs such as food and shelter over education.¹¹³ The children's lack of an occupation could lead them into juvenile delinquency, drug addiction, prostitution and continued destitution.¹¹⁴

In a bid to stem the wave of violations against children in armed conflict, the United Nations Security Council in Resolution 1379 (2001)¹¹⁵ authorised the Secretary General to list state and non-state parties responsible for the recruitment and use of children in conflict situations in the annexes to his annual report on children and armed conflict.¹¹⁶ The killing and maiming of children and sexual violence against children were added as notable matters in Resolution 1882 (2009),¹¹⁷ while recurrent attacks on schools and hospitals were added in Resolution 1998 (2011).¹¹⁸ Resolution 1612 (2005)¹¹⁹ empowered the Secretary General to establish an enhanced and systemized method of gathering data on violations of the rights of children.¹²⁰ This led to the establishment of the Monitoring and Reporting Mechanism (MRM) with the mandate of gathering accurate, timely, objective and reliable information on the six grave violations of the rights of children in armed conflict by state and non-state actors.¹²¹

In July 2014, Boko Haram was listed for two grave violations against children – the killing and maiming of children, and attacks on schools and hospitals.¹²² The listing of Boko Haram triggers a country-specific MRM on

¹¹² IDMC 2014 <http://www.internaldisplacement.org/assets/library/Africa/Nigeria/pdf/201412-af-nigeria-overview-en.pdf> 13.

¹¹³ IDMC 2014 <http://www.internaldisplacement.org/assets/library/Africa/Nigeria/pdf/201412-af-nigeria-overview-en.pdf> 13.

¹¹⁴ See generally Jones 1922 *Journal of Education* 350; Bridges 1927 *J Am Inst Crim L & Criminology* 531; Newcomb, Maddahian and Bentler 1986 *Am J Public Health* 525.

¹¹⁵ Adopted by the UNSC at its 4423rd meeting on 20 November 2001 (*UNSC Resolution S/RES/1379 (2001)*) (Resolution 1379 (2001)).

¹¹⁶ Resolution 1379 (2001) para 16.

¹¹⁷ Adopted by the UNSC at its 6176th meeting on 4 August 2009 (*UNSC Resolution S/RES/1882 (2009)*) (Resolution 1882 (2009)) para 3.

¹¹⁸ Adopted by the UNSC at its 6581st meeting on 11 July 2011 (*S/RES/1998 (2011)*) para 3.

¹¹⁹ Adopted by the UNSC at its 5235th meeting on 26 July 2005 (*UNSC Resolution S/RES/1998 (2011)*) (Resolution 1998 (2011)).

¹²⁰ *UNSC Resolution S/RES/1612 (2005)* (Resolution 1612 (2005)) para 3.

¹²¹ OSRSG CAAC, UNICEF and DPKO 2012 <http://www.unicefinemergencies.com/downloads/eresource/docs/2.6%20Child%20Protection/MRM%20Guidelines%20English.pdf> 4.

¹²² *Annual Report of the Secretary General: Children and Armed Conflict A/68/878-S/2014/339 (2014)* Annex II.

grave violations of the rights of children in Nigeria.¹²³ In December 2014 the UN formally established a country task force on children affected by armed conflict to monitor and report on violations of the rights of children in Nigeria.¹²⁴ The verification of incidents has been challenging, due to the lack of easy access to the affected areas.¹²⁵

6 Nigerian government's response to Boko Haram insurgency

Until recently, the Nigerian government was taking a soft-handed approach in an attempt to engage the members of the Boko Haram in political negotiations, as was done with the Niger Delta militants.¹²⁶ In April 2013 former President Goodluck Jonathan established a 26-member Amnesty Committee on Dialogue and the Peaceful Resolution of Security Challenges in the North, with the mandate to convince the Boko Haram sect within three months to surrender its arms in exchange for a state pardon and social integration.¹²⁷ The sect, however, claimed that it had done no wrong deserving pardon, and insisted instead on continuing its violent campaign to establish an Islamic State in Nigeria.¹²⁸ This attempt, according to Nwankpa,¹²⁹ was ill advised, as the religious motivation of the sect is different from the secular demands of the Niger Delta militants.

The Boko Haram sect launched several brutal attacks after its refusal,¹³⁰ which led the government on 14th May 2013 to adopt a hard approach by declaring a state of emergency in Borno, Adamawa and Yobe, in an attempt to restore order and reclaim the territories under Boko Haram control.¹³¹ The government established a Joint Task Force (JTF) and deployed 8000 soldiers to the region, which was the largest military deployment since the Nigerian civil war.¹³² In 2015 the troops succeeded in reclaiming most of the areas under Boko Haram control. Supported by

¹²³ Watchlist on Children and Armed Conflict 2014 http://www.watchlist.org/wordpress/wp-content/uploads/2111-Watchlist-Nigeria_LR.pdf 4.

¹²⁴ *Annual Report of the Secretary General: Children and Armed Conflict A/69/926-S/2015/409* (2015) para 231.

¹²⁵ *Annual Report of the Secretary General: Children and Armed Conflict A/69/926-S/2015/409* (2015) para 231.

¹²⁶ Agbibo 2015 *Confl Stud* Q 11.

¹²⁷ Agbibo 2015 *Confl Stud* Q 11.

¹²⁸ Agbibo 2013 *Stability* 1-18.

¹²⁹ Nwankpa 2014 *J Terror Res* 74.

¹³⁰ Anon 2013 <http://www.irinnews.org/report/98076/analysis-nigerians-on-the-run-as-military-combat-boko-haram>.

¹³¹ Owete 2013 <http://www.premiumtimesng.com/news/134285-mixed-reactions-trail-declaration-of-state-of-emergency-in-borno-yobe-adamawa.html>.

¹³² Agbibo 2014 *Stud Confl Terror* 60.

the Nigerian Air Force the army has launched attacks against Sambisa forest, which is considered to be a major stronghold of the sect, rescuing captives, arresting insurgents and destroying their weapons.¹³³

The UN High Commissioner for Human Rights (OHCHR), however, has documented a series of human rights violations against Nigerians by the JTF, such as extrajudicial and summary executions, torture, arbitrary detention, enforced disappearances, and rape.¹³⁴ They are also reported to have carried out the intimidation of residents, arbitrary arrests and searches, and the burning of houses and shops belonging to civilians.¹³⁵ In a fire fight between the JTF and the Boko Haram in Baga, a village on Lake Chad near the Nigerian border with Cameroon, almost 185 people were killed and others were injured.¹³⁶ Human rights abuses also exist at the Nigerian military detention facility at Giwa Barracks in Maiduguri, where thousands of Boko Haram suspects (some without concrete evidence to support the suspicion) are detained. Reports exist that due to the overcrowded and unsanitary living conditions, several persons have died, including children.¹³⁷ The children there are either being detained along with their mothers, or have been born while in detention.

In reaction to the perceived failure of the Nigerian military to protect civilians against Boko Haram, the local youths of the affected communities in Borno state, armed with rudimentary weapons such as sticks, machetes, daggers, bows and arrows, have mobilized themselves against Boko Haram elements in their communities.¹³⁸ The group serves to complement the counter-terrorism efforts of the JTF.¹³⁹ The group, which has officially been recognised as the Civilian Joint Task Force (CJTF), due to its numerical strength and local knowledge, has been able to successfully track down some insurgents in their communities, whom they have either killed or handed over to security operatives.¹⁴⁰ They work with

¹³³ Anon 2015 <http://www.premiumtimesng.com/news/headlines/194654-sambisa-forest-battle-3-soldiers-killed-as-nigerian-army-commences-attack-on-boko-haram.html>.

¹³⁴ *Report of the UN High Commissioner for Human Rights on Violations and Abuses Committed by Boko Haram and the Impact on Human Rights in Affected Countries* UN Doc A/HRC/30/67 (2015) para 56.

¹³⁵ Amnesty International 2015 <http://www.amnestyusa.org/sites/default/files/report.compressed.pdf>.

¹³⁶ Anon 2013 <http://www.premiumtimesng.com/news/130680-185-killed-in-borno-town-baga-as-soldiers-boko-haram-fight.html>.

¹³⁷ Amnesty International 2016 <http://mb.cision.com/Public/13179/2005970/a7b36e15b192bee3.pdf>.

¹³⁸ Agbibo 2015 *Confl Stud* Q 13.

¹³⁹ Agbibo 2015 *Confl Stud* Q 13.

¹⁴⁰ Agbibo 2015 *Confl Stud* Q 14.

the Nigerian soldiers, providing local intelligence, and they man some checkpoints in Maiduguri.¹⁴¹ However, they have also fallen as casualties to Boko Haram. In June 2015 a suicide bomber killed three CJTF and injured several others at a checkpoint in Maiduguri.¹⁴² Hundreds of CJTF members have been killed while trying to prevent bomb-strapped insurgents from detonating their bombs in large crowds.¹⁴³

6.1 Counter-insurgency operations

It is the right and duty of a State facing insurgency to take counter insurgency measures to ensure public security,¹⁴⁴ but the United Nations General Assembly in Resolution 60/288 requires such measures to comply with the provisions of international human rights and humanitarian law.¹⁴⁵ The insurgency as well as the government's counter-insurgency operation has claimed the lives of hundreds of civilians, including children. Rather than calming the situation in the states, the JTF has heightened the fear of the inhabitants. Children have been killed, orphaned and displaced by the activities of the JTF. The failure on the part of the military to protect the citizens led to the CJTF, which now serves as an avenue for the violation of children's rights. Concerned about this problem, the African Commission on Human and Peoples' Rights in its concluding observation in the Nigeria 5th Periodic Report urged the Nigerian government to ensure that counter-insurgency operations are conducted in full accordance with international and regional human rights standards.¹⁴⁶

The Nigerian government appears to have failed in its obligation to ensure that children do not participate in hostilities, as required by the CRC, ACRWC and section 34 of the CRA 2003.¹⁴⁷ The CJTF, which consists largely of teenagers without basic education, some of whom have lost their

¹⁴¹ Ogene 2014 <http://www.aljazeera.com/indepth/features/2014/05/nigerian-vigilantes-aim-rout-boko-haram-2014526123758444854.html>.

¹⁴² Anon 2015 <http://www.saharareporters.com/2015/06/13/male-suicide-bomber-kills-3-civilian-jtf-members-near-maiduguri>.

¹⁴³ Otuchikere 2015 <http://www.allafrica.com/stories/201506300050.html>.

¹⁴⁴ Odomovo 2014 *Age Hum Rts J* 50-51.

¹⁴⁵ *UNGA Resolution on the United Nations Global Counter-Terrorism Strategy A/RES/60/288 (2006) Annex IV para 2.*

¹⁴⁶ *Concluding Observations and Recommendations on the 5th Periodic Report of the Federal Republic of Nigeria on the Implementation of the African Charter on Human and Peoples' Rights (2011-2014)* (2015) paras 96-97. Also see the *Report of the UN High Commissioner for Human Rights on Violations and Abuses Committed by Boko Haram and the Impact on Human Rights in Affected Countries* UN Doc A/HRC/30/67 (2015) para 81(c).

¹⁴⁷ Section 34 of the CRA 2003 prohibits the recruitment of children into the armed forces of Nigeria.

parents and siblings to the insurgency, are on a revenge mission.¹⁴⁸ According to UNICEF, OHCHR, and the Protection Sector Working Group, children are joining the ranks of the CJTF in increasing numbers and being used in the fight against the insurgency.¹⁴⁹ Watchlist¹⁵⁰ noted that the CJTF forcefully recruits young men, and boys as young as 13 years old. Lack of education and an occupation is the reason some of these youths are involved in the fight against the insurgents. As there is no formal process of drafting in members of the group, it is feared that the youths could become new militias if not properly regulated and their activities could incite the Boko Haram into more attacks.¹⁵¹ It is disheartening that the government of Borno State gives a monthly allowance to an unorganised group which claims to be fighting the insurgency.¹⁵²

6.2 Meeting the humanitarian and educational needs of child victims

According to the *UN Guiding Principles on Internal Displacement*,¹⁵³ and the UN Resolution 46/182 of 1991,¹⁵⁴ the state has the primary role in the protection and provision of humanitarian assistance to IDPs within its territory. The fact that IDPs remain within the borders of their country means that it is their own government that bears primary responsibility for protecting and assisting them.¹⁵⁵

Nigeria has received international support to take care of the increasing needs of those affected by the insurgency. Following the repeated attacks on schools and the abduction of over 200 Chibok girls in 2014, the Safe Schools Initiative was launched by the UN Special Envoy for Global

¹⁴⁸ Agbibo 2015 *Confl Stud* Q 13.

¹⁴⁹ UNICEF 2015 http://www.unicef.org/media/files/Child_Alert_MISSING_CHILD_HOODS_Embargo_00_01_GMT_13_April.pdf 6, Protection Sector Working Group 2015 https://www.humanitarianresponse.info/en/system/files/documents/files/idp_protection_strategy_march_2015_1.pdf 8; *Report of the UN High Commissioner for Human Rights on Violations and Abuses Committed by Boko Haram and the Impact on Human Rights in Affected Countries* UN Doc A/HRC/30/67 (2015) para 66

¹⁵⁰ Watchlist on Children and Armed Conflict 2014 http://www.watchlist.org/wordpress/wp-content/uploads/2111-Watchlist-Nigeria_LR.pdf 29.

¹⁵¹ Anon 2013 <http://www.irinnews.org/fr/report/99320/civilian-vigilante-groups-increase-dangers-in-northeastern-nigeria>.

¹⁵² Anon 2015 <http://www.informationnigeria.com,2015/12/shettima-meets-civilian-jtf-%2%80%8eunfolds-welfare-package-for-members.html>.

¹⁵³ Principle 25 of the *UN Guiding Principles on Internal Displacement*, also see Rerries and Winthrop Education and Displacement.

¹⁵⁴ Adopted by the UN General assembly at its 78th meeting on 19 December 1991 (*UNGA Resolution A/RES/46/182* (1991)) para 4.

¹⁵⁵ Ladan "Strategies for Adopting the National Policy on IDPs" 4.

Education and the former United Kingdom Prime Minister, Gordon Brown, at the World Economic Forum in Nigeria, with an initial donation of \$10 million. The purpose of the initiative is to strengthen the #BringBackOurGirls campaign and to ensure that all schools in Nigeria are safe from attacks in the future,¹⁵⁶ as it seeks to build community security groups to promote safe zones for education.¹⁵⁷

In addition to health, nutrition and other survival needs, including psychosocial services,¹⁵⁸ UNICEF has contributed its own quota to the provision of education to IDP children across the north-eastern region.¹⁵⁹ Through partnership with the government, it has supported the training of teachers. In Yobe, UNICEF has provided temporary learning spaces for the education of IDP children, as well as teaching and learning aids. In Dalori camp in Borno State, the state Coordination Committee supported by UNICEF enrolled 4737 children in school. UNICEF provided pedagogical materials to Borno SUBEB for the children enrolled, and also transport to and from school, to meet parent's security concerns. It also established two in-camp temporary learning spaces in UNICEF tents for children aged between 3 and 5 years.¹⁶⁰ As of 1 October 2015, 6300 children have been able to undertake schooling in a more appropriate environment through UNICEF school support programmes.¹⁶¹ Also, the Back to School campaign in Borno and Yobe has led to the enrolment of 170 432 children previously out of school.¹⁶²

The support rendered by these bodies is limited to only some camps, reaching just a fraction of the numbers of IDPs. The major burden lies with the Nigerian government, having regard to its international human rights obligations to address the issues affecting persons displaced by the Boko Haram insurgency.¹⁶³ However, the government has not been able to

¹⁵⁶ A World at School 2014 <http://www.aworldatschool.org/news/entry/safe-schools-initiative-launched-in-nigeria>.

¹⁵⁷ Office of the UN Special Envoy for Global Education 2014 <http://educationenvoy.org/press-release-safe-schools-initiative-launched-at-world-economic-forum/>.

¹⁵⁸ UNICEF 2015 http://www.unicef.org/media/files/Child_Alert_MISSING_CHILD_HOODS_Embargo_00_01_GMT_13_April.pdf 9.

¹⁵⁹ UNICEF 2015 http://www.unicef.org/appeals/files/UNICEF_Nigeria_Sitrep_North_East_1_June_2015.pdf.

¹⁶⁰ UNICEF 2015 http://www.unicef.org/appeals/files/UNICEF_Nigeria_Sitrep_North_East_1_June_2015.pdf.

¹⁶¹ UNICEF 2015 http://www.unicef.org/appeals/files/UNICEF_Nigeria_Humanitarian_Report_1_Oct_2015.pdf.

¹⁶² UNICEF 2015 http://www.unicef.org/appeals/files/UNICEF_Nigeria_Humanitarian_SitRep_1_Nov_2015.pdf.

¹⁶³ Principle 25 of the *UN Guiding Principles on Internal Displacement* para 4.

meet the humanitarian needs of the IDPs, probably because their needs outweigh its current capacity to address them, and also its limited understanding of the rights of IDPs.¹⁶⁴ National efforts to respond to displacement and to mitigate its long-term effects on IDPs and host communities tend to be fragmented, uncoordinated and inadequate, and most of the assistance IDPs receive is provided by host communities.¹⁶⁵

Most of the IDPs live in host communities with little access to humanitarian support, putting additional strain on the already stretched health, education and social services.¹⁶⁶ The IDP camps are witnessing an increasing influx of IDPs who cannot sustain themselves, as host communities are less able to absorb the large crowds. The camps are struggling to accommodate the increasing number of displaced people, who find themselves subject to unhealthy living conditions. Many children are malnourished as no adequate provision is made to feed them.¹⁶⁷

The condition of the families displaced as a result of the conflict exemplifies how war can effect a population, and how child development is dramatically altered by war.¹⁶⁸ IDPs have been identified as a special category of concern, as they are among the most vulnerable to human rights abuses.¹⁶⁹ The ratification of the *Kampala Convention* places an obligation on the Nigerian government in responding to the Boko Haram insurgency to ensure children's access to education.¹⁷⁰ Though the provision of regular school structures may not be achievable in the short term, concrete efforts must be made to ensure that children do not miss out of education as a result of their being displaced. Nigeria ratified the *Kampala Convention* in April 2012 and submitted a draft policy on IDPs¹⁷¹ domesticating its provisions to the Federal Executive Council, but to date the policy is yet to be adopted.¹⁷²

The federal government has failed to make good the rebuilding of the damaged schools in the areas that are safe enough for habitation.

¹⁶⁴ Protection Sector Working Group 2015 https://www.humanitarianresponse.info/en/system/files/documents/files/idp_protection_strategy_march_2015_1.pdf 6.

¹⁶⁵ IDMC 2014 <http://www.internaldisplacement.org/assets/library/Africa/Nigeria/pdf/201412-af-nigeria-overview-en.pdf>.

¹⁶⁶ UNICEF 2015 http://www.unicef.org/media/files/Child_Alert_MISSING_CHILD_HOODS_Embargo_00_01_GMT_13_April.pdf 2.

¹⁶⁷ UNICEF 2015 http://www.unicef.org/media/files/Child_Alert_MISSING_CHILD_HOODS_Embargo_00_01_GMT_13_April.pdf 9.

¹⁶⁸ Betancourt and Khan 2008 *Int'l Rev Psychiatry* 323.

¹⁶⁹ Mooney 2005 *RSQ* 15.

¹⁷⁰ Article 9(2)(b) of the *Kampala Convention*.

¹⁷¹ Federal Republic of Nigeria *National Policy on IDPs*.

¹⁷² Ladan "Strategies for Adopting the National Policy on IDPs" 11.

Reintegration efforts are almost non-existent as a result of the state's focus on short-term humanitarian responses. Hence, few resources have been dedicated to the pursuit of durable solutions for IDPs to facilitate their return, their local integration or their sustainable settlement elsewhere in the country.¹⁷³

The education of the victims is virtually non-existent in some camps. Of the 78 IDP camps, 33 do not have access to education. In the other 45 camps, 35 have an education facility in the camp, while the other 10 have educational facilities situated outside the camps.¹⁷⁴ In an IDP camp in Taraba State, despite having lived there for almost two years, children were found roaming about without any form of education being offered to them.¹⁷⁵ In one of the IDP camps in Sangere, Yola State, the schools for IDP children are run by 58 parents who are equally displaced, despite their receiving assistance only from non-governmental organisations and kind-hearted individuals but not from the government.¹⁷⁶

The problem of corruption, which is endemic in Nigeria, has also reared its ugly head, to compound the burden of the IDPs. The level of exploitation has reached staggering heights as some persons in charge of IDP camps have begun to profit from the situation of the IDPs either through redirecting the funds meant for their care or through inflating their numbers in order to get more funds.¹⁷⁷ Recently some high-profile politicians and top military officers were arrested and are currently facing trial over a two billion dollar (\$2 billion) arms contract deal which was allocated for the procurement of arms to be used in the fight against the insurgency. This sum was allegedly misappropriated by the office of the National Security Adviser, Colonel Sambo Dasuki, who oversaw the fight against Boko Haram during President Goodluck Jonathan's administration.¹⁷⁸

¹⁷³ IDMC 2014 <http://www.internaldisplacement.org/assets/library/Africa/Nigeria/pdf/201412-af-nigeria-overview-en.pdf> 14.

¹⁷⁴ IOM and NEMA 2015 https://nigeria.iom.int/sites/default/files/dtm/01_IOM%20DTM%20Nigeria_Round%20VII%20Report_20151223.pdf 9.

¹⁷⁵ Oyewobi 2016 <http://www.premiumtimesng.com/regional/north-east/196920-nhrc-decries-neglect-of-4000-idps-in-taraba.html>.

¹⁷⁶ Ajayi 2015 <http://www.premiumtimesng.com/regional/north-east/194074-boko-haram-nigeria-human-rights-commission-laments-number-of-out-of-school-children.html>.

¹⁷⁷ Ogundamisi 2015 <http://www.premiumtimesng.com/exploitation-of-internally-displaced-persons-in-nigeria-by-kayode-ogundamisi/>.

¹⁷⁸ Anon 2015 <http://www.vanguardngr.com/2015/12/dasukis-arms-deal-scandal-and-blood-of-the-innocent/>.

7 Recommendations

The present situation in north-eastern Nigeria as a result of the Boko Haram insurgency calls for urgent intervention. Thus, the Nigerian government needs to take proactive steps to nip the insurgency in the bud so that peace can return to the region. The use of the military in fighting the insurgency is commendable, but the government needs to pursue a more comprehensive strategy that addresses the economic and social roots of the crisis. Measures should address the prevalence of poverty and unemployment and low level of education among youths in the north, because this group is a potential weapon in the hands of the insurgents. The government should expose and bring to justice Boko Haram activists, their funders, and those who are benefitting from the conflict. The Nigerian immigration service needs to be effectively equipped to guard especially the Nigeria-Chad and Nigeria-Cameroon borders to prevent the influx of illegal aliens that support the insurgent group.

As security cannot be promoted at the expense of human rights, the counter insurgency operations should uphold the rule of law and abide by international human rights standards. The military must ensure that it conducts its operations more professionally in order to minimise collateral casualties and damage to livelihoods. There is a need for the adoption of the draft policy on IDPs as the absence of a law and policy framework that clearly defines the roles and responsibilities hampers the coordination of humanitarian and development efforts to mitigate the effects of displacement on children.

Education is a basic right and its availability in emergencies can provide life-saving information, protect children from trafficking, recruitment by armed groups, and psychosocial trauma.¹⁷⁹ In the long term, it can promote peace and post-conflict reconstruction and help young people develop the skills and qualifications that will equip them to live meaningful lives after the conflict ends.¹⁸⁰ Vernor Munoz¹⁸¹ notes that the humanitarian emphasis on food, health and shelter ought to be extended to the people's overall welfare, which includes education.

As the emotional, social and physical development of young children has a direct effect on their overall development and on the adults they will

¹⁷⁹ Coursen-Neff "Attacks on Education" 111.

¹⁸⁰ Coursen-Neff "Attacks on Education" 111.

¹⁸¹ *Report of the Special Rapporteur on the Right to Education* UN Doc A/HRC/8/10 (2008) para 31.

become, understanding the need to invest in all children is important so as to maximise their future well-being.¹⁸² Education can help children recover from the post-traumatic effects of armed conflict. A study evaluated a school-based psychosocial intervention in conflict-affected Nepal and showed moderate reductions in general psychological difficulties.¹⁸³ The Nigerian government should thus direct efforts at rebuilding the schools destroyed by the insurgents. The rebuilding of the schools in areas still under attack is not recommended, as they might be razed to the ground again by the insurgents, leading to a wastage of resources. Pending the return of peace to the region the government should attempt to provide basic education to the affected children in the IDP camps and host communities through building temporary school structures, recruiting teachers, providing teaching and learning materials, or through alternative methods such as broadcasting lessons over the radio or establishing classes in safe community spaces.

Further, children should be encouraged to return to school through the provision of scholarships and other incentives as motivation when the insurgency is over. This motivation could be achieved by the establishment of a school structure that is child friendly, which could be achieved through the provision of adequate facilities for play, recreation and meals while at school. There should be adequate provision of security personnel in these schools and also an internal school security system so as to reassure the teachers and the children of their safety.

In addition, the government should provide all necessary support to the children and teachers who were forced to flee the region, towards their rehabilitation and resettlement.¹⁸⁴ Displacement is a consequence of war which leaves children separated from their loved ones. In this situation they face hunger, sickness, other human rights violations, and even death.¹⁸⁵ In line with its obligations under the CRC¹⁸⁶ and ACRWC,¹⁸⁷ the government should put in place measures to assist children to trace their parents, and thus reunite families who have been separated by the conflict.

¹⁸² Rolnick and Grunewald 2003 <http://www.minneapolisfed.org/~media/files/publications/studies/earlychild/abc-part2.pdf> 7.

¹⁸³ Jordans *et al* 2010 *J Child Psychol Psychiatry* 818.

¹⁸⁴ Article 39 of the CRC.

¹⁸⁵ Albertyn *et al* 2003 *Paediatric Surgery International* 228.

¹⁸⁶ Articles 9-10 of the CRC.

¹⁸⁷ Articles 23, 25(2)(b) of the ACRWC.

The government also needs to end the activities of the CJTF, especially the recruitment of children into its ranks. Steps must be taken to ensure that such children withdrawn from the CJTF reintegrate into their communities and get enrolled in school. The Boko Haram insurgents need to uphold their obligations under international law by stopping attacks on schools and returning abducted children to child protection actors for reunion with their families. Where reunion is not feasible, alternative care should be provided appropriate to the situation of a child deprived of parental care.

8 Conclusion

The protection of children affected by armed conflict is the primary duty of states, but the Nigerian government has not been impressive in its response to the humanitarian needs of children affected by the ongoing insurgency. Despite the government's acknowledgement of the importance of education to national development, no significant attempt has been made to ensure the provision of education to children affected by the insurgency. Nigeria has ratified the *Kampala Convention* and has various relevant commitments under international human rights law, yet the government has failed to provide adequate protection of the children affected by the insurgency. In the face of this, there is need for the government to take proactive steps in line with the recommendations above to ensure a better life for those families affected by the insurgency.

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List of Abbreviations

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|--------------------------------|---|
| ACRWC | African Charter on the Rights and Welfare of the Child |
| Afr J Psychol Study Soc Issues | African Journal for the Psychological Study of Social Issues |
| Age Hum Rts J | Age of Human Rights Journal |
| AJER | American Journal of Educational Research |
| Am J Orthopsychiatry | American Journal of Orthopsychiatry |
| Am J Public Health | American Journal of Public Health |
| Am J Soc Sci | American Journal of Social Sciences |
| Am UJ Int'l L & Pol'y | American University Journal of International Law and Policy |
| AP1 and AP2 | Additional Protocols of 1977 |
| AU | African Union |
| BJE | British Journal of Education |
| CESCR | Committee on Economic Social and Cultural Rights |
| CFRN 1999 | Constitution of the Federal Republic of Nigeria, 1999 |
| CJTF | Civilian Joint Task Force |
| Confl Stud Q | Conflict Studies Quarterly |
| CRC | Convention on the Rights of the Child |
| CRA 2003 | Childs Rights Act, 2003 |
| DPKO | United Nations Department of Peacekeeping Operations |
| EFA | Education for All |
| EJEDP | European Journal of Education and Development Psychology |
| GCIV 1949 | Fourth Geneva Convention 1949 |
| ICESCR | International Covenant on Economic Social and Cultural Rights |
| ICRC | International Committee of the Red Cross |

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|--------------------------------|---|
| IDMC | Internal Displacement Monitoring Centre |
| IDPs | Internally Displaced Persons |
| IJAAAS | International Journal of African and African American Studies |
| Int'l J Asian African Stud | International Journal of Asian and African Studies |
| IJEAPS | International Journal of Education Administration and Policy Studies |
| IJLD | International Journal of Learning and Development |
| Int'l J Child Rts | International Journal of Children's Rights |
| Int'l Rev Psychiatry | International Review of Psychiatry |
| IOM | International Organisation for Migration |
| J Am Inst Crim L & Criminology | Journal of the American Institute of Criminal Law and Criminology |
| J Appl Econ | Journal of Applied Economics |
| J Child Psychol Psychiatry | Journal of Child Psychology and Psychiatry |
| J Educ Hum Dev | Journal of Education and Human Development |
| J Terror Res | Journal of Terrorism Research |
| Jadavpur J Int'l Rel | Jadavpur Journal of International Relations |
| JRES | Journal of Research in Education and Society |
| JTF | Joint Task Force |
| MDGs | Millennium Development Goals |
| MRM | Monitoring and Reporting Mechanism |
| NEMA | National Emergency Management Agency |
| NDHS | Nigerian Demographic and Health Survey |
| NPE | National Policy on Education |
| OHCHR | United Nations High Commissioner for Human Rights |
| OOSC | Out-of School-Children |
| OSRSG CAAC | Office of the Special Representative of the Secretary-General-Children Affected by Armed Conflict |
| PJSS | Pakistan Journal of Social Sciences |
| PTSD | Post Traumatic Stress Disorder |
| RJFA | Research Journal of Finance and Accounting |
| RSQ | Refugee Survey Quarterly |
| Stud Confl Terror | Studies in Conflict and Terrorism |
| SUBEB | State Universal Basic Education Board |
| UBE | Universal Basic Education |

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|---------|--|
| UBE Act | Compulsory, Free Universal Basic Education Act, 2004 |
| UBEC | Universal Basic Education Commission |
| UN | United Nations |
| UNGA | United Nations General Assembly |
| UNHCR | United Nations High Commissioner for Refugees |
| UNSC | United Nations Security Council |
| UNICEF | United Nation Children's Emergency Fund |
| UNESCO | United Nations Educational, Scientific and Cultural Organisation |