GLOBAL JUSTICE AND SECURITY: THE IMPACT ON WOMEN'S HEALTH IN THE GLOBAL SOUTH

BY

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INTRODUCTION

This work is an analysis of impact of global justice and security on the health of women. It places particular emphasis on women in the global south. This work addresses the significant interactions between justice and security on one part, the consequences for the mental health of the women involved and the gender specific aspects of treatment hereof. War is increasingly touching civilians, and has consequences for the health of all involved, but many aspects of war affect the health of women disproportionately. Thus, wars have brought immense sexual violence and pervasive social changes into the lives of women. In situations of armed conflict, women and children are the most vulnerable. Life is often marked by loss of family members, of social network, and of social position due to e.g. widowhood or unemployment. Together with the economic effects of war and the difficult access to basic supplies, this places women in a vulnerable social position. It is a fact that violence in wartime permeates the entire society but this is particularly the case in patriarchal societies - as long as women are true to their gender roles they are seen as valuable, performing functions as nurses, wives, mothers or prostitutes. Due to the absence of men who are at war, or killed, the female gender role changes as women get greater responsibility as breadwinners. In such situations women may develop a new autonomy and new skills. Adequate medical care in post-war countries is rarely available, and women may suffer from war-induced health problems without receiving adequate medical care.¹ A cardinal question that this work seeks to answer is "why are women's health affected in crisis situations?" All these shall be addressed in this work and concluding suggestions shall be made view a view of remedying, or in the least, alleviating the situation.

THE CONCEPT OF JUSTICE

Justice is a concept we believe we understand even if we have difficulty putting the concept into words. Justice is defined by the relationship that exists between the individual and the state, and justice means that the state treats every person equally and seeks to resolve disputes on the basis of the facts and compared to objective criteria rather than a subjective determination. Justice in the broadest sense is fairness. Just as we cannot assure that every dispute comes out "correctly" or that no mistakes are made, but it should be such as to assure that the process by which decisions are made and goods allocated is fair and produces an acceptable result in the aggregate, even if an individual case justice might fail.

Justice occurs when the distribution of political power and economic opportunity is as uniform as possible or when the social and political system is such that they tend toward a just distribution even if it is not achieved. Justice is clearly an ideal, and ideals are to be sought but may not be achievable. Justice is thus not defined by

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outcome but by the fairness of the process leading to an outcome. Justice has been a primary concept to be examined and defined by political and philosophical thinkers throughout history, and many have tried to develop a concept of an ideal state that would be based on justice. Aristotle sought justice and defined it as the chief basis of the state. Justice in this sense governs our dealings with other people.

The desire for justice is an innate characteristic of the human condition. To understand justice, one must first acknowledge the root cause of this idea. Justice is a tool implemented by mankind in an attempt to protect society from the 'wrongs' committed against members of society. It is not realistic to prevent all wrongs before they happen, thus a system must be implemented to compensate for the wrongs after they have been committed. At the root, most if not all wrongs which are committed can be attributed to a lack of respect between members of society. Justice serves as a means of encouraging the mutual respect amongst members of a society by punishing those who illustrate a lack of respect.

Upon examining the systems of justice which have been implemented throughout the history of mankind, it becomes evident that the lack of respect amongst the members of society has been of great concern. While the actual retributions for the wrongs committed against society have varied a great deal from one society to the next, the essential nature of these wrongs are derived from the necessity of respect for a functional society. There is one common issue which confronts all societies, namely, self-sustainability. In pursuit of self-sustainability, the implementation of justice into society is a means by which society weighs the costs associated with justice against the benefits the society will gain. Wrongs committed against society which pose a great harm to the members of the society are seen as worthy of sacrifices by the society as whole.

Justice is a man made concept. It does not exist in nature. Man created justice in an effort to establish harmony in society. Throughout the years, rules and regulations were written into laws by which citizens are expected to live by. These laws are the basis of our judicial system. Laws, rules and regulations are so prevalent in our lives that it has almost become a cosmic reality. We have come to believe that what is right will be rewarded and what is wrong will be punished. That is where reality becomes distorted. Bad things happen to good people and good things happen to bad people. That is a fact. That's how life is and we must accept that reality even is it goes our sense of fairness and what we believe that justice should be. Justice is a concept that is difficult to consider objectively, and far more difficult to apply objectively. We are hindered by our perceptions and prejudices to consider justice applying to those we hate, disregard, or consider unworthy. It is because of our subjective natures that we often confuse justice with revenge, apathy, or neglect. If we accept simple platitudes such as justice is punishment for breaking the law, reward for services performed,

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2. Ibid
4. Ibid
or receiving only what is due each person, then we must also accept that justice may have equally simplistic meanings to others who hate, disregard, or consider us unworthy.\footnote{Koecke T., “The Concept of Justice”, available at \url{http://www.helium.com/items/1241342-understanding-the-concept-of-justice}, visited on 19/3/2012}

Justice may be said to fall into two broad camps thus:

1. Justice as a Set of Ideals: Norms of justice tells us how a society would have to be structured to be morally flawless. Satisfying these norms does not make a society literally the best imaginable from a moral point of view, but it does put it and everyone within that society above moral reproach.\footnote{Brennan J., “Two Concepts of Justice”, available at \url{http://bleedingheartlibertarians.com/2011/03/two-concepts-of-justice/}, sourced on 20/3/2012}

2. Justice as a Problem-Solver: Human beings face a problem: how to live together in morally good way despite having conflicts of interest, limited altruism, and limited competence. “Justice” refers to the moral norms that would make the best of this situation, without imagining these problems to have gone away. A society that eliminates even potential conflicts of interest, has perfect altruism, etc., doesn't achieve justice, but transcends it.\footnote{Ibid}

Justice has been viewed as behavior to oneself or to another which is strictly in accord with currently accepted ethical law or as decreed by legal authority.\footnote{Friedman F., The New Webster's Dictionary of the English Language, (U.S.A, Lexicon Publications, Inc., 2004) p. 532}

\textbf{THE CONCEPT OF SECURITY}

The concept of security has evolved from a narrow focus on military-strategic security centred on the state to a broad and multidimensional understanding of “human security.” The latter encompasses basic economic needs, environmental equilibrium, cultural identity and political liberty. Within the discipline of security studies and its variants, there has been much debate on the issue, with some scholars calling for continuity and others pushing for a fundamental rethinking of the scope of the discipline. Here, we take the wider conception as appropriate for the simple reason that it follows from the fundamental question: security for whom? The answer, clearly, is “people” rather than the state, to which the traditional conception of security attaches. From the standpoint of ordinary people, the state is, properly speaking, no more than an instrument, albeit a vital one, for the achievement of security. And people's security must necessarily encompass a range of physical and social needs that are best captured by the conception of “human security.”\footnote{Basrur R.M., “Human Security, the State and Democracy in A Globalising World,” in Rajesh M. Basrur, ed., Security in the New Millennium: Views from South Asia (New Delhi: India Research Press, 2001) p. 1} It is against this background that Basrur quoted the former Canadian External Affairs Minister, Lloyd Axworthy, in the following words:

\begin{quote}
It includes security against economic privation, an acceptable quality of life, and a guarantee of fundamental human rights. This concept of human security recognizes the complexity of the human environment and accepts that the forces influencing human security are interrelated and mutually reinforcing. At a minimum, human security requires that
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basic needs are met, but it also acknowledges that sustained economic
development, human rights and fundamental freedoms, the rule of law,
good governance, sustainable development and social equity are as
important to global peace as arms control and disarmament. It
recognizes the links between environmental degradation, population
growth, ethnic conflicts, and migration.\textsuperscript{12}

The scope, understanding and dimensions of security is viewed from diverse tributaries,
but with a confluence of thought in the safety and security of the individual, security of
installations and security of information.\textsuperscript{13} It has been argued that security is all about
national interest and involves "the sum total of actions and measures, including legislative
and operational procedures, adopted to ensure peace, stability and the general well being of
a nation and its citizens."\textsuperscript{14} Security can be generally explained in the classical and
traditional sense. On this note, it has been remarked that "the cold-war era
conceptualization of national security, perceived it in terms of the amassment of military
armaments and personnel."\textsuperscript{15} This is believed to be myopic as modern challenges have
redefined security.\textsuperscript{16}

Sun Tzu, a Chinese military strategist, holds a contrary view when he comments
that "to win one hundred victories in one hundred battles is not the acme (Hallmark) of
skill. But to subdue an enemy without fighting is the acme of skill."\textsuperscript{17} On this note, it can be
conveniently said that contemporary understanding of security has been expanded to
include non-military threats and protection of social welfare, consequently, modern
concept of national security includes social, economic, cultural, technological and political
considerations. Bearing this in mind, a security expert had this to say:

Any society that seeks to achieve adequate military security against the
background of acute food shortages, population explosions, low level of
productivity and per capital income, low technological development,
inadequate and inefficient public utilities, and chronic problem of
unemployment, has a false sense of security.\textsuperscript{18}

Human security has been said to be determined both by states and by non-state forces.
Though the state is in many respects a weakened entity, it still retains significant capacities
to shape its multi-faceted environment with regard to the security of its citizens. Put
another way, ordinary people still depend primarily, though not exclusively, on the state for
their security. They depend on the state to:

a. secure them from foreign military threats by means of defence preparedness, if
   necessary with external assistance;

b. carry out appropriate economic policies that maximise their material well-being
   by shaping the domestic economy and by regulating the interaction between the


\textsuperscript{13} Ogah P., "Law and Security in Nigeria: The Role of the Military" in Law and Security in Nigeria, Azinge E.,
et al., (eds.) (Lagos: NIALS Press, 2011) p. 73

\textsuperscript{14} Ibid, quoting Ozoemena Mbachi, a former Head of Defence Studies, Nigerian Defence Academy.

\textsuperscript{15} Ibid, quoting Brig. Gen. J.O. Olorunfemi (rtd)

\textsuperscript{16} Ibid, at p. 73

\textsuperscript{17} Ibid, at p. 74

\textsuperscript{18} Robert McNamara, a former US Secretary of Defence, quoted ibid, at p. 74.
domestic and the global economies;
c. manage the environment by means of domestic and inter-state regulation;
d. protect and promote their cultural identity by regulating the linkages between the national community and the rest of the world; and

e. Conserve and advance their political identity and freedoms by creating a firmly-founded democratic political community that guarantees human rights.  

SECURITY CHALLENGES IN THE GLOBAL SOUTH

Factors militating against security in Nigeria include the following:
1. Religious violence
2. Electoral violence
3. Emergence of ethnic militia
4. Kidnapping
5. Failing education system
6. Poverty
7. Unemployment
8. Executive lawlessness

THE VULNERABLE GROUP IN THE FACE OF INSECURITY

Some groups of women and girls are particularly vulnerable in conflict and displacement situations. These include targeted ethnic groups, where there is an official or unofficial policy of using rape as a weapon of genocide. Unaccompanied women or children, children in foster care arrangements, and lone female heads of households are all frequent targets. Elderly women and those with physical or mental disabilities are also vulnerable, as are those women who are held in detention and in detention-like situations including concentration camps.

SECURITY CHALLENGES AND THE HEALTH OF WOMEN

War, conflict and all kinds of armed battle have horrible impacts. Society is torn apart, often having to be rebuilt from the grassroots. People find themselves crushed by injury, their means of livelihood being thwarted by an exchange of fire and their lives itself, smashed to smithereens with them left to pick up the pieces. But of the lot, women are known to be the worst sufferers of conflict. As report after report seems to underline the fact, the trend still continues in the same direction. World over, women are the greater part of the segments of society that flee from the scene of conflicts. With most of the men folk taking to the armed forefronts, women find themselves being made the sole breadwinner of their families. Coupled with the economic considerations, there is always the looming threat of sexual violence. Oftentimes, the bodies of women become the battleground, as combatants and non-combatants exploit women sexually. Why is sexual violence so common on every warfront? Why are women the easiest targets? In this part, we shall concentrate on the various forms of hazards faced by women in the face of insecurity and their health challenges.

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19 Basrur R.M., loc cit
20 Ibid, at p. 1
SOME FORMS OF VIOLENCE RESULTING FROM CONFLICT/REFUGEE SITUATIONS

Mass rape, military sexual slavery, forced prostitution, forced “marriages” and forced pregnancies
Multiple rapes and gang rape (with multiple perpetrators) and the rape of young girls
Sexual assault associated with violent physical assault
Resurgence of female genital mutilation, within the community under attack, as a way to reinforce cultural identity
Women forced to offer sex for survival, or in exchange for food, shelter, or “protection”

RAPE

The Nigerian Criminal Code describes rape in the following words: "Any person who has unlawful carnal knowledge of a woman or girl, without her consent, or with her consent. If the consent is obtained by force or by means of threats or intimidation of any kind, or by fear of harm, or by means of false and fraudulent representation as to the nature of the act."

When there is insecurity, especially during war, atrocities such as rape are often committed against civilian women. Rape occurs in areas under attack and in refugee camps. In war, rape is an assault on both the individual woman and her family and community. Many hundreds of thousands of women have been raped in wars in this century alone, as reported in areas as diverse as Korea, Bangladesh, Liberia, Southeast Asia, and Uganda. Bosnian refugees have described how, in the former Yugoslavia, military forces publicly raped women to systematically force families to flee their villages, contributing to the goal of "ethic cleansing." Assaults are often gang-related and sadistic, including other forms of physical torture. These women may also experience loss of home and community, dislocation, injury, and untreated illness, and these women may witness the murder, injury, or rape of loved ones. The effects of these types of trauma are immeasurable, long lasting, and shattering to both inner and outer worlds.

JOS

During the civil disturbances in Jos in 2001, many women were raped and killed. For example, one Justina Emegwara, a student of University of Jos, was raped and killed along Bauchi Road. She was said to have been raped in the presence of her landlord and fellow tenants. Similarly, one Eneata Ogenyi and her husband, travelling from Gombe to Enugu, were caught along Faringada road, raped in the presence of her husband before the husband was killed. Commenting on her event, she lamented as follows:

God is the sole judge between me and those callous, wicked and blood-thirsty beasts. They humiliated me in the presence of my husband and asked him to clap for them while they took turns to sexually humiliate me. Three of them raped mercilessly and my husband was watching helplessly. At the end of it all, they killed him like an animal. Those men will know no peace in their miserable lives. The air they inhale daily shall sentence them to eternal damnation. They have rendered me

\[2\text{Section 357 of the Criminal Code Act}\]
useless but mine shall be better than what their eyes will see under the sun.  

Commenting on the travails of female students living along Bauchi road during the crisis, a resident commented as follows:

On Bauchi Road, I came across beheaded bodies. Even women were not spared. On the same Bauchi road, female students of the University of Jos who rented apartments were raped and set on fire. They were caught unaware right in their rooms, raped and dragged outside before they were killed and burnt.  

KANO

Similarly, in the wake of insecurity in Kano, a female Youth Corps member was reported to have been gang-raped. The Youth Corps member whose name was given as Olutoyin Olubolade and who was serving at Durumi Secondary School, Kurna in Kano municipality, was sexually vandalized by suspects who identified themselves as Abba Garba, 18, Abubakar Suleiman, 17, Nazeephy Malam, and Ali Wara. Vanguard newspaper reported on the September 27, 2011 that the incident occurred in a classroom in the college.

ABA

It is disheartening that security agents who are supposed to protect lives and property have also become threats to live. It has been severally reported that police officers and military men have raped women during peace operations in Nigeria. In Aba, Abia State, one Zainab Chinasu Uwakwe was raped by the Divisional Police Officer (DPO). Zainab was said to have approached the DPO on telephone over a matter her relation had at a police station. But the DPO invited her over for a supposed discussion on the matter, consequent upon which she went to see him but the police officer locked the door and raped her after offering her “suva” and a bottle of drink. The cat was let out of the bag when blood was oozing out her private part and she was gasping for breath. It was reported that immediately that happened, the DPO called in a patrol team led by one inspector to rush her to the hospital. On getting to the hospital, according to the report, the victim, who the police fictitiously gave her name as Princess Nnennne Udah to the hospital authorities, gave up the ghost.

Still in Abia State, one Nnennaya Amagba Mmerem, 75, a native of Akama village of Obinkita community in Arochukwu council area of Abia was raped to death in the night of January 27, 2012. The healthy septuagenarian bade her loved ones good night, went to bed in the hope to continue in life the next day. But unsuspecting Nnennaya ended her life in the wicked hands of randy men who reportedly prowled her

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21 Chuwang B.Y., Wickedness in the Hearts of Men: Jos Crisis in Perspective (Jos: Godiya Press, 2008) p. 89
lonely residence and sexually nailed her to death. The case was formally reported at Arochukwu Police Division.\textsuperscript{23}

**BAUCHI**

In the wake of Boko Haram disturbances in Bauchi, many women have been raped by hoodlums. When there is break down of law and order, various crimes are perpetrated, including rape of women as discussed above. This also happened in Bauchi. Recounting his ordeal and narrating how twenty women were raped by Boko Haram youths in Bauchi recently, Kelechi Isemili, a Corper from Abia State had this to say while talking to Nigeria Standard:

I stayed in the Corpsers’ lodge in Bauchi and none of us ever believe we could be ambushed by any religious bigots. We were shocked to see thousands of able-bodied youths dressed almost half-naked in the wee hours of the day at our temporal residence. Our building was set ablaze and I could not take anything out of the place, except the clothes I had on me alone. To my consternation, when some Hausa women tried to placate them to let us be, they beat, gauge their mouth and raped 20 of them before our eyes. I was crying because I did not know what to do at all.\textsuperscript{24}

**MAIDUGURI**

Going up to Maiduguri, it is no longer news that insecurity of lives and property is currently reigning supreme. Boko Haram sect has made life difficult for Nigerians living in that part of the country. Apart from the menace of this religious sect, other forms of violence and insecurity are prevalent in Maiduguri. Talking about rape, it can be safely said that insecurity in Maiduguri has occasioned sexual assault on women. Hoodlums take laws into their hands and perpetrate evil for no just reason. For example, Grace Ushang, a Youth Corps member was gang-raped to death in Maiduguri. This ugly incident happened on October 1, 2009, the very day that Nigeria celebrated its 49th Independence Anniversary. **NEXT Newspaper** reported that Ms. Ushang from Obudu in Cross River State, a member of the National Youth Service Corps (NYSC) serving in Maiduguri, Borno State, was raped to death by some men who “took offence because she was wearing her Khaki trousers the official uniform of the youth corpers.”

An estimated 200,000 girls and young women were abducted by Japanese soldiers during the 1930s and World War II to serve as sexual slaves to the Japanese Imperial Army in euphemistically named “comfort stations.” Records indicate that Japanese military sought girls and young women who were virgins so as not to infect their men.\textsuperscript{25} Talking about war in Darfur region in Sudan, it has been reported that:

Armyed militias in Sudan's strife-torn Darfur region are continuing to rape women and girls with impunity, an expert from the United Nations


\textsuperscript{25}This was reported by PAMBAZUKA NEWS, also available at http://www.pambazuka.org/en/category/fcatures/59320/print, accessed on 3/2/2012
children's agency said today on her return from a mission to the region. Pamela Shifman, the UN Children's Fund (UNICEF) adviser on violence and sexual exploitation, said she heard dozens of harrowing accounts of sexual assaults including numerous reports of gang-rapes when she visited internally displaced persons (IDPs) at one camp and another settlement in North Darfur last week. "Rape is used as a weapon to terrorize individual women and girls, and also to terrorize their families and to terrorize entire communities," she said in an interview with the UN News Service. "No woman or girl is safe.""39

HARDSHIP AND TORMENTS AS A RESULT OF INDISCRIMINATE ARREST AND DETENTION OF WOMEN

Women pass through a lot of hardship and torments as a result of indiscriminate arrests and detention in situations of insecurity. In Tafawa Balewa, many women were arrested and detained following violence that erupted in 1991 and 1995. Human Rights Monitor, Nigeria reported the travails of Tafawa Balewa women with physical encounter with many of them who narrated their ordeals. For example, Mrs Rhoda John was arrested at the SDP Secretariat on July 2, 1995 along with her six year old son, Hakuri John and one year old daughter, Fibi. They were first taken to toe police station in Tafawa Balewa, thrown into police cell and later released after 4 days. They were however re-arrested few days later and taken to the Criminal Investigation Department (CID) Bauchi where they spent two weeks before being taken to the prison. They remained in Bauchi prison for three weeks and five days before they were granted bail. While in prison, Rhoda, Hakuri and Fibi John slept on the bare floor.39 Recounting her experience, Mrs Rhoda lamented to Human Rights Monitor in the following words:

...That was why they took me upstairs four times for interrogation. After 3 weeks and four days in CID cell, I was taken to the Bauchi prison. In the CID cell I was sleeping on the bare floor, excreta everywhere, and mosquitoes in abundance. We were not eating their food. It was COCIN Church that was giving us food. They were only allowing us to take our bath in the night. No access to relatives. The prison was worse. The suffering was too much. We were sleeping on the bare floor. We had bouts of fever. Their food was too poor. We stayed long in the place, no bail."

The agony of Mrs Rhoda continued in a different form when subsequently she was shot twice in the arm by men of the Nigeria Police Force. In the face of her travails, all efforts to get the Police to foot the cost of her treatment proved abortive. She was left to carry her cross alone and her only consolation was in the fact that "Jesus is with us front and back."

Similarly, Mrs. Elizabeth Simon was arrested on September 7, 1995 along with

39 "UNICEF adviser says rape in Darfur, Sudan continues with impunity". 19 October 2004. UN News Centre.
31 Ibid, at p. 34
32 Ibid, at p. 35
removed him from my hold. They left us. …Some of the pregnant women gave birth in the bush. There was no water or anything and the babies died. One woman gave birth to twins. The twins died. Later the woman too died. There was no body to bury the dead."

**Psychological consequences of insecurity on women**

The psychological consequences of war are well documented and frequently persistent and invalidating. Among the prevailing manifestations are anxiety, depression, irritability, emotional instability, cognitive disturbances, personality changes, behavioural disturbances, neurovegetative symptoms, such as lack of energy, sleep disturbances, and sexual dysfunction. Sexually violated women complain of fear, betrayal, and guilt, and feelings of shame may prevent them from reporting sexual violence. It is important to analyse the manifested symptoms bearing in mind that such behaviour may represent pathology attached to the traumatic experiences themselves or be situation-specific responses to current stresses, racial discrimination or lack of personal control in the new setting. If properly investigated, sexually traumatised women will often be given the diagnosis of post-traumatic stress disorder. Reactions to psychological and sexual trauma seem of a universal nature. However, the severity and cultural interpretations of symptoms, and the coping strategies may vary from culture to culture."

Sexual abuse of women has traditionally been seen as a “by-product of war”. First the rapes of women in former Yugoslavia gave rise to an international outcry of women's organisations and brought the UN in action. It remains to be proved whether it will have any effect in future wars. There are many reasons to focus on gender specific problems in relation to refugees and war victims as women and men face different life situations and have different social roles. Information on gender is essential in planning and evaluating interventions for refugees. Despite the fact that we have guidelines for protecting the rights of refugee women they may not be implemented. Furthermore women may have no access to legal aid, and the perpetrators of violence may receive no punishment. There is an increasing recognition that gender aspects are important when considering refugee laws as women may have special reasons for applying for asylum but also that women may receive no protection from authorities for their abusive partners."

Recently, Amnesty International released a report, "Nigeria: Rape- the Silent Killer" by police and security forces in Nigeria. It stated that rape is endemic in Nigeria as is the abject failure of the Nigerian authorities to bring perpetrators to justice. In the report, Amnesty International found out that the Nigerian Police and security forces commit rape in many different circumstances, both on and off duty. "Rape is at times used strategically to coerce and intimidate entire communities."

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8 Ibid, pp. 29-30

9 See Kastrup M., op cit, p. 30

10 Ibid

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"Ibid


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RAPE AND STIGMATIZATION

Rape is a weapon of war that spreads terror and humiliates and silences women and their families, and it may result in the development of social outcasts, as raped women in some societies are marginalized. Further, life in exile may be full of risks and not providing personal security to women. The situation can be worsened by the cultural attitudes surrounding rape. In Muslim culture, for example, the honor of the woman reflects upon the entire family, and rape is very stigmatizing and shameful. A woman who is raped might fear being expelled from her husband's family or never finding a husband. Some rape victims might also believe that the rape is a punishment for some sin that they have committed. Even if they do not blame themselves, they may feel such a strong cultural responsibility to protect their family that they often remain silent about the trauma.Many of the Bosnian rape victims told no one about what happened to them. Stigma and injustice have surrounded the rape of women for as long as time.

This research has unveiled that many rape victims are unwilling to disclose that they have been raped because of the stigma attached to it. For example, an attack happened on recently in the Niger Delta where two passenger boats were hijacked on their way from Bonny Island to Port Harcourt the capital of Rivers State. Women were raped, including pregnant women but they refused to disclose their identities to the press. The gunmen took at least five women from the boats to a camp deep in the creeks of the swampy oil region and brutally raped them, the military said. The women were forced to lie down on the ground while the gunmen sang and danced around them, one victim said.

FORCED ABORTIONS

Abortion in Nigeria is governed by two different laws. In the predominantly Muslim states of Northern Nigeria, which contain about half the population of the country, the Penal Code, is in effect. In the southern part of the country, which is largely Christian in religion, it is the Criminal Code. While both Codes generally prohibit the performance of abortions, differences in the wording of the Codes, as well as in their interpretation, that have resulted in two slightly different treatments of the offence of abortion.

Under the Penal Code abortion is generally prohibited but without prejudice to some exceptions. Under the Penal Code, which is related to the criminal law of India and Pakistan, an abortion may be legally performed only to save the life of the pregnant woman. Except for this purpose, a person who voluntarily causes a woman with child to miscarry is subject to up to fourteen years' imprisonment and/or payment of a fine. A woman who causes her own miscarriage is subject to the same penalty. Harsher penalties are applied if the woman dies as a result of the miscarriage.

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39 Kastrup M., loc cit
41 Law No. 18 of 1959
42 See section 232 of the Penal Code
Like the Penal Code, the Criminal Code, which is modeled on the English Offences against the Person Act of 1861, permits an abortion to be legally performed only to save the life of the woman. It is provided that “a person is not criminally responsible for performing in good faith and with reasonable care and skill a surgical operation...upon an unborn child for the preservation of the mother's life if the performance of the operation is reasonable, having regard to the patient's state at the time and all the circumstances of the case”.

In A.B. and C. v. Ireland, decided by the European Court of Justice, three women living in Ireland, who became pregnant unintentionally, complained that, because of the impossibility of obtaining a legal abortion in Ireland, they had to go to the United Kingdom for an abortion and that the procedure was humiliating, stigmatising and risked damaging their health. Having or helping anyone to have an abortion is a criminal offence in Ireland. However there is a constitutional right to an abortion where there is a real and substantial risk to the life of the mother. One of the applicants, in remission from a rare form of cancer and unaware that she was pregnant, underwent checkups contraindicated in pregnancy. She understood that her pregnancy could provoke a relapse and believed that it put her life at risk.

Abortion has been defined by the Medical Dictionary as the spontaneous or induced termination of pregnancy before the fetus has developed to the stage of viability. It has also been viewed as expulsion from the uterus of the products of conception before the fetus is viable. On this note, forced abortions are such abortions that are performed without the consent of the pregnant women in question.

It should be noted that forced abortions frequently occur when there is insecurity.

**JOS EXPERIENCE**

It has been reported in Dadin-Kowa area of Jos that s military personnel deployed to the area for peace keeping impregnated both mother and daughter and then coerced the daughter to commit abortion. The lady whose name was given as Cecilia Gyang was said to have been given some drugs which she took and bled profusely till she lost the pregnancy. Unfortunately, the military personnel left the neighbourhood. The lady was said to have been admitted in a private hospital around the area for months while the man responsible for her ordeals was nowhere to be found. Similarly, the mother, a widow whose name was given as Hannatu Gyang, gave birth to a baby girl and she has been catering for the child all alone. Though neighbours interviewed condemned

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43 See section 297 of the Criminal Code. Similarly, any person who, with intent to procure the miscarriage of a woman, unlawfully administers to her any noxious thing or uses any other means is subject to fourteen years' imprisonment. A woman who undertakes the same act with respect to herself or consents to it is subject to seven years' imprisonment. Any person who supplies anything knowing that it is intended to be unlawfully used to procure a miscarriage is subject to three years' imprisonment.

44 [2010] ECHR 2032


46 Ibid
the acts of Mrs Celilia and her daughter, they called on the authorities to fish out this man nicknamed “Major” and bring him to book. They lamented that some security agents sexually harass females instead of protecting them.”

**Female Genital Mutilation**

According to Jekayinha, A. A., “female Genital mutilation (FGM) is a traditional practice that involves cutting or altering the female genitalia as a rite of passage or for other socio-cultural reasons. Female Genital Cutting according to Population Reference Bureau, (2000) is practiced in 28 African countries and in about 20 Middle Eastern and Asian nations.

Mugenzi (1998) commented that FGM is an act of controlling women sexually. World Health Organisation (WHO) (1999), claimed that more than 130 million girls worldwide have undergone female genital cutting also known as female genital mutilation. According to Carr (1997), Female genital mutilation (FGM) exists in sub-Saharan and Northeastern Africa and Central African Republic. Specifically, nine countries were highlighted where FGC is steeped in their tradition. These include Senegal, Mali, Burkina Faso, Egypt, Sudan, Eritrea, Yemen and Uganda. The practice is seen as an impediment to a girl's sexual enjoyment. The practice varies from partial or total removal of external genitalia to the narrowing of vaginal opening. According to shell and Henlud (2000), traditional practitioners who have no medical training medically untrained perform the majority of female genital cutting. The victims are known to practitioners who have no medical experience intense pains, bleeding, painful menstruation, infections or trauma.

The practice, according to doctors, can also be associated with the spread of HIV, the virus that causes AIDS through cuts and abrasions in sear tissue, during intercourse and childbirth. It is also associated with lack of orgasm or sexual gratification and depression (Population Reference Bureau, 2001).

**HEALTH IMPLICATIONS OF FEMALE GENITAL MUTILATION**

According to Brady (2001), many women who undergo female genital cutting have serious health consequences which include shock, pain, infections, injury of the adjacent tissue and organs, urinary retention and tetanus. Long-term effects may include cysts and abscesses, urinary incontinence, psychological and sexual problems and difficulty during childbirth. Obstructed labour may occur if a woman is infibulated. All of these damage a girl's lifetime health.

According to UNICEF, harmful effects of this practice include the following:
- Failure to heal
- Abscess formation
- Cysts
- Excessive growth of scar tissue

*Daron T., “Revisiting security matters in Jos: Proposals for peaceful co-existence” being unpublished Maters Thesis in partial fulfillment of the award of Master of Laws (LL.M) 2011, pp. 68-71

Urinary tract infection
Painful sexual intercourse
Hepatitis and other blood-borne diseases
Reproductive tract infection
Pelvic inflammatory diseases
Infertility
Painful menstruation
Chronic urinary tract obstruction/bladder stones
Obstructed labor
Increased risk of bleeding and infection during childbirth."

Increased susceptibility to HIV/AIDS The eradication of FGM calls for urgent attention in the context of HIV/AIDS as the use of contaminated instrument in the operation could be an important mode of transmission. The risks are evidenced from the fact that the operation is mainly carried out by practitioners of traditional medicine and by traditional birth attendants using unsanitary knives and other instruments in generally unhygienic conditions. The transmission of HIV/AIDS is an obvious danger, alongside the usual gynecological and psychological problems associated with the practice.50 These multiple risks are compounded in the case of infibulations by the need to cut open the infibulated area for childbirth. Carried out with crude, unsterilised instruments and without anaesthesia, the reopening operation causes intense pain and frequently results in infection and heavy bleeding. In the worst of cases it can lead to:
(i) the opening of passages between the vagina and bladder or anus, producing Vesico - Vaginal Fistula (VVF), a condition more commonly associated with the results of obstructed labor in early pregnancy but arising also in some cases from the cutting open of infibulated women;
(ii) Recto Vaginal Fistula (RVF) - where due to age of the pregnant girl whose pelvis and birth canal are not fully developed, relentless pressure from the baby's skull damages the birth canal, causing breakage in the wall, allowing uncontrollable leakage from the bladder into vagina or uncontrollable leakage of faeces.

In summary, sexual violence against women in conflict situations may take any of the following forms:

   a. rape,
   b. forced pregnancy,
   c. Female genital mutilation,
   d. forced abortions,
   e. forced prostitution,


50ibid
f. the exchange of sexual services for food or access to health services.

CONCLUSION

Women and children are the most vulnerable in the context of insecurity. The various experiences in Nigeria point to this obvious fact. Most women have lost their breadwinners and are now left to fend for themselves and their families. It is disheartening that most of these women do not have any formal education and are therefore, left with petty trading to cater for themselves and their families.

If the recurrent security breaches in Nigeria, with the adverse consequences on the health of women, are to be contained, the Civil Society groups and the government must develop concrete crisis minimization strategies before security breaches degenerate to state of anarchy. Peace and reconciliation must be embarked upon in conflict areas with the aid of information gathering and community monitoring mechanisms. In this way, the plight of women would be addressed to a large extent with attainment of global peace and security.