

IMPACTS OF *BOKO HARAM* INSURGENCY ON MUSLIM WOMEN AND CHILDREN AND AN ISLAMIC PANACEA.

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ABSTRACT

The Jama'atu Ahlis Sunnah Li d-Da'wati wal Jihad better known as Boko Haram insurgency is a humanitarian crises in the North Eastern states of Nigeria affecting Borno State by 70% out of total activities of the insurgents. The activities of the insurgents affected mostly Muslim women and children in Northern and Central part of Borno State. Over 500,000 women and children were displaced in Borno State as a result of the activities of these terrorist group. This paper focuses on the problems, implications and consequences of Boko Haram armed group on women and children in Borno State in terms of humanitarian downgrades and aftermath. First-hand information is gathered through structured interview and Focus Group Discussion (FGD) with the effected persons i.e. internally displaced women and children from various local government areas mostly affected in Borno State. This paper revealed the problems faced by Muslim women and Children to be too numerous, which includes. financial, social and moral decadence. The findings of this paper revealed that Muslim are exposed to all sort of immorality as a result of the activities of the insurgents. This paper recommends a frame of Islamic Humanitarian assistance be put in place to giving assistance to Muslim women and Children. A supervisory committee of Muslim experts on Humanitarian should be set-up to humanitarian assistance rendering to the victims of displacement. Effective and functional Integrated schools should be organized and put in place to educating Muslim women and children.

1.0. Introduction

The Insurgency in Borno State by *Jama'atu Ahlis Sunnah Lid Da'wati Wal Jihad* popularly known as *Boko Haram* which started since 2001 to date, is an attempt by the group to establish an Islamic state in Nigeria. The movement was characterized by several anti-Islamic ideology and tactic of killing, kidnapping, suicide bombings, assassination, raiding villages and towns, Bombing Mosque, Churches and schools, cattle rusting, and unlawful hostages. This scenario has led to the displacement of thousands of people within Borno State which is the base of the *Boko Haram* sect, as well as some surrounding states and neighboring countries of Republic of Chad, Cameroon, and Niger. The majority of these Internally Displaced Persons are Muslim women children and old people who “pledged their allegiance to *Islam*”. These people were forced to take refuge in Nigeria, Cameroon, Chad and Niger (IOM Index report 2015). The area under study has never experience such a devastating situation hitherto, therefore making it difficult to manage these internally displaced persons (IDPs). Even though, there are so many governmental and non-governmental organizations and philanthropies rendering humanitarian services and assistance to these internally displaced people, but still there are issues that these organizations are not equipped to handle. This work intends to focus on the impact of insurgency problems and issues affecting women and children in Borno State an Islamic approach taking fully into consideration the position of women and children and the rights of the migrants in an Islamic framework.

It is of paramount importance to focus on what insurgency is all about, as insurgency is the main cause of displacement in this century. Insurgency has affected many nation states, particularly Muslim nations, including Nigeria. Borno State insurgency better known as North Eastern Nigeria insurgency by the *Boko Haram* has drawn the attention of national and international community especially on the issue of security. The term insurgency has been defined together with terrorism by Muslim scholars. In defining insurgency, unlike other scholars, Muslim scholars did not draw a line between “insurgency” and “terrorism”, they consider both insurgency and terrorism to be the same. The Arabic term, *Rahb, Irhab, and Rahaba, Arhaba, and Istarhaba* which means ‘feared’ and ‘frightened’ have

been used interchangeably to mean terrorism and insurgency simultaneously.¹

Thus, the Muslim World league of Scholars in Makka (2005), has also unanimously defined Insurgency/terrorism as follows:

The aggression prepared by individuals, groups, or states in order to attack the religion, the life, the property, the dignity, the intellect of man or people: it includes all the kind: the threats, tortures, undue killings and all that relate to bloodshed, blocking the roads, robbing the high ways and every act of violence and terror committed for the sake of individual or collective offences. It aims at striking terror in the mind of the people or frightening them by torture, or endangering their lives, security, freedom, and peace. Its varieties cover the attempts to pollute the environment, spoils the basic or routine life, destroy the private or public property, and to endanger the national or natural resources. All these constitute various forms of Fasad (mischief) strictly prohibited by Allah (SWA).²

This is in line with what Allah SWA said in the Glorious Qur'an:

But seek with that (wealth) which Allah has bestowed on you, the home of Hereafter, and forget not your portion of lawful enjoyment in this world: and do well as Allah Has been good to you, and seek not the mischief in the land. Verily, Allah likes not the Mufsidun (those who commit great crimes and sins, oppressors, tyrants, mischief-makers, corrupters. Q.28:77

In another verse, Allah SWA said:

And do not kill the soul which Allah has forbidden, except by right. And whoever is killed unjustly, we have given his heirs authority, but let

¹ Umar, M.I, *Patterns and Trends of Insurgency in North Eastern Nigeria: An Islamic Approach (2000-2015)*, M.A Dissertation, Department of Islamic Studies, University of Maiduguri. (2018),P.6

²Ibid. p.7

*him not exceed the limit in the matter of taking
life. Indeed, he has been supported. Q.17:33*

Moreover, in an authentic tradition of the Prophet Muhammad (SAW), prohibition is paused on all forms of illegal killings, aggression, and oppression of others. In a sound Hadith, the Prophet (SAW) said:

*Oh worshippers! I have prohibited oppression, and do
not oppress one another.³*

1.1.Statement of Problems

The major concerned that gives rise to this research is the devastating situation some Muslim women and children found themselves in as a result of Boko Haram Insurgency in Borno State. The insurgents have committed all forms of terror and oppression prohibited by the *Sharia* wrongfully in the name of *Jihad*. They killed Muslims indiscriminately, snatched their properties and displaced them all around making them helpless and homeless. These displaced individuals, majority of them are Muslim women and children, as a result, they were forced to resettled in several IDP camps in Maiduguri, the capital city of Borno state, Adamawa, Gombe, Bauchi, Yobe, and other states in Nigeria including the Federal Capital Territory Abuja. Throughout the history of Borno state, this is the first popular humanitarian crises faced by the people and government of the state. This brought the attentions of both government and non-governmental organizations to give humanitarian assistance to the victims. Despite the presence of these organization, and the large amount of funds dedicated to the cause, there are still many problems which are beyond financial that were encountered by both the victims and the care givers. Some of these problems are killing parents, husbands, brothers and guardians of women and children, kidnapping of women and forcing them into marriages without their consent with members of Boko Haram, forcing girl child of 10 or 12 years into marriages with members of Boko Haram, unwanted pregnancies out of wedlock, forcing children below the age of 12 into using arms. Another serious problem is that some children were born and brought up already as Boko Haram member, and they are familiar with handling arms and they are now repentant and integrated in many communities in north eastern states. Trauma, moral decline among women and children i.e. prostitution and lesbianism among widows and orphan girl child, child trafficking and hard labour, failure to accept the calamity among some victims, lack of trust in the IDPs by the host communities, victimization, and other vices are another disastrous problem. The initial problem was

³ Shahih Al-Bukhari. Vol.3 Hadith No. 632

caused by the activities of Boko Haram Insurgents, while some of these problems are caused by the IDP themselves and the reason for that is because the Islamic method for rendering humanitarian assistance as laid down by Allah (SWA) in the Glorious Qur'an and traditions of Prophet Muhammad (SAW) was not adhered to by the government, NGOs, IDPs, and the host communities. Islam has put in place mechanism that stands the test of time for giving humanitarian assistance, as migration and internal displacement is not a new issue in the history of Islam. This paper outlines the problems faced by the Internally displaced person specifically Muslim women and Children as a result of Boko Haram insurgency in Borno State through the Islamic perspectives and proffer solutions and recommendation to both the government, NGOs, host community, philanthropist and the IDPs at large in order to soften the situation at hand for the past 13 years.

1.2. Objectives of the Study

The Objectives of the study are to:

- i. Identify physical and spiritual problems face by internally displaced (IDPs) Muslims Women and Children in Borno State.
- ii. Examine the kind of humanitarian assistance rendered by government, NGOs and host communities.
- iii. Outline the Islamic humanitarian framework preferable for managing Muslims and non-Muslims internally displaced persons (IDPs) in any case of displacement in Borno state and beyond.

1.2. Methodology

The Method adopted in this research is triangulation, which includes, survey, historical and analytical approaches. First-hand information is collected through structured interview with the affected persons which includes vulnerable, women and children in the affected areas and then the data were contextually analyzed.

1.3. Literature Review

The Concept of Forced Migrant (Displacement).

The *Qur'an* and *Sunnah* often refer to examples of religious persecution (as this was the persecution suffered by many of the Prophets). Abou-El-Wafa argues that "if a Muslim cannot pronounce his religion or perform his religious duties in a non-Muslim country, he shall be under an obligation to emigrate".⁴ According to Kiramani, Khan and Palmer, Ibn Arabi, however, broadens the definition of persecution, claiming that asylum is obligatory from states where there is injustice, intolerance, physical

⁴Abou-El-Wafa, A., *The Right to Asylum between Islamic Shari'ah and International Refugee Law: A Comparative Study*, p 59 NHCR, Riyadh. 2009.

persecution, disease and financial insecurity.⁵ Drawing on Ibn Arabi's definition as outlined by Kirmani, Khan and Palmer, we could say that any person who is obliged to leave a place due to the factors named above could be considered a forced migrant, including those suffering from extreme poverty or disasters.

Nonetheless, the first Muslims who migrated to Madinah in 622 AD, despite being motivated by a desire to escape persecution, were simply named the *Muhajirun* (the emigrants). Thus *Hijra* (migration) in contemporary legal terminology is the closest equivalent to territorial asylum i.e. the relocation of a person from a place where he fears for his life, family and protection, to a place where he avails himself of protection and security.⁶

Forced migration has been a core element of the human experience throughout history. The Islamic tradition is rich with stories of forced migration and teachings on the importance of providing protection for those seeking refuge. Migration and escape from persecution has played a prominent role in the stories of many of Islam's great Prophets – such as Prophet Ibrahim (SAW)'s migration to Canaan as stated by Allah SWA in the Glorious Qur'an:

Lut believe in him Ibrahim. He (Ibrahim) said: I will emigrate for the sake of Allah, verily He is the Almighty, the all Wise. Q29:26.

Similar episode is Prophet Musa (SAW)'s migration to Midian as Allah SWA stated in the Glorious Qur'an where He says:

And there came a man running from the farthest end of the city. He said: O Musa! Verily the chiefs are taking counsel together about you, to kill you, so escape. Truly, I am one of the good advisers to you. So he escaped from there looking about in a state of fear. He said: my Lord! Save me from the people who are Zalimun (polytheist and wrongdoers). And when he went towards the land of Madyan (Midian), he said: it may be that my Lord guides me to the right way. Q28:20-22.

Forced migration played a particular role in the life of Prophet Muhammad (SAW) and his first companions. In 615 C.E approximately 100

⁵Kirmani, K. & Palmer, *Does Faith Matter? An examination of Islamic Relief's work with refugees and internally displaced persons*, Islamic Relief, research article. 2008.p.65

⁶Abou-El-Wafa op-cit p.255

early Muslims sought refuge with the Christian King Negus of Abyssinia to escape the brutal persecution of the ruling Quraysh tribe in Makkah. This was followed by a larger migration to Madinah in 622 AD, where the Prophet Muhammad (SAW) joined. This work will discuss, Qur'anic narrations of these stories and highlight the high status of both those who seek refuge from persecution, and those who provide refuge.⁷

The International Association for the Study of Forced Migration defines forced migration as:

*"... A general term that refers to the movements of refugees and internally displaced people (those displaced by conflicts) as well as people displaced by natural or environmental disasters, chemical or nuclear disasters, famine, or development projects."*⁸

In Islamic tradition, there is a difference between a "refugee", "internally displaced person" or "asylum seeker". Unlike in international law, there is no legal distinction between the various categories of forced migrants.⁹ This is in part due to Islamic law evolving in contexts of community rule or empire, while the international legal framework operates in contexts of states. However, the Qur'an makes repeated reference to the link between persecution and forced migration, speaking of the "oppressed:

And make the people who were considered weak to inherit the eastern parts of the land and the western part thereof which we have blessed. And the fair word of your Lord was fulfilled for the Children of Israel, because of their endurance. And we destroyed completely all the great works and buildings which Fir'un (Pharaoh) and his people erected. Q7:137.

In another verse talking about emigration Allah SWA said:

Verily, as for those whom the angels take (in death) while they are wronging themselves (as they stayed among disbelievers even through their emigration was obligatory for them), they

⁷ 'Abd al-Rahim, M, 'Asylum: A moral and legal right in Islam', Refugee Survey Quarterly, vol. 27, 2008. P.59

⁸ Ibid. p.60

⁹ Zaat, K., The Protection of Forced Migrants in Islamic Law: New issues in refugee research, 2007 UNHCR Policy Development and Evaluation Service, research paper no. 146, 2007.p 13

(angels) say (to them): in what (condition) were you? They reply: we were weak and oppressed on the earth. They angels says: was not on earth of Allah spacious enough for you to emigrate therein? Such men will find their abode in Hell, what an evil destination.¹⁰ (Q4:97)

Similarly, in another verse Allah SWA again said:

Those who have been driven from their homes unjustly only because they said: our Lord is Allah. For had it not been that Allah checks one set of people by means of another, monasteries, churches, synagogues and mosques wherein the Name of Allah is mentioned much, would surely have been pulled down. Verily Allah will help those who help His (cause). Truly, Allah is Strong, All-Mighty. Q22:40.

Have not thought about the group of the Children of Israel after (the time of) Musa when they said to a prophet of theirs, appoint for us a king and we will fight in Allah's way? He said would you then refrain from fighting, if fighting was prescribed for you? They said, why should we should we not fight in Allah's way while we have been driven out of our homes and our children and families have been taking as captives? Q2:246.

These verses indicate that most of the Islamic traditions relating to forced migrants deal with those people who are escaping persecution or oppression.

Religious scholars and leading international bodies alike recognize the leading role that Islamic teachings can play in international forced migrant protection frameworks (league of Muslim Nations) . Over the centuries, Islamic scholars built up a comprehensive body of ethical teachings and legal injunctions regarding the protection of forced migrants, based on the Qur'anic teachings, for example, from the *Sunnah* (practice) of Prophet Muhammad (SAW) and before drawing from some of the cultural practices that became prominent

¹⁰ Q.4:97

across the Muslim world.¹¹ A 2007 conference on Asylum and Islam led by the United Nations High Commissioner for Refugees (UNHCR) spoke of Islam's "highly sophisticated tradition" and its "fundamental humanitarian spirit" as having strong parallels with existing international law (Refugee Survey Quarterly 2008, p. 64).¹² The 2012 Ashgabat Declaration on Refugees in the Muslim World by the Organization of Islamic Conference (OIC) stated "We recognize that over fourteen centuries ago, Islam laid down the bases for granting refuge, which is now deeply ingrained in Islamic faith, heritage and tradition". Rahaei speaks of how respect for asylum seekers and those who provide refuge have a "particular place in *Shariah*" and that "Islam pays special attention to the suffering of forced migrants".¹³

Formal modes of protection for forced migrants in the Muslim world, implemented by Muslim States, non-governmental organizations, civil society and forced migrant communities themselves are typically borrowed from (national) social welfare protection systems, and complemented by protections afforded in international treaties, conventions (where the relevant State party is a signatory), soft law agreements; ¹⁴ and other protection models such as those provided by UNHCR, the International Committee of the Red Cross, the SPHERE Project, and the Active Learning Network for Accountability and Performance in Humanitarian Action.¹⁵

However, many regimes in the Muslim world today seek their legitimacy through portraying an adherence to Islamic law and traditions. Thus, any attempt to enforce international or universal norms within Muslim societies in oblivion of established Islamic law and traditions creates tension and reactions against the secular nature of the international regime no matter how humane or lofty such international norms may be.¹⁶ What is then needed is an exposition of modes of Islamic protection for forced migrants, which as it turns out, advantageously sustain and supplement the international protection order.

¹¹Ibid. p45

¹² Turk, V, *Reflections on asylum and Islam*, Refugee Survey Quarterly, vol. 27, 2008. P. 16

¹³ Saeid, R, *The rights of refugee women and children in Islam*, Forced Migration Review, University of Oxford, 2009. P 44

¹⁴ The Convention on the Elimination of Discrimination Against Women (1997), the Convention on the Rights of the Child (1990); the Guiding Principles on Internal Displacement (1998).

¹⁵ Slim, H & Bonwick, A, *Protection: An ALNAP Guide for Humanitarian Agencies*, 2005, www.alnap.org. See also www.icrc.org generally. P.19

¹⁶ Baderin, M.A, *International Human Rights and Islamic Law*, Oxford: Oxford University Press, 2005, p.30.

In November 2005, the enhancement of the protection of forced migrants in the Muslim World was placed squarely on the agenda of the Organization of Islamic Conference (OIC). Since 1982, the OIC has remained “deeply concerned over the aggravation of the problem of refugees in many parts of the world, most of whom are members of the Islamic community.¹⁷ Treaties such as the Universal Islamic Declaration on Human Rights (1981), the African Charter on Human and Peoples’ Rights (1981), the Cairo Declaration on Human Rights in Islam (1990), and the Arab Charter on Human Rights (1994) all contain clauses pertaining to the rights and livelihoods of forced migrants. Until now, however, an Islamic protection framework, that might better alleviate the OIC’s ongoing concerns, has gone unrealized.¹⁸

The study of the Islamic solution on the impact of insurgency in a developing society that is experiencing a post conflict situation like Borno State in North Eastern Nigeria is cannot be over emphasized, but necessary in order to build on the current expanding literature. The evolution of the *Boko Haram* conflict resulted with the state besieged with myriad of issues. At the peak, there is a government which is overwhelmed by the magnitude of devastations, there are international and local NGOs who have stepped in to mitigate the spillover effects of the insurgency and provide humanitarian services, however, there are still millions of displaced individuals experiencing high levels of neglect and persistent multifaceted subjugations, they are constantly subjugated to. An internally displaced person is defined as someone who is forced to flee his or her home but who remains within his or her country’s borders. According to the UNHCR (2015) unlike refugees, they are people who are on the run at home; they stay within their own country and remain under its protection even if that government is the reason for their displacement. Of these lots are the women and children in Borno state. Therefore, conducting a doctoral research on “the impact of insurgency on Muslim women and children in Borno state; a case study of the internally displaced persons is of paramount importance”.

Impact of Boko Haram Insurgency on Muslim Women and Children in Borno State

About 30 per cent of women in the north-east reported to have experienced Gender Base violence (GBV) since 2009, and with the intensification of conflict, the prevalence of GBV has escalated dramatically, making them more vulnerable. Boko Haram has increasingly used young girls

¹⁷ Ibid p 31

¹⁸ Ibid. p.31

and women as suicide bombers. Some adolescent girls have reportedly engaged in survival sex to meet their basic needs. Women/girls abducted by *Boko Haram* (at least 2,000) are often raped, forced into marriage/labour/religious conversion; physically/sexually/emotionally abused, exposed to sexually transmitted infections and is often pregnant when escaping captivity.¹⁹

The GBV sub-sector response priorities are: increasing access to GBV services for survivors, including: gender/culturally appropriate community psychosocial support; medical care referral systems for survivors of GBV; safe spaces for women/girls in the conflict-affected states; building/strengthening capacity of national/state institutions and communities to prevent/respond to GBV; increasing awareness of the prevention of GBV, including sexual exploitation and abuse (SEA); mitigating risk factors and strengthening community protection strategies to prevent GBV and SEA; generating and maintaining updated comprehensive data on SGBV through the establishment of Gender-Based Violence Information Management Systems (GBVIMS) to improve evidence-based interventions in priority affected communities; interventions to support livelihoods that facilitate reintegration and rehabilitation.²⁰

Islamic View on Displaced Persons: The Rights of Women and Children during and after Displacement in Islam

'*Aman*' does not simply consist of allowing an asylum seeker entry into a country, city or community. Rather, Islam provides a comprehensive framework for the '*musta'min*'s' protection and provision, or what an Arab Parliamentarians' Symposium called "the rich traditions, customs and practices involved in Arab and Islamic values" which provide "a firm underpinning for the integrated protection of refugees and respect for their human integrity"²¹

Once *aman* is granted a *musta'min* should benefit from all the rights granted to nationals. Such a conceptual framework finds its foundations in the example of the Constitution of Madinah, which promised equal protections for all citizens of Madinah – be they migrants or indigenous, Muslims or non-Muslims.²²

¹⁹Francisca.V.W, op-cit p32

²⁰ Ibid.p.32

²¹Abou-El-Wafa, A., *The Right to Asylum between Islamic Shari'ah and International Refugee Law: A Comparative Study*, (UNHCR, Riyadh.), 2009, p.52

²²Ramadan, T, *The Messenger: The meanings of the life of Muhammad*, Penguin Books, London, 2008, p.88

Equally, a framework of forced migrant rights would need to reflect the five “purposes” (or *maqasid*) of *shari’ah* (Islamic law), which form the foundation of Islamic governance and citizens’ rights: the protection of life, religion, intellect, wealth and posterity (i.e. family).²³ These principles provide a comprehensive framework within which we can understand the rights due to a *musta’min*, stemming from the right to protection, the right to non-refoulement, the right to have their physical needs met, the right to freedom of belief, the right to do business and have their wealth protected, the right to marry and raise children, and the right of family reunification.²⁴ Such rights would be due to any *musta’min*, regardless of whether they were a refugee, an internally displaced person, or a stateless person.²⁵

The obligation to fulfil the rights of forced migrants finds its roots in the broader ethos of Islamic teachings on human rights; a comprehensive analysis of which is found in Aminu-Kano 2014.²⁶

For Muslims, God is the Source of human dignity and rights, leading to the notion that the fulfilment of rights of others is an obligation upon all believers, for which individuals will feel the weight of divine accountability. Moreover, such obligations are a fulfilment of the rights of God over mankind, only manifested to them indirectly through fellow human beings.²⁷

Although modern protection frameworks tend to place government as the primary guardian of such rights, Islam emphasizes responsibility at all levels of society, from individuals, families, communities and wider civil society. Thus, within an Islamic framework of rights, while the government must be the ultimate guarantor of protection and justice, it is only “the guardian of he who has no guardian”²⁸

As such, it is primarily the duty of the host community to ensure that a *musta’min* is not denied these rights. The Glorious Qur’an repeatedly calls on Muslims by saying:

“So give kindred his due, and to Al-Miskin (the poor) and to the wayfarer. That is the best for those who seek Allah Countenance; and it is they who will be successful.” (Q30:38),

²³Aminu-K. M., *Human Development in Islam*, Islamic Relief Worldwide, 2014 P.11.

²⁴Munir, p.14; ‘Abd al-Rahim 2008: p. 21; Abou-El-Wafa 2009: op-cit. p 43, 2011.

²⁵Zaat, K, *The Protection of Forced Migrants in Islamic Law: New issues in refugee research*, UNHCR Policy Development and Evaluation Service, research paper no.2, 2007 p.146

²⁶Aminu.K, M, *Human Development in Islam*, Islamic Relief Worldwide, 2014, p.48

²⁷ibid P.48

²⁸ Ibid p 51

And again Allah (SWA) says:

“Give to the Kinsman his due and to the Miskin (poor) and to the wayfarer. But spend not manner of a spendthrift.” Q17:26).

To do so should not be regarded as a burden, or be considered a source of resentment, but rather considered as a noble blessing conferred on us by God. The Prophet Muhammad (SAW) reminds us that:

“Whoever fulfilled the needs of his brother, God will fulfil his needs; whoever brought his brother out of a discomfort, God will bring him out of the discomforts of the Day of Resurrection, and whoever screened [provided sanctuary to] a Muslim, God will screen [provide a sanctuary] to him on the Day of Resurrection.” (Bukhar)²⁹

Rights of Mustamin in Islam are:

a. The right to protection

The first, and most obvious, right of a *musta'min* is the right to protection, for this is the fundamental purpose of seeking and providing refuge. This is implicit in the *Qur'anic* verse which stated:

And if anyone of the Mushrikun (polytheists), idolaters, pagans, disbelievers, in the oneness of Allah seeks your protection then grant him protection, so that he may hear the Words of Allah (the Qur'an) and then escort him to where he can be secure that is because they are men who know not”(Q. 9:6)³⁰

The above verse which calls on Muslims to grant protection (*istijara*) to those who seek it, while the juristic terminology of *aman* refers to an “assurance of protection”. The Prophet Muhammad (SAW) taught his followers that:

The asylum (of protection) granted by any Muslim is to be secured (respected) by all other Muslims; and whoever betrays a Muslim in this respect

²⁹Sahih bukhari. Vol.2 P.158

³⁰(Q. 9:6)

*incurs the curse of God, the angels and the people. (Bukhari).*³¹

b. The right to non-refoulement (forced return to persecutor)

As part of this protection covenant, it is forbidden to force a *musta'min* to return to their country of origin against their will. This is rooted in the Prophetic teaching that “a Muslim is a brother of another Muslim, so he should not oppress him, nor should he hand him over to an oppressor” (Bukhari). There is a consensus that this right extends to both Muslims and non-Muslims. Imam ash-Shaybani states that even if an enemy fighter came seeking *aman*, he should not be forced to return to his state if he fears being killed.³² To do so would be considered treachery and a grave injustice. Muslim jurists have agreed that Islamic states should continue their protection even if the refugee's state of origin threatens to wage war should the *musta'min* not be extradited.³³

Imam ash-Shaybani goes even further to state that:

*“if a person entered a Muslim state with aman and killed a Muslim intentionally or without intention, or committed robbery, or spied on the Muslims and sent it [the information] to the polytheists, or raped a Muslim or a non-Muslim woman [non-Muslim citizen of the Muslim state], or committed theft, then none of these amount to breach of his aman”.*³⁴

The sanctity of non-refoulement has been endorsed by prominent modern jurists such as Shaykh Faisal Mawlawi (in a fatwa entitled “The Rights of Refugees in Islam”,³⁵ as well as the Organization of Islamic Countries (OIC 2006). Perhaps one of the most powerful examples of non-refoulement being practiced in Islamic history is the story of Negus, the Abyssinian king with whom early Makkan Muslims sought refuge (before their eventual migration to Madinah). When representatives of the Qur'aysh arrived, beseeching Negus to return the asylum seekers to Makkah where they may face justice for their treacherous behaviour, Negus responded:

Nay, by God, they shall not be betrayed – a people that have sought my protection and made

³¹ Bukhari op-cit. p.160

³²Abou-El-Wafa op-cit, p.56

³³ Ibid p.58

³⁴Munir, M. op-cit, p.10

³⁵Zaat, K. op-cit, p.59

my country their abode and chosen me above all others! Give them up I will not, until I have summoned them and questioned them concerning what these men say of them. If it be as they have said, then will I deliver them unto them, that they may restore them to their own people. But if not, then I will be their good protector, so long as they seek my protection.”³⁶

The right to dignity

The Islamic protection framework emphasizes the importance of ensuring that *musta'min* are able to maintain their dignity. This stems from the inherent dignity due to all humans, as Allah stated that He has:

“Honoured the children of Adam ... favoured them especially above many of those we have created”
(Q17:70).³⁷

Prophet Muhammad (SAW) was “deeply aware” of the hardship and destitution faced by the Makkan emigrants when they first arrived in Madinah, for they had fled intolerable conditions and arrived bereft of property, belongings and income.³⁸ To counter this, the Prophet famously declared the Makkan emigrants (the *Muhajirun*) and their hosts in Madinah (the *Ansar*) brothers. He established a unique system of protection wherein each *Ansar* family would take responsibility for one *Muhajir* family, sharing with them their wealth, food, home and tribal protection. Such a system facilitated the integration of the *Muhajirs* into the society around them, providing them with a sense of belonging, as well as a source of spiritual assistance.³⁹ Abou-El-Wafa notes that within Islamic history, “it is established that refugees, Muslim or non-Muslim, were accorded a treatment that was no less, if not better than that accorded to nationals”.⁴⁰

While such generosity may be considered burdensome by many modern states, God commends those who:

And those who before them had homes and adopted the faith, show love for those who migrated to them for refuge and harbor no desire

³⁶ibid p.67

³⁷(Q17:70).

³⁸Agha, S. N, 'The ethics of asylum in early Muslim society', *Refugee Survey Quarterly*, vol. 27, 2008,p..36

³⁹Ramadhan Tariq, op-cit, p.92

⁴⁰Abou-El-Wafa op-cit, p.254

in their hearts for what has been given to them [the migrants]. They give them [the migrants] preference over themselves, even if they [the hosts] too are poor: those who are saved from their own souls' greed are truly successful. (Q59:9)⁴¹

In the commentary for the verse above, the Tafsir Ibn Kathir states that Anas said:

The Muhajirin said, 'O God's Messenger! We have never met people like those whom we emigrated to; comforting us in times of scarcity and giving us with a good heart in times of abundance. They have sufficed for us and shared their wealth with us so much so, that we feared that they might earn the whole reward instead of us.'⁴²

Thus, once assistance is given, it should not be resented, rather, forced migrants should be treated with consistent love and generosity. Conversely the Prophet (SAW) also encouraged the Makkan emigrants to utilise their experience in trade and commerce to build their own wealth, so as not to burden their hosts – demonstrating that it is also incumbent on the migrants to seek financial self-sufficiency, and ensure they are not the perpetual recipients of charity.⁴³ Engendering an environment of genuine self-reliance, where forced migrants are provided with long-term support to utilise their own skills and experience, is a critical aspect of re-affirming a *musta'min's* sense of dignity.

d. The right to non-discrimination

As mentioned earlier, *musta'min* would be entitled to the same rights as citizens of the host state, regardless of whether they were an internally displaced person, a refugee, or a stateless person. However, it is also worth noting that within the Islamic framework forced migrants are entitled to receive *aman* regardless of religion, race, colour or fortune.⁴⁴

⁴¹ (Q59:9)

⁴²Ibn Kathir, *Abridged Tafsir Ibn Kathir in the English Language with Arabic Verses*, Darussalam Publications, Riyadh, 2000 [available from quran.worldofislam.info/tafsir/ – accessed March 2014]

⁴³Agha, S.N, 'The ethics of asylum in early Muslim society', *Refugee Survey Quarterly*, vol. 27, 2008. P.38

⁴⁴Abou-El-Wafa, A, *The Right to Asylum between Islamic Shari'ah and International Refugee Law: A Comparative Study*, UNHCR, Riyadh, 2009, p.71

As a universal religion Islam honours human being from all backgrounds indeed, Allah (SWT) said:

*“The diversity of [our] languages and colours” is
“truly” a sign from God (Q30:22),⁴⁵*

And also:

*Who “made [us] into races and tribes so that [we]
should recognise one another” (Q49:13).⁴⁶*

This sentiment is reflected in Article 1 of the Cairo Declaration on Human Rights in Islam, which states that:

“All men are equal in terms of basic human dignity and basic obligations and responsibilities, without any discrimination on the grounds of race, colour, language, sex, religious belief, political affiliation, social status or other considerations. True faith is the guarantee for enhancing such dignity along the path to human perfection.”

Abou-El-Wafa observed that according to Imam Ash-Shaybani, a Muslim Imam therefore has a duty to rescue, protect and do justice to any *musta'min*, as long as they stay on Muslim territory⁴⁷

f. The right to have their physical needs met (food, shelter, clothing and economic provision)

El-Wafa & Zatt K observed that this is the right of any vulnerable citizen of a Muslim state, and is likewise a right of forced migrants.⁴⁸

The Islamic institutions of *zakat* (compulsory annual almsgiving) and *sadaqa* (voluntary charity) help form a rights-based understanding of provision for the vulnerable.⁴⁹ The third pillar of Islam, *zakat*, calls on Muslims to offer a percentage of their annual savings as alms to assist eight categories of vulnerable people one of which is *“travellers in need”* (Q9:60).⁵⁰ Such compulsory alms can be used to provide food, shelter, clothing and transportation to travellers in need.⁵¹ It would be the duty of the state, or

⁴⁵(Q30:22)

⁴⁶(Q49:13)

⁴⁷Abou-El-Wafa, op-cit, p.174

⁴⁸Abou-El-Wafa, A. (2009), *The Right to Asylum between Islamic Shari'ah and International Refugee Law: A Comparative Study*, UNHCR, Riyadh,). P.143

⁴⁹Zaat, K., *The Protection of Forced Migrants in Islamic Law: New issues in refugee research*, UNHCR Policy Development and Evaluation Service, research paper no. 146, 2007, p.23

⁵⁰(Q9:60)

⁵¹Al-Qaradawi, Y, *Fiqh az-Zakat: A Comparative Study*, Dar Al Taqwa Ltd, London, 1999. p.429-437

relevant body, to collect such alms and ensure that they reach deserving recipients, such as forced migrants.

However, the Qur'an also exhorts Muslims to assist travellers in a voluntary capacity as well. God reminds us that:

"The truly good are those who give away some of their wealth, however much they cherish it to the needy, travellers ..."
(Q2:177),⁵²

"Whatever you give should be for parents, close relatives, orphans, the needy and travellers" (Q2:215).⁵³

Examples of this can be found within original Islamic sources: as mentioned earlier, the citizens of Madinah shared their possessions with the emigrants from Makkah, and when the Prophet Moses (SAW) fled to Madinah to escape the persecution of disbelievers, he was taken in by an old man who reassured him:

"Do not be afraid, you are safe now from people who do wrong" (Q28:25)

And offered him shelter and employment.

g. The right to have property and funds protected

Along with the right to gain employment and develop economic self-sufficiency, a *musta'min* also enjoys the right to have any property and wealth brought with them protected. These must not be confiscated against their will, for this would be a breach of the trust and honour of the *aman* pledge. However, this protection can (for practical reasons) only extend to the property brought with the asylum seeker, and not that left behind in their country of origin. Imam an-Nawawi states that:

*"If a disbeliever enters under a covenant of aman or zimma into a Muslim land, he shall enjoy security for the property, children and relatives in his company. However, he shall have no security for his property, children and relatives left behind in a non-Muslim land."*⁵⁴

h. The right to non-separation from family

Prophetic tradition makes non-separation obligatory on all Muslims. The *Shari'ah* and Prophetic traditions stress the importance of family unity, which plays an essential role in people's moral and psychological needs and it is the duty of the host state to keep families together, and assist *musta'min* in

⁵²(Q2:177)

⁵³(Q2:215)

⁵⁴Abou-EL-Wafa, op-cit, p.158

being reunited with their own families. The Prophet Muhammad (SAW) taught that “whoever causes separation between a mother and her child, and then God will separate him from his beloved on the Day of Judgement”. (At-Tirmizi No. 4101)

i. The rights of vulnerable groups

Within *Shari’ah* vulnerable categories of people are often afforded particular rights of provision and protection. Vulnerable people may include the disabled, the elderly, children (particularly orphans), or vulnerable categories of women, such as widows, divorced women or mothers.

Aside from specific injunctions commanding individuals to care for their own parents, Islam repeatedly emphasizes the importance of communal care for the elderly, with the Prophet Muhammad (SAW) stating that;

*“he is not one of us who does not show mercy to our young ones and respect our old ones” and that “if a young man honours an older person on account of his age, God appoints someone to show reverence to him in his old age”.*⁵⁵

In this vein, the Caliph Umar ibn ‘Abd al-Aziz conducted a census of people with disabilities, and appointed guides and servants to care for them (Equally Able Foundation).

Provisions for vulnerable women are enshrined in the Qur’an, with widows being entitled to maintenance as stated by Allah SWA:

*“And those of you who die and leave wives behind them, they (the wives) shall wait (as regards their marriage)....”*⁵⁶

And also,

*... and those of you who die and leave behind their wives should bequeath for their wives a year’s maintenance and residence without turning them out...⁵⁷, and, for up to one year following their husband’s death, whilst divorced women are entitled to “such maintenance as is considered fair”.*⁵⁸

⁵⁵Sahih Al-Bukhari, vol.2 p.128

⁵⁶Q:234

⁵⁷Q:240

⁵⁸Q:241

Mothers hold a particularly honoured status, and the Prophet (SAW) taught us that Paradise is to be found at the feet of a mother (Bukhari).⁵⁹ Equally the Qur'an repeatedly commands Muslims to care for particularly vulnerable categories of children, such as orphans:

*“Worship Allah and join none with him (in worship); and do good to parents, kinsfolk, orphans, Al-Miskin (the poor), the neighbour who is near of kin, the neighbour who is stranger, the companion by your side, the wayfarer (you meet), and those (slaves) whom your right hands possess. Verily Allah does not like such as are proud and boastful.”*⁶⁰ (Q4:36).

Impact of *Boko Haram* insurgency on women and children

This section forms the crux of the discussion of this work. Literature on conflict has not adequately considered the gender dimension of conflict. This hugely owes to the patriarchal nature of the society especially in Africa where women issues are underrepresented and underreported. They are as follows: abduction of women and girls, arbitrary arrest of women by government security agents, use of women as pawns in their activities, inflicting collective terror on women, demoralizes women education and livelihood crisis.

a. Abduction of women and children

The activity of *Boko Haram* insurgency has various implications on women and girls. The government and non-governmental organizations observed that since 2013 *Boko Haram* began to use women, girls, and children as pawns in their activities by abducting them. The group on May 14, 2014 stormed government girl's secondary school in Chibok local government area in Borno state and kidnapped without resistance over 200 college girls. In a related account, the terror group on May 2013 carried out a mass assault on a police barrack in Bama, Borno state in which they captured women and children. Most of these women and girls abducted by *Boko Haram* in Borno State experienced sexual violence including rape, torture and also murder.⁶¹ On the 19th February 2018 at around 5:30Pm, 110 school girls between the age of 11-19 were abducted by *Boko Haram* terrorist group in government Girls Science Secondary School in Bursari LGA of Yobe State. one out of the 110 is Christian while the remaining 109 are Muslims. There are so many unreported cases of *Boko Haram* Abduction and kidnappings of Women Girls

⁵⁹Sahih Al-Bukhari, Adab Al-Mufrad; p.105

⁶⁰(Q4:31-32).

⁶¹Umar.M.I, pattern and trends of Insurgency: op-cit. p.128

and Children in many Local Government Areas of Borno State. For example, in Gumsuri village of Damboa local Government area, many Muslim women and Children between the age of 8-35 was not reported up to date, and no action was taken. In Damasak, in the year 2015, over 300 Muslims pupils were abducted and it was unreported. Similarly, in Bama and Konduga LGAs over 500 Muslim women, girls, and children were kidnapped and no action was taking.⁶² Although a strange case was discovered where some 3 Muslim Girls below the age of 20 moved to Boko Haram camps from Kalari in Maiduguri to Sambisa seeking for Boko Haram members to marry them. The reason why they moved to the Boko Haram camp asking them to marry them is because, they wanted to get married but their suitors and parent cannot afford the expenses

b. Arbitrary arrest of Children below the age of puberty by government security agents

Boko Haram is not the only culprit in the abuse of women in the conflict. From the government side, women have been arbitrarily arrested by government security agents for the simple reason that their relatives are suspected members of Boko Haram. A critical examination of this situation shows that women are caught in the middle of the conflict. It is affirmed that all the women and children targeted by government security agents in the conflict zone are for instrumental purposes mostly to extract information from them. This is an outright infringement of women's fundamental human right.⁶³ There were many cases of arbitrary and unjudicial arrest of Muslim Women and Children in Baga, Gamboru, Dikwa, Bama, and Damboa LGAs of Borno State.⁶⁴

c. Use of women as pawns in their activities

Scholars and researchers have documented that Boko Haram's cycle of abduction, detention and Increased violence against women and children are for tactical reasons. In June 2013, an Ak-47, a pistol and improvised explosive devices (IEDS) were found in the garments of two 'shivering' veiled women in Maiduguri. It is inhuman and quite disgusting that women are regarded as a mere pawn in the chess game of social conflicts. This tactics is similar to the one used in Iraq by al-Qaeda owing to women's superior ability to evade security checks.⁶⁵

d. Inflicting collective terror on women

⁶² Interview with anonymous respondents in Maiduguri, Bama, Konduga and Mafa.

⁶³ Ibid. p.129

⁶⁴ Interview with Anonymous respondent in Maiduguri.

⁶⁵ Umar.M.I, pattern and trends of Insurgency: op-cit. p.130

Virtually all conflicts around the world are caused by the men and yet women and children suffer the Major consequences. The use of violence and intimidation as well as kidnap, forced marriage and compulsory conversion to sect members is one tactical way Boko Haram plays on the psychology of women and children. The rape of women and girls for example is a means of ethnic cleansing, serving not only to terrorize individual victims but also to inflict collective terror on the innocent people. Such attacks on women and children by Boko Haram can be regarded as an extension of other institutionalized and long-term discriminatory practice against them.⁶⁶

e. Use of woman as wartime labour force

Women and children are also used by Boko Haram as wartime labour force. They are targeted both for their assets and as “assets” in themselves. Their value as further affirmed was reproductive and productive. Women and children in captivity are used for cooking, cleaning foot soldiers and other duties that may be assigned to them by their captors. Many may also be forced to bear children that will grow to further the course of the insurgency.⁶⁷ There are over 10,000 children i.e. boys and girls born and brought up in the Boko Haram Movements. They were already brought up with Boko Haram Ideology of fighting and killing non-members of their group. many of these boys and girls brought up as Boko Haram were camped in many rehabilitation centers in Maiduguri the capital of Borno state. They were not rehabilitated properly rehabilitated, and they are prone to use of arms.⁶⁸

f. Demoralizes women education

Boko Haram’s misguided ideology of distorting Islamic teachings and that “western education” is sinful has significant negative consequences on the education of women and the children in many local government areas of Borno State. For fear of attack by the Boko Haram group, most secondary schools in the affected regions of Northern Borno have closed, there is no single secondary school operating in Northern Borno. A staggering 10 million Nigerian youngster are not in school out of a total population of 160million. Women’s education is very crucial for sustainable development because it links them to other areas of live-supporting opportunities like access to quality health, economic freedom, legal and political rights among others.⁶⁹ Many IDPs in Borno State don’t want to enroll their children in western schools because of Boko Haram ideology.

⁶⁶ibid.p130

⁶⁷ Ibid.p131

⁶⁸ Interview with Anonymous respondents in Maiduguri

⁶⁹Umar.M.I, pattern and trends of Insurgency: op-cit..p132

g. Livelihood crisis

The implication of the Boko Haram's insurgency and the consequent response from the government has serious negative effects on the livelihood of population most especially the Muslim women and children. It is observed that public security volatility in the Borno state states has hampered normal productive agricultural and commercial activities. It is instructive to note that women play active role in agriculture and rural livelihood, but the fear of attacks by the insurgents has often driven them into hiding.⁷⁰ In 2023, Boko Haram have killed many Children and kidnapped women in Marte and Ngala LGA on farm lands

Equally the imposition of correctives and emergency rule has restricted movement and communications in a way that hampered economic pursuits. Boko Haram insurgents have also resorted to looting of property and outright destruction of farm crops. The dire consequence of this situation is the deepening of the livelihood crisis on women and children who must cater for themselves and their dependent little ones.⁷¹ Boko Haram have sabotaged fishing and rearing cattles in Lake Chad region by imposing tax on the fisher women and children and cattle breeders.

Conclusion

It is of paramount importance to know that Islam as a complete way of life, has put in place mechanism for the protection safety and well-being of such people since 1400 years ago. The companions of Prophet Muhammad (SAW) were forced to migrate to Ethiopia before Allah (SWA) Commanded Prophet to migrate to Madinah. This implies migration in Islam is not a new experience. This gave Islam the ability to provide laws and norms for the protection of displaced persons since at that time which is not known or is ignored by many today. The concept of this kind of displacement has been determine by the Muslim scholars as "Muhajirin". And their protection is referred to as Aman.

The Boko Haram insurgency in the north-eastern Nigeria, Borno state in particular, has led to mass displacement of people, majority of who are women and children since 2013. As of August 2015, nearly 1.4 million people are internally displaced in North Eastern states but the most affected is Borno State, including many that have been displaced twice for more than a year, in addition to more than 170,000 refugees in neighbouring countries of Chad, Cameroon, and Niger Republic. This has led to significant humanitarian needs, among the displaced as well as among host communities. As the state

⁷⁰ Ibid.p.132

⁷¹Ibid. p.133

or the region never experienced any case of displacement in history, managing such situation became very hard to handle by both the government and host communities. Several humanitarian workers and organizations including governmental and non-governmental organization are giving out humanitarian assistance to victims in the affected areas who are taking refuge in Maiduguri the capital city of Borno state. But these aids seem to be insufficient despite the huge amount of money, resources and human efforts being inserted in the cause. There is need to adopt a full pledge system of Islamic Humanitarian assistance adopted by prophet Muhammad (SAW) and his companions in Madinah to fill in the gaps as it is divinely ordained by Allah SWA. The number of these internally displaced persons (IDPs) is increasing day by day at the time of conducting this research as the activities of the Boko Haram Terrorist is still going on in some pockets of Borno State.

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