# **ARTICLE**



# COUNTER-TERRORISM AND CHILDREN'S RIGHTS IN NIGERIA

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#### Abstract

Protection against violence, abuse, and neglect are few of the cardinal rights of children. Many countries including Nigeria are signatories to the United Nations (UN) Children's Rights (UNCRC) declaration but these declarations are hardly legally institutionalized by the signatory states. The activities of Boko Haram and Islamic State of West African Province (ISWAP) have had detrimental effects on Nigerian children's rights, human rights, and fundamental freedoms. Consequently, as at 2018, more than 3 million children had been declared as "out of school children." Media reports revealed that hundreds of thousands of children are malnourished; molested; abused; forced into marriages; denied proper formal education; displaced from their homes and radicalized into terrorism or even murdered. Data collected were content analyzed. Observing the fundamental human rights of every citizen has been proven to be a veritable index of development and good democratic governance. For Nigeria to achieve sustainable-peace and security, every child needs to enjoy the UN children's rights declaration to the fullest,, irrespective of their tribe, culture, language and religion.

Keywords: UN, Rights, Children, Counter-terrorism, Terrorism

## Introduction

Numerous discourses have been done on the impact of terrorism and counter-terrorism operations on the rights of individuals particularly children living in areas affected by terrorism ((Njoku 2019, 2018, 2017). Other works have underscored how counter-terrorism measures affect the operations of civil society organizations, particularly community-based organizations and non-government organizations (Howell & Lind 2010, Sidel 2010). However, studies are yet to analyse and explain how terrorism and counter-terrorism operations affect the rights of children and its implications on their developmental and psychological well-being as well as its impact on sustainable peace and security of the country.

This article contextualizes a research direction that engages the diverse manifestations of terrorism and counter-terrorism measures on the rights and lives of children in Nigeria and argues that young girls and boys have been deprived of their rights and their childhood taken has been away from them. by Boko Haram and the Islamic State of West African Province (ISWAP) and other forms of social and religious violence in Nigeria. While many of these boys are conscripted as foot soldiers to terrorists, some of the young girls are made to be suicide bombers and re-procreators to terrorists. Others are forced to marry terrorists to continue the reproduction of the children of terror. All these create psychological trauma that lasts for years, even after the children have been rescued by government's security forces.

Children that are often apprehended and incarcerated on mere allegations of collaborating with or fighting for terrorist groups or are suspected to be terrorists have equally been deprived of their legal rights and even their rights to life. Many of them end up in various illegal secret detention facilities in various parts of the country. If child survivors of Boko Haram terrorism, for instance, are not adequately de-radicalized and given proper psycho-social support, the country runs the risk of harbouring future security threats. Children that did not benefit from proper support system may not be effectively re-integrated into the society and those who suffered from torture, rape, or any form of child abuse from counter-terrorism security officials (including prison officials) can easily and might willingly allow themselves to be recruited by terrorist group leaders just to get back at the society "for

hurting" them. This is one major justification for a study of this nature. In view of the foregoing, it is essential to know the many facets of terrorism, counter-terrorism and its impact. This paper argues that the infringement of the rights of children in terrorism and counter-terrorism operations have significant implications in mitigating and indeed, curbing terrorist operations by the government. In short, this article analyses the process of recruiting children into terrorist groups; the psychological effects of terrorism; and its security implications for Nigeria's future. The paper examines extant literature on terrorism and human rights; examines the impact of Boko Haram and ISWAP on Nigeria; and analyses the impact of terrorism on the rights of individuals' and groups. The article then interrogates the effects of ISWAP's terrorist activities on the rights of Nigerian children. The last section demonstrates the implications of terrorism on sustainable security and development in this nation.

## **Literature Review on Human Rights**

There is a direct correlation between Human Rights and Security and it is premised on two philosophical notions:: competitiveness and mutual support. The competitive interpretation posits that there is some zero-sum relationship or trade-off between them and that one needs to choose between security and human rights (security versus human rights). This view is, to a large extent, stimulated by the intensive violations of Human Rights by the State in the fight against terrorism. Extant international and regional human rights law categorically emphasizes that States possess both the right and the duty to protect individuals under their jurisdiction from terrorist attacks. This arises from the *defacto* duty of States to protecting individuals under their jurisdiction against undue interference in the enjoyment of human rights. In order to fulfill the obligations of protecting the life and security of individuals, states have a right and a duty to taking effective counter-terrorism measures, to prevent and deter potential terrorist attacks and to prosecute those responsible for perpetrating such acts. As part of the States' responsibility to protecting individuals within their jurisdiction, all counter-terrorism measures must adhere to international law, especially the international law on human rights, refugee, and humanitarianism, on the one hand (No, F.S. 32 [No.48] Human Rights Terrorism and Counterterrorism, 2008). On the other hand, the relationship is understood in a more complementary manner, and seen as a mutually supporting relationship.

#### Terrorism and Counter-terrorism

The growing relationship between terrorism and human rights has continued to gain traction in extant literature. Specifically, two major strands of debates exist on the issue in the literature. According to Prezelj (2016), how do various acts of terrorism by non-state actors affect human rights, on the one hand? On the other hand, what are the effects of counter-terrorism acts by state actors on human rights? There is a consensus on the issue of how terrorism affects human rights: terrorism poses a threat to the social and political values directly or indirectly related to the full enjoyment of human rights and freedoms. It is generally accepted that regardless of the entity that perpetrates terrorism – whether state or non-state actors – all acts of terrorism seriously affect the enjoyment of human rights, including socio-economic rights, such as the rights to health, food, and housing (Lumina, 2008). According to Office of the United Nations High Commissioner for Human Rights (UNHC, 2008), terrorism directly affects the maximum utilization of human rights, especially the rights to life, liberty, and physical integrity. Acts of terror have the potential to destabilize governments, and weaken civil society in addition to threatening peace and security. It often creates farreaching social and economic underdevelopment just as it negatively affects individuals and groups. These have a direct impact on the enjoyment of the basic fundamental human rights. In other words, the devastating impact of terrorism on human rights and security has been recognized by the Security Council and the General Assembly at the highest level of the United Nations, on different occasions.

On the negative impacts of terrorism on individual and group rights, the state's response to such acts has tended to be with the corresponding brutality, which may negatively affect human rights. The United Nations has noted that responses to terrorists' acts and events must be made within the context of the basic standards of human rights and international law. This, perhaps, explains the United Nations Security Council in Resolution 1456's (2003) insistence that counter-terrorism measures must comply with international law obligations, "in particular international human rights law, refugee and humanitarian law. "However, Scholars have posited that

counter-terrorism acts and measures have negatively affected the human rights of citizens in various ways. Hoffman (2004) argues that the design and nature of the "war on terrorism" threatens and complicates the international human rights framework as established by the Universal Declaration of Human Rights. He asserts that "the way this 'war' is being waged is itself a threat to human security." According to him, the War on terror not only challenges the international human rights framework but also, to a small extent, undermines human security. Thus, understanding the nexus between fighting terrorism and the abuse of human rights is vital to curbing terrorism. Therefore, it is necessary to strike a balance between liberty and security visà-vis the existing human rights framework. Piazza (2008); Wade and Reiter (2007); Pape, (2003); as well as Eubank & Weinberg (1994) argue that it is highly unlikely that states would protect human rights when faced with the threats of terrorism. This is so because the more the states seek to protect their citizens' primary rights (both political and civil), the more the states become exposed to terrorist attacks. Therefore, being careful not to tamper with the rights of the citizens while trying to protect them is a necessary component of effective and efficient counter-terrorism process. In a somewhat contrasting view, Piazza & Walsh (2010) flip the coin by arguing that states which violate the physical rights of their citizens are more likely to be targeted by terrorists than those who fully respect these rights. Furthermore, they argued that states that experience terrorist attacks are more susceptible to being involved in extrajudicial killings, but these do not include violations of other forms of rights such as political imprisonment and torture.

Piazza & Walsh (2010), further argued that acts of terrorism differently impact types of human rights, and this consequently fuels terrorism in the long run. Matfess & Bloom (2014) examine how Boko Haram terrorist groups, through their various activities of abductions and kidnaps, have continuously abused and infringed the rights of women. Njoku (2019), Okoli & Azom, (2019) assert that the activities of the terrorist groups have impacted adversely on the rights of women, especially the activities of the group that have sexually violated the rights of women. The above literature affirms that both terrorism and counter-terrorism affects the human rights of different sections of the society/population negatively.

However, despite the concern about the impact of terrorism and counter-terrorism on human rights of individuals and groups, few scholarly attempts have been made to examine how terrorism and counter-terrorism operations specifically affect the rights of children (especially boys and girls) within the Nigerian context and its implications on their developmental and psychological well-being. It is against this background that we examine how terrorism and counter-terrorism activities affect human security and their effects on human rights especially the rights of boys and girls and what this means to liberty and security in Nigeria.

Terrorism in Nigeria: Impact on Individuals and Groups' Rights Every human being has three inalienable basic rights: the right to life; right to liberty; and the right to freedom. Unfortunately, terrorism has varying encumbrances and constraints on these rights. Terrorism impacts human activities and, by extension, human rights and freedom. The spectre of its impacts on human rights cuts across different strata of the human endeavor. There is no doubt that terrorism, directly and indirectly, violates human rights. The activities of Boko Haram and the Islamic State of West African Province, for instance, have had detrimental effects on the enjoyment of all forms of human rights and fundamental freedom (Ewelina Ochab & Kelsey Zorzi, 2016). Their terrorist activities have also played a negative role by impeding the full realization of the cultural, social, and economic rights of citizens, including the right to work, education, health, development, and religion. Different reports by various international non-governmental organizations such as the Amnesty International (2015) validated this argument just as they have documented Boko Haram's violations and the gross human rights abuses of both individuals and groups. Thus, terrorist activities have affected the enjoyment of human rights at the cultural, social, educational, and even religious levels..

The most significant impact of terrorism is that it affects the rights to life of individuals and groups. Rights to life is a highly held right by both international and regional protocols and treaties, and it is not surprising that it is the most affected by Boko Haram and ISWAP activities in Nigeria. Ewelina Ochab & Kelsey Zorzi (2016) further argued that the deaths of many people caused by Boko Haram is in multiples. Amnesty International (2015)

reported that Boko Haram killed about 1,600 Nigerian civilians between June 2015 and September 2015, thereby accounting for one of the highest number of non-natural deaths.

According to a 2015 OHCHR report, since the inception of Boko Haram in 2009, deaths resulting from their attacks have killed over 20,000 civilians, thereby hindering people from having a right to live their lives as they wish and cutting short their lives. Furtherance to this, is the impediment to the right to liberty and security of persons. The abuse of human rights also encompasses the displacement of persons (leading to an increase in the number of internally displaced persons), and resulting in refugee crises. Ochab and Zorzi (2016), argued that Boko Haram's *modus operandi* of forcefully adapting, detaining, and imprisoning their captives deprives people of their right to liberty and freedom.

It has impacted the educational sector negatively. There has, for instance, been an increase in the number of out-of-school children in the North East since the commencement of Boko Haram's insurgency. According to a 2016 report of UNICEF, 1,200 schools were destroyed and 319,000 child learners were denied access to safe learning spaces, and 952,029 school-aged children were displaced because of the Boko Haram insurgency. Isokpan & Durojaye (2016) highlighted ancillary areas such as effects on school attendance; destruction of educational facilities; and educational deprivations of IDPs. The effects of terrorism have also been felt in attacks against civilians and protected objects such as schools, mosques, churches, prisons, hospitals, markets (Onapajo, 2017). Other manifestations of hindrances to the enjoyment of human rights include abductions of children (boys and girls) for indoctrination and recruitment into its fighting force; and sexual exploitation and forced marriages, amongst other things (Human Rights Watch, 2019). Similarly, children's right has been impacted negatively by terrorist acts in ways such as violence against children and the use of children in hostilities, as well as torture and other cruel inhuman and degrading treatment.

This next section of this paper examines, in details, the degradation effects of Boko Haram and ISWAP terrorist acts on children's rights. In 2019, the United Nations reported that the Nigerian military detained over 3,600 children

between January 2013 and March 2019 over suspicion of involvement with Boko Haram terrorists.

Detaining vulnerable children also robs them of their family rights and other rights embodied in the tenets of the UN Children Rights Act. Given that the children are already having dysfunctional growth and missing the developmental stages of childhood, in itself constitutes rights denial. According to Sigmund Freud at ages 4, 7, 12-19, there are basic things a child that is developing well is supposed to learn at every stage. Missing a stage will not only negatively affect the learning process but may truncate and obstruct learning in the next stage. This, perhaps, explains why children who did not in future pass through these stages have problems navigating the next stage of life and subsequently poses a threat to peace and development of the society. When children are incarcerated by either terrorists or by security personnel the mental, emotional and psychological faculties of such children are also incarcerated, punctured and truncated. This was why Human Rights Watch affirms that the rights to liberty and freedom of the children would be impeded through these illegal acts of detention. (Human Rights Watch, 2019).

## **Effects of Boko Haram and ISWAP Terrorist**

# Acts on the Rights of Children

According to the United Nations Convention on the Rights of the Child (UNCRC), a child is everyone under the age of 18. Given that a child is vulnerable to all sorts of exploitation and inhuman treatment, the United Nations, in her Convention on the Rights of the Child (UNCRC), established a legally-binding international agreement that spells out the civil, political, economic, social, and cultural rights of every child, regardless of their race, religion, or abilities. The 54 articled rights documents include rights such as the right to life, survival, and development. Article 9 of the act categorically affirms that no child should be separated from his or her parents against their will, except it is in the child's best interests. Sadly, in the region of Boko Haram insurgency, it is almost a norm for children to be separated from the caring arms of parents. This puts to question, the potency of Article 9 of the child's right not to be separated from his/her parents.

Articles 28 stated emphatically that every child has the right to education. Primary education should be compulsory and free. Different forms of secondary education should be available to every child. School discipline should respect children's dignity and rights. While Article 29 declares that education should help develop every child's personality, talents, and mental and physical abilities to the fullest. Children, according to this act, have rights to minority and indigenous groups. A child from minority groups has the right to enjoy his or her own culture, practice his or her own religion, and use his or her own language even as every child has the right to play and cultural and artistic activities. Every child has the right to relax, play, and take part in cultural and artistic activities.

Children are not expected to partake in drug abuse and should be protected from drug abuse. Children should be protected from using, producing, or distributing illegal drugs. Every child has the right to be protected from all forms of sexual exploitation and abuse, including unlawful sexual activity, prostitution, and pornographic materials. A child should not be involved in abduction, sale, and trafficking. A child should not be subjected to cruel treatment and detention. No child should be given a death penalty or a sentence of life imprisonment without the possibility of release. They should not be subjected to armed conflict. Dunn (2018), in her publication entitled "Childhood Wasting" revealed that descriptive evidence suggests that the terrible state of child health outcomes in the conflict areas of Northeast Nigeria may be connected to the disruptions in social services and the increased food insecurity in an area that is already resource-ridden. According to her other unidentified factors may contribute to conflict (Dunn, 2018). She also revealed that conflict impacts children's health in numerous ways. These include community and household resources getting diminished due to the diversion of funds away from social services, incremental rise in the prices of food and other commodities, and fear of physical obstacles preventing caregivers from pursuing livelihood activities. It is also expedient to know that most conflict-related deaths - particularly for children - do not result from direct causes such as war-related trauma but attributable to the deplorable preexisting conditions such as severe malnutrition, diarrheal, acute respiratory infections, etc. that were already present before the conflict. Moss & Storms (2006) stressed that malnutrition is a contributory condition to about 45% of children's deaths worldwide, and it is sensitive to disruptions commonly found in war zones such as increased food insecurity.

Due to the activities of Boko Harman and ISWAP, many families have been disconnected and children detached from their parents, especially mothers. Many children are bereft; some have become radicalized, conscripted, and drafted into the Boko haram sect or ISWAP to engage in acts of terrorism. They are used as child suicide bombers and spies to the sects. Essentially, the growth process, such as education, nurturing, parental love and care of these children are denied. Consequently, the children become vulnerable to being radicalized by Boko Haran or ISWAP terrorists group currently terrorizing Nigeria. According to Troup (2015), many of them meet untimely death in the counter-terrorist attacks of the state security apparatus combating terrorism. Some are traumatized and psychologically affected. This makes it difficult for them to build a healthy childhood while some meet their death. UNHCR (2015) further stressed that out of 2.3 million people that had been displaced by the Boko Haram conflict since May 2013, at least, 250 have left Nigeria and fled, as refugees, into neighboring countries such as Cameroon, Chad, and Niger. In 2019, Vanguard Newspaper reported that Boko Haram had killed over 6,600. The insurgent group had also carried out numerous abductions. This include kidnapping of 276 School-Girls in Chibok and 105 Girls of Dapchi Secondary School from their hostels in 2018; the attack and burning of 59 boys sleeping in their hostel in a secondary school in Buni Yadi in northern Nigeria in April 2014 by gunmen from Islamist group, There had also been isolated cases of kidnappings, killing, and sexual exploitations and molestation of innocent children. The Telegraph (2015) reported that terrorists invaded and occupied swathes of territory in and around their home state of Borno, estimated at 50,000 square kilometers (20,000 sq mi) in January 2015 (Telegraph 2015).

Government has to make the protection of human rights a pivotal issue in order to stop child rights' violation and abuse in Nigeria. Again, Nigerians will continue to remember that all these depict that Nigeria's future is being compromised by terrorism, noted Olawuyi (2015). For sustainable peace, security and development in this country, the rights of children needs to be respected by all the stakeholders.

Nutrition, an essential right of children becomes a victim as malnutrition soars and kills children. The World Health Organization and some scholars have reported that in the Democratic Republic of Congo (DRC), malnutrition was cited by respondents as an underlying or primary cause of death in 8.1% of recorded deaths. (Coghlan, Brennan, & Ngoy, 2006). Agadjanian & Prata (2003) revealed that in Angola, 10.9% of the deaths in conflict areas and in Nigeria is due to nutritional deficiency. With the Boko Haram insurgency, virtually all articles embedded in the 54 rights of the child have been violated. According to Article 40 of the United Nations Child Right Article, every child has the right to juvenile justice. Children need to be protected from being abducted, sold, or trafficked to another country and exploited and exposed to other forms of exploitation even as it is stated in Article 36 of the rights of the child. No child should be subjected to torture or treated in a cruel or inhuman way. Article 32 sets out to protect the child from any harmful labor of any kind because it advocated that children in conflict zones should be accorded special protection. A child has the right to recover, especially from trauma and benefit from reintegration. To this extent, the state and all stakeholders need to ensure that every child is protected and secured, especially from Boko Haram terrorists in northern Nigeria and elsewhere in the country. However, it is unfortunate that the counterterrorism operations of the government has also impacted negatively on the rights of children. The next section of this examines counter operations and its effects.

Counter-terrorism operations and Children's rights in It has been alleged that Nigerian government's counter-terrorism efforts has been alienating and violating human rights, civil liberty groups, individuals, and children's rights (Njoku, 2017). However, in the literature, not much attention has been paid the extent to which counter terrorism has affected the rights of children. Nigerian government has responded through both hard and soft measures to acts of terrorism perpetrated by Boko Haram and ISWAP, while these measures have been commendable, they have significantly affected and impacted the rights and freedom of children. In the process of carrying out their duties, the security agencies have covertly or overtly infringed on the rights of children through different means because they run contrary to the international best practices for the protection of children's rights. Human Rights Watch (2019) documented various ways in which counter-terrorism measures and operations have impacted negatively on the rights of children. Some of them include restriction of movements; arbitrary arrests; mass and illegal detention; punitive interrogative measures; confinement; starvation; denial of access to medical and health facilities including family members. Government's security agents often detain children suspected of Boko Haram's involvement. In this regard, children, especially boys, are arrested by security agents with little or no evidence. The detained children are subjected to inhumane conditions in extremely overcrowded cells and detention centers meant for adults for months and sometimes years (Human Rights Watch, 2019, Amnesty International, 2018). In 2019, Human Rights Watch stated explicitly that many children are held without charge for months or years in squalid and severely overcrowded military barracks, with no contact to the outside world." (Human rights Watch, 2019). According to a recent United Nations' report, the Nigerian military detained over 3,600 children between January 2013 and March 2019 as suspects involved with Boko Haram terrorists.

Children's rights to liberty and freedom have been compromised through the humiliation and denial of human rights by state agencies. Human Rights Watch (2019) stated that "the military provides no formal education or rehabilitation activities for children at detention. Children reported that their only activities were prayer, watching television, and informal lessons provided by some children for others. The overcrowded conditions made physical activity impossible, and some children said they developed sores from restricted movement. "In other instances, allegations of sexual violence have been leveled against the Nigerian Security forces, repeatedly (Okoli & Azom 2019). Both Amnesty International (2018) and Human Rights Watch (2016) point to issues of sexual violence against girls in the IDP camps. According to them, security agencies including the civilian self-defense groups are all culprits in perpetrating various forms of sexual exploitation and abuse against girls and consequently eroded the fundamental right of the children to their own their bodies. Amnesty International (2018) further stated that both the soldiers and members of the Civilian Joint Task Force (CJTF) are involved transactional sex against girls. In some instances, some of the girls and women are compelled to become wives and girlfriends to the security agents.

A more deplorable impact is the denial to requisite medical, psychological, and mental support for the victims of abuse. The trauma of being denied access to basic rights coupled with the sexual abuse, often batter the psyche of the children. The attendant stigma usually leads the children to living secluded lives, if they do not become cathatonic and face life-threatening challenges. According to Human Rights Watch (2016), seclusion has negatively affected the psychological wellbeing of many of the women and girls. Many of the victims said that they had difficulty sleeping, and deliberately isolated themselves to avoid insults and slurs. In most cases, when combating terrorism, the rights of women and children are abused by the state agencies that are supposed to protect them. Many also said they felt constantly angry with their abusers, wishing they could harm them in retaliation.

Children are always the most vulnerable to the effects of terrorist activities and armed struggles. Radicalized and violent, internal strife and communal conflict situations of militarized violence affect children negatively. Given the vulnerable nature of children, they should be protected by the state; well-meaning individuals; civil societies; and all stakeholders in Nigeria.

## Conclusion

Boko Haram and ISWAP infringed on the rights of individuals particularly the rights of vulnerable children in Nigeria. Infringements on rights has serious negative implications for the peace and security development of the country. Government security agencies often arrest children suspected of having affiliations with Boko Haram and subsequently detain them for months or years and subject them to inhumane conditions in extremely overcrowded cells and detention centers meant for adults (Human Rights Watch, 2019; Amnesty International, 2018). Human Rights Watch (2019) revealed that that many children are held without charges. Thus by the time these children are released, they would have been psychologically affected and if not given adequate psycho-social therapy they leave detention worse than they came in and therefore pose serious threat to the security of the country in future.

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