The underestimated effects of impunity

- a comparative study of how pre-existing impunity can predict conflict-related sexual violence
1. INTRODUCTION

It is left beyond doubt that impunity of sexual violence (SV) is a worldwide issue. The width of it is mirrored in the Legal Action Worldwide that has declared it illegal not to hold perpetrators of SV responsible, the UN General Assembly that stated that peace cannot be reached while violence against women remain unpunished and studies that have shown that impunity of conflict-related sexual violence (CRSV) severely harms post-war security (Pruitt, 2012, p. 304). The UN Security Council initiated Resolution 1325 to end impunity and protect women against SV and the Women Peace and Security agenda was initiated in 2000 for this purpose. In 2008, the UN Security Council added Resolution 1820 with focus on punishment of perpetrators and protection of victims and in 2012, the project Preventing SV Initiative was initiated and more than 120 state representatives gathered to discuss the issue (Pruitt, 2012, pp. 300-301, 305-308). Regardless these efforts, impunity remains an unsolved, global and large-scale issue.

The concept of CRSV has been studied for years in the field of Peace and Conflict and it has occurred in conflicts since ancient times. Though efforts have been made to reduce it, and though declared officially illegal in 1949, the level of CRSV remains high. Research has shown that a high level of SV before the conflict outbreak relates to a high level of CRSV (Christopher K. Butler, 2016, p. 212). We also know that when CRSV occurs, it usually involves both state forces and opposing groups. For reasons not yet established, it is rare to see one of these actors engage in CRSV while the other refrain from it (Koos, 2017, p. 1937). Scholars tend to focus on CRSV from a within- or post-conflict perspective, where different aspects of the conflict itself is used to explain it. Lately there has been more research on how impunity of CRSV affects post-conflict societies (Pruitt, 2012), but studies on whether pre-existing conditions could affect the risk of CRSV is rarely included.

The fact that actors within the same conflict tend to cohesively engage in, or refrain from, the use of CRSV indicates a shared perception of whether it would be beneficial. As rebel groups and state forces often originate from the same geographic area, they are likely to share a common perception of social and juridical structures. Such structures include impunity of violence against women, which according to research within the field of Psychology relates to increased levels of SV (Kaylee Vance, 2015, pp. 571-572). The theory that will be explored in this study is that a high level of impunity for crimes against women prior to a conflict relates to a higher risk of CRSV during the conflict, as violence against women is already normalized and actors are likely to have
developed a hostile sexual behavior. The research question that this study aim to answer is; can pre-existing levels of impunity for violence against women predict the risk of CRSV in the onset of an armed conflict?
2. LITERATURE REVIEW

2.1 Studies of CRSV

In the earlier years of research, scholars studied CRSV from the victim's perspective, but focus have gradually shifted to the perpetrator. These perpetrators have been identified as rebel groups, state military forces and security forces (Koos, 2017, p. 1937). Suggested causes of CRSV are often related to social norms within the armed group or aspects related to the conflict. This section will briefly introduce these previous explanations that this study builds on and identify what gap they have failed to fill.

Maria Eriksson and Maria Baaz argued in their study of soldiers in the Democratic Republic of Congo from 2009 that militarized masculinity norms are the main factor behind CRSV, as soldiers are perceived forced to live up to impossible masculinity norms. According to their findings, soldiers developed an aggressive behavior as an attempt to correspond to these norms (Maria Eriksson Baaz, 2009, pp. 505-508, 510-513). Their theory also involves explanations related to poverty, lack of control and frustration, as the soldiers often motivated rape by arguing that they could not access consented sex when unable to provide financially for women (Maria Eriksson Baaz, 2009, pp. 508-509). This argument witness of a pre-existing culture where men were perceived entitled to sex in exchange for financial security. Though not discussed in the study, the fact that soldiers were perceived forced to rape when not able to access sex in a conflict setting, indicates an already established idea of men being entitled to sexual relief to a higher extent than women being entitled to their own bodies.

Another interesting finding in their study is the soldiers’ unwillingness to admit responsibility. Rather than expressing regret they tend to blame the conflict, military leadership, lack of money and even the women themselves (Maria Eriksson Baaz, 2009, pp. 508-509). However, as pre-existing conditions are not included it is not known if the lack of perceived responsibility is an effect of pre-existing impunity or if the reaction relates only to conditions of the conflict, as the study suggest. It would have been interesting to know if the soldiers had acted the same, had they been brought up in a society where sexual perpetrators were held responsible for their actions.

Dara Kay Cohen offers a different explanation in her study from 2013, by arguing that forceful recruitment of soldiers will result in a higher level of CRSV. She suggests that members of armed groups that are recruited by forceful tactics are likely to perceive isolation and disloyalty towards the group, creating a need for socialization and bonding. By using findings from the field of
Sociology, she identifies a relation between gang rape and increased socialization (Cohen, 2013, pp. 463-465, 469). Her findings are interesting as they suggest, similarly to Eriksson and Baaz, that social structures can explain the outcome of CRSV. The question remains though, why gang rape is such an efficient socialization tool, and if it would be effective in all groups. It seems possible that gang rape could also harm the bonds of group members by causing guilt and shame. Maybe this tactic can only be successful in groups where women are already dehumanized, and a normalization of SV is well established. As pre-existing conditions are not addressed in this study either, it cannot be established what norms the group members were affected by before being recruited, and how this may have influenced their attitude to CRSV. Presumably, men with a respectful attitude to women, perceiving SV as wrong, would not have been as likely to consider gang rape a successful tool for social bonding.

Butler and Jones did in a study from 2016 identify a possible relation between pre-existing SV and CRSV by studying the levels of SV before and during armed conflicts. The scope condition was narrowed down to state security forces as perpetrators, leaving all other groups unaddressed. They discuss how increased opportunities and pre-existing views on sexual crimes could affect the level of CRSV and their results indicate that only the conflict alone cannot explain variations in CRSV. They find that the levels of SV prior to a conflict relates to the levels of CRSV – a relation that remains regardless of variations in the conflict. The authors emphasize a significant need of further research in this area, especially theory-driven research, to explain the co-variation between pre-existing SV and CRSV (Christopher K. Butler, 2016, pp. 212-214, 221-222).

2.2 Studies of impunity

Research within the field of Peace and conflict that address the issue of impunity tend to measure levels of impunity during or after an armed conflict, overlooking pre-existing levels. However, scholars agree that impunity against CRSV is devastating as it severely harms post-war security (Pruitt, 2012, p. 304). Boesten argues in her study from 2014 that when a state does not manage to convict perpetrators of CRSV, laws fail to signalize the seriousness of the crime. A perception of impunity from law is related to increased crime rates as impunity makes it unlikely for victims to report crimes. She also emphasize that impunity of other crimes related to gender inequality, such as domestic violence, increase patriarchic structures within the state which undermines the risk of SV (Boesten, 2014, pp. 101, 366).

Deane argues in her study from 2018 that SV increase gender inequalities as men are perceived as superior to women. She suggest that this perception can eventually affect the states' laws and signalize that women are less worthy of human rights – which can contribute to higher levels of
impunity for sexual crimes (Deane, 2018, ss. 84, 86, 90, 94). This indicates a circular process where high impunity leads to higher levels of SV, which further increase the impunity. Her interviews of civilians in South Africa indicate a normalization of impunity where forced sex is generally not perceived as rape and men are considered entitled to sexual relief. In one survey, 50% of the respondents did not believe a woman meant it when she said no, and most women considered a man powerful when sexually violent. South Africa is known for an inclusive and progressive constitution but still have one of the world’s highest levels of SV, and rape especially is perceived as the easiest crime to get away with (Deane, 2018, ss. 88-89, 93, 95). This indicates that laws, if not implemented, cannot change attitudes towards the crimes they are meant to prevent. For this reason, laws alone are not reliable when studying levels of impunity.

This study will look at pre-existing impunity of violence against women. To understand the consequences of impunity for such crimes, findings from the field of Psychology will be included. The theory of moral disengagement is referred to both in the Psychological field and in the field of Peace and conflict when addressing impunity. Moral disengagement is a psychological process that protects perpetrators from feelings of guilt or shame. This theory explains how perpetrators, by distancing themselves from moral consequences, can engage in aggressive sexual behavior without compromising their perception of self-worth. A perpetrator is, when morally disengaged, convinced of his innocence by perceiving that moral principles does not apply to his case (Kaylee Vance, 2015, pp. 572, 583). This theory could be used to explain why soldiers in the Democratic Republic of Congo often perceived themselves as victims, irresponsible for their actions, after raping women. Moral disengagement can, when socialized, serve to normalize and justify violent sexual behaviors on a communal level (Arielle Sagrillo Scarpati, 2017, pp. 116, 118-119).

This theory is interesting as it indicates that impunity can not only exist on a juridical and societal level - but also on a psychological level where the perpetrator is not even judged by his own moral beliefs. Moral disengagement is a result of impunity and increase the risk of aggressive sexual behavior. This indicate that soldiers, when previously affected by impunity, are more likely to be morally disengaged, and hence more likely to rape. Other studies of CRSV have argued that rape can be a way to demonstrate male dominance and power over women, or to regain a sense of masculinity when it has been threatened (Pruitt, 2012, p. 301). Such arguments must also build on the idea that men are superior to women and relates to Eriksson and Baaz’ theory of soldiers engaging in CRSV when unable to live up to masculinity norms. The World Health Organization (WHO) identifies that ideas such as men being perceived entitled to use violence against women,
that a husband is entitled to sex from his wife and that SV is justified when used as punishment are all related to an increased risk of SV (World Health Organization, 2009, p. 5).

In a report from 2017, WHO identifies that an exaggerated sense of masculinity, impersonal sexual relations and objectification of women are some of the risk factors that makes men more sexually aggressive. When men have an aggressive sexual behavior, they tend to blame their victims rather than to admit responsibility. Other risk factors for sexually aggressive behavior are strong patriarchic structures with a tendency to blame women when raped rather than punish the perpetrator (World Health Organization, 2017, pp. 159-160). In the same report, WHO identifies a relation between poverty and SV, as poverty tends to threaten men’s sense of masculinity when no longer being able to control or provide for women. This can result in men using SV as an attempt to restore their sense of masculinity. The report also shows that societies where men are perceived as superior to women tend to have both a higher level of impunity for SV and a higher occurrence of rape. Laws of violence against women and the idea of men being entitled to sexual relief are also factors related to increased impunity of SV (World Health Organization, 2017, pp. 160-162). This report identifies how violence against women relates to aggressive sexual behavior and higher levels of rape. It also shows how impunity and SV are affecting each other.

Studies by Melissa Farley and Kaylee Vance et al have shown that objectification of women relates to dehumanization which encourages aggressive sexual behaviors. Men who objectifies women are more likely to commit rape, but also to blame women for it and deny her suffering rather than admit responsibility. In societies where the level of objectification is high, rape is more likely to be perceived as justified. Objectification can be encouraged by prostitution, pornography and impunity of sexual crimes – which all relates to a normalization of violence against women (Melissa Farley, 2017, pp. 3603-3605, 3616). Men who buy sex are more likely to develop a hostile masculinity and aggressive sexual behavior - especially when this is combined with impersonal sex (Kaylee Vance, 2015, pp. 571-572). Based on these findings it could be argued that soldiers, expected to internalize masculinity norms, would be more likely to engage in CRSV if they prior to the conflict also engaged in impersonal sex.

2.3 The gap

According to the findings above, normalization of violence against women can relate to increased levels of SV, and normalization can be caused by impunity. In the WHO report we have found that a perception of men as superior to women and a tendency to blame rape victims rather than to punish perpetrators are risk factors for increased levels of SV. We also know from Boston and Jones’ study that higher levels of SV prior to a conflict seem to increase the risk of CRSV. Based
on this, it seems possible that impunity of violence against women prior to an armed conflict could increase the risk of CRSV. However, there is no research on the relation between pre-existing impunity and CRSV. Furthermore, theory-driven research on pre-existing SV in relation to CRSV is missing, and findings from the Psychological field have not yet been included in Peace and conflict research on this subject. The purpose of this study is to reach a more nuanced understanding of the possible causes of CRSV and identify if pre-existing impunity can predict it.

This study will propose a theory suggesting why, when a state is influenced by impunity of violence against women, the risk of CRSV will increase. The hope is to understand more about the underlying causes for CRSV and to offer a theory-driven research on the relation between pre-existing conditions related to SV and CRSV.
3. THEORETICAL FRAMEWORK

3.1 Theory

The theory that will be examined in this study is if the independent variable (IV), pre-existing impunity of violence against women, can predict the risk of the dependent variable (DV), CRSV. The theory is based on previous explanations of CRSV related to rape as a socialization tool, as an attempt to live up to military masculinity norms and as an outlet due to frustration related to the conflict and also build on research from the Psychological field on effects of impunity. The theory suggests that previous explanations of CRSV would not be efficient if not undermined by impunity of violence against women.

Picture 1: The causal chain of how the IV is expected to affect the DV

In the onset of an armed conflict it can be argued that previous norms and values are still affecting us and although the context has changed, internalized perceptions not related to the conflict may not be questioned or reconsidered. A normalization of violence against women prior to the conflict increases the level of impunity not only from the law, but also on a societal and
psychological level, where perpetrators may perceive themselves as innocent as a result of moral disengagement. In the onset of an armed conflict opportunities related to lawlessness, weaker state capacities and instability may increase. Civilians become members of rebel groups or state forces and with an already high level of impunity, perpetrators customized to these norms could be more likely to use their increased power, and the weakened system of law, to engage in CRSV. Based on these findings, it can be argued that soldiers, previously used to violence against women without suffering consequences, could be more likely to consider CRSV a successful tool either for socialization or a way to live up to military masculinity norms. Also, when faced with frustration, they could be more likely to use their aggressive sexual behavior as an outlet.

Key concepts such as SV, CRSV and impunity will be defined in the following section. This study will use some assumptions such as men being perpetrators and women victims. This is of course not always the case, and the reason for this assumption will be developed and discussed. As not previously studied, it cannot be certain if only the context of an armed conflict itself can provide prerequisites for CRSV or if pre-existing conditions also determine the outcome. It is possible that the onset of an armed conflict may change priorities to a degree that pre-existing perceptions are no longer influential. But it is also possible that armed actors are unequally likely to consider CRSV a useful tool in the conflict depending on the pre-perceptions of crimes against women and whether these are considered likely to succeed. By comparing cases with varying levels of pre-existing impunity of such crimes, but as equal as possible in all other relevant aspects, the hope is to identify if there is a relation between these components.

3.2 Contribution

The relation between pre-existing impunity of violence against women and CRSV have not been studied and is possibly underestimated. Pre-existing impunity could have a higher influence on the level of CRSV than first thought and if levels of impunity in societies during peace can be used to predict the risk of CRSV, actions to reduce CRSV could be taken. Pre-existing impunity will probably not be able to explain CRSV on its own, but it is an aspect that should be considered and could contribute to a more nuanced understanding of why CRSV is more likely to occur in some conflicts and among some actors. It could also explain the puzzling finding that it is rare to see only one of the armed actors engaged in CRSV while all other refrain from it. Finally, if the theory holds true, it could explain why some armed actors, though presumably equally affected by militarized masculinity norms, choose not to engage in CRSV.
4. Research Design

4.1 Method

This is a qualitative theory-driven small-n empirical study where the theory will guide us through the research process. The study builds on an empirical and comparative study of a within-case comparison. A cross-case method will be used to compare the selected areas within the case and help isolate the independent variable (IV) from alternative explanations of the dependent variable (DV) (Gerring, 2017, ss. 138-139). Once the case has been selected, the areas will be compared by using the method of Structured Focused Comparison (SFC). This method of analysis contains a set of questions that will be answered for both areas, enabling a comparison of the IV and DV to identify if they co-vary. SFC is suitable when measuring multi-dimensional variables such as impunity as it enables to capture several aspects of the concept (Powner, 2015, pp. 129-130). However, to select relevant questions, it is first necessary to define the concepts of IV and DV.

4.2 Definition and operationalization of concepts

4.2.1 Independent variable

The concept pre-existing impunity of violence against women is thick and multi-dimensional. To enable a reliable operationalization, it will be decomposed and separately defined. First the concept of pre-existing will be defined followed by impunity and finally violence against women. The scope condition of pre-existing refers to levels of impunity prior to the conflict outbreak, but as close to the conflict as possible. The reason for this is to collect as relevant data on pre-existing impunity as possible, that are not yet affected by the conflict. This scope condition is important in order to understand what norms and conditions the civilians were affected by prior to the armed conflict, as it according to the theory of this study may continue to affect the armed actors also during the conflict. Though the time limit is selected to avoid the risk of data being affected by conditions related to the conflict, it is not possible to guarantee that this will not be the case. Even though data will be collected from a period before the conflict outbreak, factors related to and leading up to the conflict could still exist in the country and affect the result. At the same time, data collected to long before the conflict outbreak could be unreliable as factors affecting the community at that time may not have been relevant for the soldiers’ behavior.

The Cambridge Dictionary defines impunity as "freedom from punishment or from the unpleasant results of something that has been done" (Cambridge Academic Content Dictionary, n.d.), and the Oxford
English Dictionary defines it as “exemption from punishment or freedom from the injurious consequences of an action” (Oxford University, 2019). Both definitions could include freedom from law where the act itself is not punishable by the criminal code, and freedom from social consequences such as stigma, shaming, isolation or discrimination. Sellström introduced a new definition of the concept as “confidence in the absence of negative consequences” (Sellström, 2015, pp. 17-18), relating to a social belief of freedom from accountability. In this study, the definition from Cambridge Dictionary will be used as it is parsimonious and includes both freedom from punishment and from unpleasant results of an action. This definition applies not only to freedom from law, but also to freedom from social consequences. For the purpose of this study, it was considered important to not only look at laws but also at implementation of laws and perceptions of the crime.

Impunity will be measured in two aspects; freedom from law and from social consequences. Freedom from law is twofold and can indicate that the act itself is not punishable by law, but also mean that it is considered a criminal act but that the punishment is rarely or never implemented - resulting in freedom from punishment. Because of this, legal systems will be studied by comparing laws, likeliness for crimes to be reported and level of convictions. Three types of laws will be included in this study; law against rape, law against prostitution and human trafficking for sexual purposes and law against domestic violence. Data will be collected mainly from the countries’ criminal codes, UN reports and the World Bank. However, due to the limitation of available and reliable data, other sources will be used as well.

Freedom from social consequences is more abstract and difficult to measure. For this reason, it will be measured in three aspects; by looking at occurrence of SV, domestic violence, prostitution and human trafficking for sexual purposes. As established in the literature review, a high level of these variables could indicate a normalization of the crime which usually relates to impunity. The general perception of violence against women will also be measured, as a perceived justification of the crime should indicate impunity. And finally, to what degree state agents are perpetrators of SV is relevant to study as it could affect the level of reported crimes and likeliness of perpetrators being convicted. It is not possible to capture the full concept in this single study but by including these different aspects some level of impunity across the cases should be identified.

The last part of the concept is violence against women. The UN defines violence against women as “any act of gender-based violence that results in, or is likely to result in, physical, sexual, or mental harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life” (General Assembly resolution, 1993). As this definition is very broad, it will be narrowed down to include intimate partner violence and sexual violence, a scope condition of
the UN definition that is also used by WHO. These two terms will in this study include domestic violence, SV, forced marriage, prostitution and human trafficking for sexual purposes. The intension is to measure SV by cases of rape but when not feasible other types of SV will also be included, as some of the data refers to rape while other use the term of SV. The results will still be considered relevant for measuring impunity of violence against women as rape is usually related to other sexual crimes (Kaylee Vance, 2015, p. 574) which makes it unlikely for SV in general to be widespread and unpunished while rape is not.

All crimes discussed above can and will also affect men. However, women are overrepresented as victims for all these crimes while men are overrepresented as perpetrators (Eurostat Statistical Working Papers, 2015, p. 13) (Oliver Chukwujekwu Ezechi Z. A., 2016, p. 2). Human trafficking can also include various forms of crimes such as forced labor but trafficking for sexual purposes still represents 60-70% of all cases of human trafficking worldwide according to the Global Slavery Index (Human Rights Watch, 2010, p. 34). For the purpose of parsimony, women will be assumed as continuously overrepresented as victims for all these crimes and men as perpetrators. When discussing human trafficking for sexual purposes, other forms of human trafficking may be included in the data. Due to time and resource limitations it would not be feasible to exclude men as victims, women as perpetrators and other forms of human trafficking from the results. As these assumptions are based on statistic generalizations, the results should still be reliable.

4.2.2 Dependent variable

The dependent variable of CRSV will also be decomposed, starting with the concept of conflict-related followed by sexual violence. In order to distinguish SV related to the conflict from pre-existing SV, it is necessary to know when the conflict occurred. To specify this, the definition of UCDP is used. According to UCDP an armed conflict is partly defined by the level of battle-related deaths (BD); "a contested incompatibility that concerns government and/or territory where the use of armed force between two parties, of which at least one is the government of a state, results in at least 25 battle-related deaths" (Kreutz, 2016, p. 2). While 25 BD may not be significant enough to identify a high level of CRSV, it is still considered the most reliable definition for the purpose of this study. The definition of war, defined by at least 1000 BD per calendar year, was also considered (Kreutz, 2016, p. 6). However, by using the definition of war, data on pre-existing conditions would not be reliable since there could be an ongoing armed conflict at this time.

CRSV will be defined by using the UN definition, stating that it “refers to rape, sexual slavery, forced prostitution, forced pregnancy, forced abortion, enforced sterilization, forced marriage, trafficking in persons when committed in situations of conflict for the purpose of sexual violence/exploitation and any other form of sexual
violence of comparable gravity perpetrated against women, men, girls or boys that is directly or indirectly linked to a conflict” (United Nations, 2019). This definition includes most of the variables used to measure the IV in this study as well. One of the main differences however is that variables used to measure the DV are acts of SV that are directly or indirectly related to the armed conflict. This includes, as defined, forced prostitution. While the level of forced prostitution in general cannot be used to measure the DV, data on forced prostitution conducted by an armed actor can. The definition also includes forced pregnancy, forced abortion and enforced sterilization. As such data is predicted to be even more challenging to access though, these variables will not be used to measure CRSV in this study. Not only UN reports will be used when studying the DV, but the data collected will always be according to their definition. When data on CRSV will be used where it is not clearly stated what kind of CRSV is measured, this will be acknowledged.

Though somewhat easier to define, CRSV is challenging to measure. For some countries there are data bases with accessible reports of CRSV. However, this is not the case for all states and areas. Even in cases where crime statistics are official, it is not always reliable due to the risk of bias. To measure the DV all documented acts of rape, sexual slavery, forced prostitution, forced marriage and human trafficking where an armed actor is the perpetrator will be included. Reasons for armed actors to engage in these crimes can be related to group dynamics, individual mechanisms or conflict dynamics. All suggested reasons for CRSV discussed in the section of previous literature may be involved. According to the theory of this study though, these causes would not be efficient unless the IV was already high. After collecting data on the DV a comparison between IV and DV across the cases will be made to identify if the theory holds true.

4.3 Case selection strategy

Mill's method of difference was used to select cases. This method was selected for its ability to, in a parsimonious way, compare two cases while excluding alternative explanations, as it enables to identify cases that are as similar as possible on all relevant variables except for the IV (Powner, 2015, pp. 124-125). The method is applicable to this study as it allows to identify a variation in the IV between two cases whilst excluding alternative explanations by holding them constant.

To objectively narrow down a large population of cases to the most suitable ones, a list of relevant variables was selected that will be presented in this section. The next step was to identify two cases as similar as possible on these variables, except for the IV. This selection process started by using the Uppsala Conflict Database Program (UCDP) to identify all countries with an occurrence, or significant escalation of, armed conflict between the years of 2007-2017. The time
limitation was used to make sure the conflict was new enough for there to be data on pre-existing levels of impunity, but long ongoing enough to find data on CRSV.

In the next step of the selection process, all cases that had a high level of BD prior to the current conflict were excluded as this could indicate a reversed relation where the DV caused the IV and not the other way around. Cases with high levels of international intervention were also excluded as it would be unfeasible to control for all alternative explanations related to these specific cases. Furthermore, as the purpose of this study is to determine whether pre-existing impunity makes the soldiers more likely to engage in CRSV, data based on CRSV performed by actors originated from other geographic areas would not be relevant. Cases that were excluded due to a high level of external actors were among others the conflict of Mali and Israel-Palestine.

After comparing this initially large population of cases, the selection was narrowed down to the continent of Africa, including the most similar ones. Eventually two countries remained; Nigeria and Cameroon. However, it appeared difficult to identify data on CRSV for Cameroon, leaving Nigeria as the most suitable case. As the country use different legal systems in north and south it was considered appropriate for a within-case study. The expectation was that the traditional laws would not hold men accountable for violence against women to the same degree as the civil laws.

Table 1: Case selection according to Mill’s method of difference

<table>
<thead>
<tr>
<th>Nigeria</th>
<th>North</th>
<th>South</th>
</tr>
</thead>
<tbody>
<tr>
<td>Conflict outbreak</td>
<td>2009-2011</td>
<td>2011</td>
</tr>
<tr>
<td>External armed actors in the conflict</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Type of conflict according to UCDP</td>
<td>Territorial intrastate</td>
<td>Territorial intrastate</td>
</tr>
<tr>
<td>Juridical system</td>
<td>Sharia law</td>
<td>Civil law</td>
</tr>
</tbody>
</table>

Picture 2: Map over areas affected by conflict (green) 2010-2017 (World Bank)

Picture 3: Map over areas affected by Sharia laws (dark blue) 2016 (World Watch Monitor)
4.4 Questions selected for the SFC

To include relevant data for each variable and collect similar information for both cases, a set of questions will be asked for each selected variable. In the data analysis the same questions will be answered for both cases according to the model of SFC. This way the results will be comparable, and the data collection will be consistently connected to the variables and the theory. Below is a clarification of what questions will be asked for each variable.

Table 2: Selected questions according to the model of SFC

<table>
<thead>
<tr>
<th>Independent variable</th>
<th>Questions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Domestic violence</td>
<td>What was the punishment by law against domestic violence?</td>
</tr>
<tr>
<td></td>
<td>What was the level of domestic violence?</td>
</tr>
<tr>
<td></td>
<td>Was domestic violence perceived as justified?</td>
</tr>
<tr>
<td>Prostitution and human trafficking</td>
<td>What was the punishment by law against prostitution (financing on brothels or pimping)?</td>
</tr>
<tr>
<td></td>
<td>What was the punishment by law against human trafficking?</td>
</tr>
<tr>
<td></td>
<td>What was the level of prostitution?</td>
</tr>
<tr>
<td></td>
<td>What was the level of human trafficking?</td>
</tr>
<tr>
<td>Sexual violence</td>
<td>What was the punishment by law against SV (rape)?</td>
</tr>
<tr>
<td></td>
<td>What was the punishment by law against SV (rape) within marriage?</td>
</tr>
<tr>
<td></td>
<td>What was the punishment by law against sexual assault?</td>
</tr>
<tr>
<td></td>
<td>What was the level of SV?</td>
</tr>
<tr>
<td>Perception of impunity</td>
<td>What was the likeliness that victims of SV would report the crime to the police?</td>
</tr>
<tr>
<td></td>
<td>What was the likeliness that victims of SV would report the crime to a community or religious leader?</td>
</tr>
<tr>
<td></td>
<td>What was the level of unreported crimes of SV?</td>
</tr>
<tr>
<td></td>
<td>What was the likeliness that reported perpetrators of SV would be convicted?</td>
</tr>
<tr>
<td></td>
<td>To what level were state agents themselves perpetrators of SV?</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Dependent variable</th>
<th>Questions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sexual violence</td>
<td>How common is SV (rape or sexual assault) performed by armed actors in the conflict?</td>
</tr>
<tr>
<td></td>
<td>How common is forced marriage by armed actors in the conflict?</td>
</tr>
<tr>
<td>Sexual slavery, forced prostitution and human trafficking for sexual purposes</td>
<td>How common is sexual slavery performed by armed actors in the conflict?</td>
</tr>
<tr>
<td></td>
<td>How common is forced prostitution performed by armed actors in the conflict?</td>
</tr>
<tr>
<td></td>
<td>How common is human trafficking for sexual purposes performed by armed actors in the conflict?</td>
</tr>
</tbody>
</table>

4.5 Limitations of data selection

One of the challenges of this study is data bias. With a high level of impunity, victims are less likely to report crimes which will make it difficult to find reliable data on both SV and CCSV. Also, in an armed conflict, the likeliness for victims to report crimes is likely to further decrease. According to Sheriff Deputies Limited, a national licensed private security company in Nigeria,
the level of underreported cases for all crimes is estimated to as high as 82% (Oliver Chukwujekwu Ezechi Z. A., 2016, p. 2). Other reports estimates that only 2 out of 40 rape cases in Nigeria were reported in 2002 (Human Rights Watch, 2015, p. 32) while yet another study tell us that less than 5% of the rape-cases for victim aged 15-24 years are ever reported (International, 2018, pp. 282-284). The high level of underreported cases should be considered throughout the analysis, and for this reason the highest levels reported for each variable will be included in the results when comparing data between the areas.
5. **DATA ANALYSIS**

5.1 **Presentation of data**

A brief presentation of the conflict for each case will be followed by data on the IV and DV for both south and north Nigeria. For each variable, the pre-selected questions will be answered and by the end of each section the findings will be summarized in a table. The tables are used for parsimonious reasons to enable a clear comparison of the variables across the cases. The results will in these tables be labeled low, medium and high where low is ranked by a few cases or less than 20% occurrence, medium by common occurrence or 20-50% and high by a widespread level or more than 50% occurrence. Due to the presumably high level of underreporting, the highest data documented will be used in the tables of comparison. When ranking laws, low is ranked by a punishment of less than 2 years imprisonment, medium by 2-5 years and high by penalties above.

5.2 **Background**

5.2.1 **Conflict overview**

The armed conflict in northcentral Nigeria started in 2009 and in 2011 for the northeastern and southern regions (Uppsala Conflict Database Program, 2017). Northern Nigeria have been influenced by Islam since around 1000 AD while the southern regions are mainly Christian. The north is mainly inhabited by the ethnic group of Hausa, Fulani and Kanuri of which Hausa and Fulani are usually merged. The south has a higher ethnic diversity, but Yoruba and Igbo are the most influential groups and tensions are especially strong between Hausa-Fulani and Igbo. In the late 1800, Great Britain colonized Nigeria but administrated the regions differently, involving local groups more in the north than in the south and further increasing the religious tension between the areas (Landguiden, 2017, p. äldre historia) (Landguiden, 2017, p. religion).

*Picture 4: Map of Nigeria, divided in territories occupied by ethnic groups (Giles, 2019)*
5.2.2 Conflict in north Nigeria

Though reaching full independency in 1960, a strong opposition remained and have not settled since then. In northeast the conflict is related to Boko Haram that was formed in the beginning of 2000 in the state of Borno. This area is mainly inhabited by the ethnic group Kanuri that represents 8% of the country’s Muslim population and a majority of the members of Boko Haram (McGregor, 2017, p. 38) (Baca, 2015). The group started implementing Sharia laws in 2000, intending to do so in the whole country but occupied at most 17 states. Their raids escalated in 2011, culminating in attacks of eastern territories and abduction of boys as soldiers and girls as sex slaves in 2014 (Landguiden, 2017, p. modern historia) (Landguiden, 2017, p. religion). Their implementation of Sharia laws as well as violent attacks on civilians contributed to an increased tension between Christian and Muslim groups (Landguiden, 2017, p. religion) (The World Bank, 2018, p. 8). Though withdrawn by state forces from many of their occupied territories in 2015, the group is still active and have forced at least 1,8 million Nigerians to live as refugees in the north (Landguiden, 2017, p. aktuell politik).

Some of the northern communities have been protected from occupation of Boko Haram, mainly thanks to the armed group of Yan Gora, also known as the Civilian Joint Task Force. By cooperating with state forces, they served as a link between the state and the communities while protecting the areas from invasion of Boko Haram. Though initially formed to protect civilians, reports have witnessed of widespread abuse by members of the group, especially of women and girls (Center for Civilians in Conflict, 2018, p. 3).

In the northwest, Fulani herdsmen and local farmers are fighting for territory. The pastoral group of Fulani arrived in Nigeria in the 13th century and by the 19th century they had advanced to control some of the wealthiest regions in the north (Landguiden, 2017, p. äldre historia). When forced to change their traditional routes due to environmental issues, they started occupying lands of local farmers, triggering a conflict between the groups. As a result of limited governmental actions, the groups were left to solve the conflict themselves, leading to formations of resistance groups on both sides (McGregor, 2017, pp. 34-37) (The World Bank, 2018, p. 9).

5.2.3 Conflict in south Nigeria

The southern regions are also affected by the conflict between Fulani herdsmen and local farmers, which is further undermined by previous tensions between Fulani and Yoruba. Yoruba is primarily situated in southwest and are known for introducing trading that especially flourished in the 15th century (Landguiden, 2017, p. äldre historia). In the 19th century, Fulani started a religious war against Yoruba that at the time were Christian, which resulted in a division among
the Yoruba members where some remained Christian and some by force converted to Islam (Landguiden, 2017, p. religion). The conflict today has occurred for the same reasons as in the north; Fulani herdsmen are forced to change their traditional routes, resulting in clashes between them and local farmers accusing Fulani of stealing their land.

South Nigeria is also the location of natural resources, repeatedly resulting in clashes between local groups and military fighting for access to the oil (The World Bank, 2018, p. 8). Though causing an unrest throughout the southcentral Delta regions, the conflict is mainly affecting the far south areas. As violent clashes have been ongoing in these regions for over 100 years, the far south area is not relevant for the time limitation selected for this study and will not be included in the analysis (Uppsala Conflict Database Program, 2017).

5.3 Independent variable

5.3.1 Domestic violence

5.3.1.1 North Nigeria
Domestic violence is legal according to Sharia laws and even considered justified. Reported abuse of child brides are particularly widespread in these regions and the few girls who manage to escape their perpetrator by killing him are severely punished (Walker, 2019, pp. 18-20). This structure witness of a high level of impunity for married men. A study comparing levels of domestic violence among ethnic groups in Nigeria identified that women belonging to Hausa in the north reported a higher of domestic violence than the other groups. They also scored higher on the level of justification for domestic violence (Eric Y Tenkorang).

5.3.1.2 South Nigeria
Gender-based violence was legal and justified before the conflict, unless it caused "grievous harm", defined by permanent physical injuries or death (International, 2018, pp. 282-284). In 2001, a study showed that approximately 60% of the women in Lagos were victims of domestic violence. Another study from 2007 showed that more than 50% of the women in south Nigeria suffering from domestic violence perceived it as justified (Ose, 2009, p. 3).

5.3.2 Prostitution and human trafficking

5.3.2.1 North Nigeria
Nigeria is estimated responsible for 70% of all the human trafficking for sexual purposes to Europe (Okogbule, 2013, p. 59). Human trafficking is widespread and the provinces of Katsina and Sokoto have been identified as important transit areas to the Middle East and east Africa
Boko Haram have been active in north Nigeria since 2000; nine years before the conflict started. Sharia laws allows rape of women when enslaved or captured in battle. This means it is considered justified to rape women that are perceived as slaves - which fully legalizes human trafficking and prostitution. Women and girls abducted by the group are likely to remain in sex trafficking or end up as sex slaves disguised as wives (Zenn, Council on Foreign Relations, 2013).

5.3.2.2 South Nigeria

The province of Lagos in southwest have been identified as an important transit area of human trafficking (Okogbule, 2013, p. 66). According to section 222B and 223, the punishment for allowing or encouraging children to stay in a brothel varies from a fine of less than 50 cents to 2 years in prison. To manage a brothel is punishable with the a fine of less than 50 cents up to 1 year in prison according to section 225B and section 226 specifies that if you force a girl or woman into prostitution against her will, the punishment is 2 years in prison (The Federation of Nigeria, 1990).

Human trafficking for is not mentioned in the criminal code of Nigeria but article 369 states that if you are guilty of slave trading, the punishment is 14 years of prison. The definition of slave trading includes a person that "deals or trades in, purchases, sells, transfers or takes any slave" (The Federation of Nigeria, 1990). While this punishment can be considered relatively high, it is not confirmed if human trafficking can be labeled slavery in a juridical sense.

5.3.3 Sexual violence

5.3.3.1 North Nigeria

Sharia laws allow rape of women considered slaves or captured in battle. Spousal rape is legal as the wife is considered a property of her husband. By marrying or enslaving a woman, a man can legally rape her without facing consequences (www.islamic-laws.com, 2006, pp. 64-67). A survey from 2007 in Borno state estimates that 78% of the girls were victims of SV (Bala Audu, 2008, p. 65). Though mainly involving children under the age of 12, the study also includes girls above that age and is nevertheless considered relevant when studying violence against women. Also sex workers are experiencing a high risk of SV in these regions, especially when insisting on protected sex to avoid pregnancy or transferable deceases (World Intellectual Property Organization, 1990). The state of Kaduna is estimated to have the highest level of non-partner SV in the area with 4.6% of the women affected (Human Rights Watch, 2010, pp. 12, 47) and in another study Hausa women reported that 2% had experienced SV (Eric Y Tenkorang).
A report from 2017 shows that 39% of the women in northcentral Nigeria were married before the age of 18, which indicates arranged or forced marriage. The number is even higher in the northeast and northwest, with an approximate average of 66%. Compared to data from 2007 and 2011 the level is consistently high. In 2007 it varied from 40% to 72% and in 2011 from 40% to 73%, with northeast and northwest rating the highest (Walker, 2019, pp. 18-20).

5.3.3.2 South Nigeria
The law defines rape in section 357 as "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 threat or intimidation of any kind, or by fear of harm, or by means of false and fraudulent misrepresentation as to the nature of the act, or in the case of a married woman, by personating her husband, is guilty of an offence which is called rape". The penalty varies from 2 years prison for indecent assault to 14 years for attempted rape and lifetime for completed rape, while spousal rape is legal (World Intellectual Property Organization, 1990).

The level of women married before the age of 18 were significantly lower than in the northern regions, with approximately 14% in the southeast and southwest in 2017. In 2007 the percentage was around 17% and in 2011 around 15% (Walker, 2019, pp. 18-19). Another study reports that the number of sexual assaults in Lagos state has steadily increased since the year of 2006 (Fatimat M Akinlusi, 2014, p. 5) and interviews of female sex workers in Abuja identified that rape was considered a natural part of the job (Dagunduro, 2014). A study comparing experiences between ethnic groups in Nigeria identified that Igbo women in the southeast had experienced SV in 4,5% of the cases while Yoruba women in the southwest had a level of 1,4% (Eric Y Tenkorang).

5.3.4 Perception of impunity
5.3.4.1 North Nigeria
In general, it is rare to report crimes to the police in the northern regions. In Zamfara, only 7% of all crimes were estimated reported in 2011 and in Kaduna the estimation was 8% (Sheriff Deputies, 2016). The World Bank have also identified the general level of crimes being reported, and though not exclusively including violence against women, it is considered relevant to identify the general trust in authorities. In northeast only 2% of the crimes were reported to the police and 16% to the community leader while 77% were never reported at all. The northcentral areas had a lower level of unreported crimes with 34%, while 10% were reported to the police and 43% to a communal leader (The World Bank, 2018, p. 35). This witness of a significant lack of trust in authorities, particularly the police, in the northern areas.
Reports show that state security forces committed rape against civilians without being punished for it in 2009 and almost 18% of the rape cases were committed by the police (International, 2018, pp. 282-284). Other studies shows that sex workers are often sexually abused by the police when attempting to report rape (World Intellectual Property Organization, 1990) and that rape by military officers have been reported in the northeast prior to the conflict (Human Rights Watch, 2010, pp. 12, 47). These aspects are likely to decrease the trust in authorities and the likeliness of perpetrators being convicted or even reported. Women have very limited rights in Sharia laws and impunity of violence against women is high. Domestic violence and spousal rape is legal, and rape outside the marriage can become legal if the perpetrator marry or enslave his victim (Walker, 2019, pp. 18-20). Perpetrators are unlikely to be convicted even if the act is considered illegal as women need four male witnesses to report a crime (www.islamic-laws.com, 2006, pp. 64-67).

5.3.4.2 South Nigeria

Though rape is punishable by law, less than 20 perpetrators out of at least 3600 reported between 2013-2015 were convicted for this crime (Chidirim Ndeche, 2018). A study of female sex workers in Abuja noted that police officers were the perpetrators of SV in 6,3% of the cases (Dagunduro, 2014). In 2011, only 29% of all the crimes were estimated reported in Ogun state and 18-19% in Lagos (Sheriff Deputies, 2016). A report by the World Bank identifies that 26% of all crimes during 2010-2017 in the south were never reported while 32% were reported to the police and 40% to a religious leader (The World Bank, 2018, p. 35). As discussed, more than half of all the women being victims of domestic violence in the south perceived it as justified which indicates a high level of impunity where even the victim is unlikely to blame the perpetrator.

<table>
<thead>
<tr>
<th>Pre-existing impunity of violence against women</th>
<th>North</th>
<th>South</th>
</tr>
</thead>
<tbody>
<tr>
<td>Likelihood that victims will not report crimes</td>
<td>High</td>
<td>Medium</td>
</tr>
<tr>
<td>Likelihood that victims will report crimes to the police</td>
<td>Low</td>
<td>Medium</td>
</tr>
<tr>
<td>Level of SV with state agents as perpetrator</td>
<td>Medium</td>
<td>Low</td>
</tr>
<tr>
<td>Likelihood that reported perpetrator of SV is convicted</td>
<td>Low</td>
<td>Low</td>
</tr>
<tr>
<td>Punishment by law against sexual violence</td>
<td>Low</td>
<td>High</td>
</tr>
<tr>
<td>Punishment by law against sexual violence within marriage</td>
<td>Low</td>
<td>Low</td>
</tr>
<tr>
<td>Punishment by law against sexual assault</td>
<td>Low</td>
<td>Low</td>
</tr>
<tr>
<td>Punishment by law against prostitution (financing on brothels/pimping)</td>
<td>Low</td>
<td>Low</td>
</tr>
<tr>
<td>Punishment by law against human trafficking</td>
<td>Low</td>
<td>High</td>
</tr>
<tr>
<td>Punishment by law against domestic violence</td>
<td>Low</td>
<td>Low</td>
</tr>
<tr>
<td>Level of sexual violence</td>
<td>High</td>
<td>Medium</td>
</tr>
<tr>
<td>Level of forced marriage</td>
<td>High</td>
<td>Low</td>
</tr>
<tr>
<td>Level of prostitution and human trafficking</td>
<td>High</td>
<td>Medium</td>
</tr>
<tr>
<td>Level of domestic violence</td>
<td>High</td>
<td>Medium</td>
</tr>
</tbody>
</table>
5.4 Dependent variable

As both cases have internal actors, soldiers are expected to be influenced by the pre-existing level of impunity. To find out if there is support for the theory in these cases, data on CRSV will now be studied and compared across the areas by attempting to answer the questions selected.

5.4.1 Sexual violence

5.4.1.1 North Nigeria

A report made by the World Bank National Bureau of Statistics estimates that 6% of the population in the northeastern regions suffered from CRSV in the years 2010-2017. Another report shows that 644 cases of CRSV were reported in 2016, followed by 997 the year after. These cases include rape, sexual slavery and forced marriage (The World Bank, 2018, pp. 16, 21, 27) (Secretary-General, 2018, p. 49).

Members of Boko Haram were identified as the main perpetrator of CRSV in a report by United Nations Population Fund from 2016 (Olusola Oladeji, 2018, p. 2). UN reports also confirm that the armed group have engaged in widespread CRSV (Human Rights Watch, 2015, p. 18). In the northeast regions as many as 90% of the women are estimated victims of CRSV by Boko Haram and many are forced to exchange sex for food and money (Secretary-General of the United Nations, 2017, p. 43).

Though estimated responsible for most of the CRSV, Boko Haram is not the only perpetrator. Reports states that security guards, army officers, camp officials and Yan Gora were also involved. Members of Yan Gora in Borno state tend to provide food, security and safety for women in exchange for sexual services, while those who refuse are being punished with rape or neglection. These studies shows that particularly women without a man providing for them are likely to become victims of SV (Center for Civilians in Conflict, 2018, pp. 3, 20). Yan Gora soldiers use their power as protectors of communities to sexually abuse civilians and their close cooperation with the local police makes it unlikely for victims to report rape, while the ones who do are not likely to receive justice (Center for Civilians in Conflict, 2018, pp. 3, 20). The fact that soldiers tend to rape or in other way punish women who reject them indicates a perception of men being entitled to sex.

Human Rights Watch have reported over 40 cases of rape with the state armed forces as perpetrators in Borno state (Worley, 2016). Other reports states that out of the refugees in the north, 85% lack access to regular meals, making them especially vulnerable for SV.
vulnerability and lack of food is used by military officers and soldiers, who almost systematically rape women in these areas (Unah, 2018).

Fulani herdsmen have also started to use women’s bodies as a tool to gain power in the conflict with local farmers. Reports show that they engage in forced marriage and sexual harassment (Kumskova, 2018). Sexual harassment and rape of women by Fulani are two of the main causes of clashes between the groups but also the main social consequences of the conflict. This is most common in the northcentral and northwest states of Kaduna and Zamfara (McGregor, 2017, pp. 34-37) (The World Bank, 2018, p. 9) (Ajibefun, 2017, pp. 136-138).

5.4.1.2 South Nigeria
A report made by the World Bank National Bureau of Statistics estimates that 3% in the northcentral regions and 3.6% in the south suffered from CRSV in the years of 2010-2017 (The World Bank, 2018, pp. 16, 21, 27). As Fulani herdsmen are reported to engage in SV, this should be expected to occur also in the south. However, the data also indicates that this is significantly more common in the northern regions (ACAPS Thematic report, 2017, p. 2). Apart from this, data on CRSV in the south is not found except for years prior to the time limitation of this study or in far south areas that are excluded from the results.

5.4.2 Sexual slavery, forced prostitution and human trafficking

5.4.2.1 North Nigeria
Boko Haram was estimated responsible for abducting up to 2000 girls and women in 2013. However, the number is probably higher as most cases are never reported. Sometimes abduction is even permitted by parents in exchange for money, especially in the northeastern regions where the poverty rate is 72% (Oriola, 2017, pp. 104-106). In total, the group is estimated responsible for at least 9000 abductions of women and girls and many reports witness of how soldiers marries and enslaves women for sexual purposes (Walker, 2019, pp. 19-20). Women and girls abducted by the group are unlikely to be rescued due to the high level of human trafficking between Boko Haram and other groups that makes it difficult to locate them, and unwillingness of the government to trade resources for civilians (Zenn, Council on Foreign Relations, 2013).

The armed group of Yan Gora is also known for engaging in prostitution and trafficking. It is common for young girls to get lured into the armed group as soldiers can provide for them in a way their parents may not be able to. Girls can in this way be forced to provide sex on a regular basis in exchange for money and conditioned freedom (Zenn, Combating Terrorism Center, 2014). Reports also show that members of the group allows women and girls to be out selling sex
after curfew, in exchange for providing sexual services to the soldiers (Center for Civilians in Conflict, 2018, p. 20). Also, the Fulani herdsmen are reported to engage in sexual slavery by abducting women and forcibly marrying them to use them as sexual slaves (Kumskova, 2018).

5.4.2.2 South Nigeria
The poverty rate in the southern regions is remarkably lower than in the northern. According to a report from 2017, the poverty rate in these areas were 26% (Oriola, 2017, pp. 104-106). The level of poverty is expected to affect the level of human trafficking and prostitution, as money is generally used as a tool to access these women and girls in the first place. Though Lagos is still a transit area for human trafficking, there are no data found of forced prostitution or trafficking related to the armed conflict. Some cases of sexual slavery have been identified in the conflict between Fulani and farmers, but as mentioned above it is not common in the south. Data on human trafficking related to the conflict of natural resources are found from before the year of 2000 and hence not relevant for the purpose of this study.

Table 4: Results of selected questions for DV

<table>
<thead>
<tr>
<th>Conflict-related sexual violence in Nigeria</th>
<th>North</th>
<th>South</th>
</tr>
</thead>
<tbody>
<tr>
<td>Level of rape</td>
<td>High</td>
<td>Low</td>
</tr>
<tr>
<td>Level of sexual slavery and/or forced prostitution</td>
<td>High</td>
<td>Low</td>
</tr>
<tr>
<td>Level of forced marriage</td>
<td>High</td>
<td>Low</td>
</tr>
<tr>
<td>Level of human trafficking</td>
<td>High</td>
<td>Low</td>
</tr>
</tbody>
</table>
6. Results

6.1 Discussion

After collecting relevant data for both cases and comparing them to each other, it is possible to see a relation between the IV and the DV. To simplify, a summary of the results will be presented below. The generalization is based on the data presented in previous section.

Table 5: Summary on data for IV and DV

<table>
<thead>
<tr>
<th></th>
<th>North</th>
<th>South</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pre-existing impunity of violence against women</td>
<td>High</td>
<td>Medium</td>
</tr>
<tr>
<td>Domestic violence</td>
<td>High</td>
<td>Medium</td>
</tr>
<tr>
<td>Prostitution and human trafficking</td>
<td>High</td>
<td>Medium</td>
</tr>
<tr>
<td>Sexual violence</td>
<td>High</td>
<td>Medium</td>
</tr>
<tr>
<td>Perception of impunity</td>
<td>High</td>
<td>Medium</td>
</tr>
<tr>
<td>Conflict-related sexual violence</td>
<td>High</td>
<td>Low</td>
</tr>
<tr>
<td>Sexual violence</td>
<td>High</td>
<td>Low</td>
</tr>
<tr>
<td>Forced prostitution, sexual slavery and human trafficking</td>
<td>High</td>
<td>Low</td>
</tr>
</tbody>
</table>

Specific data was not found for all variables, but the highest level of SV reported in south was 36% while the corresponding level in north was 78%. Though significantly lower in the south, the violence still affects every third woman. The global average of domestic and sexual violence is however 30-35% according to WHO, indicating the seriousness and normalization of the crimes (World Health Organization, 2017). The global average can be compared to Sweden where 6% were estimated affected by sexual violence in 2018 (Brottsförebyggande rådet, 2018).

From the data collected, the level of both the IV and the DV seems to be lower in south Nigeria than in north. This indicates that the theory could hold true. In the areas where impunity of violence against women were not as high, SV was not commonly used in the conflict and in areas where impunity of violence against women were very high CRSV was also extremely common.

There are reports of widespread rape also in the southwest and southeast. For example, a study from the southwest state of Oyo reports that 15% of the students had been raped, that 20% of the men used force in their sexual debut and that rape is generally perceived as justified. Meanwhile, only 19 cases of rape were reported in the southeast state of Cross River in a 6-year period, indicating that many sexual crimes are never reported and perpetrators not held responsible (Ademola J. Ajuwon, 2001, pp. 128-129). However, these reports are all based on data collected prior to the year of 2000 and are for this reason not included in the results. For the
same reason this area was also excluded from the data as the previous level of DV could affect the level of IV, making the results unreliable.

All the major armed groups in the northern conflicts seem to engage in CRSV. Boko Haram is overrepresented but even Yan Gora, initially formed to protect civilians from CRSV by Boko Haram, have been using their power to sexually abuse women and girls. One of the most unexpected findings was that Fulani herdsmen in the north are known for using women’s bodies as a tool to gain power in the conflict with local farmers. There are reports of herdsmen abducting women, enslaving them for sexual purposes or forcing them into marriage. What is most interesting about this is that the Fulani herdsmen in the south, fighting local farmers for the same reason as in the north, are not known for using SV. Also, there were no reports of other armed groups in the south engaging in CRSV after the conflict outbreak in 2011, indicating a very low tendency in these areas. Even among state actors, there are reports of SV by military forces in the north but not in the south. Though the risk of underreported cases should be considered, the risk is at least as high in the north and data on CRSV could still be found. For this reason, underreporting cannot explain the variation in the results.

Impunity of domestic violence was high in both areas though and considered legal and justified. The expectation of this study was that a high level of impunity of domestic violence should also affect the level of CRSV. However, domestic violence alone is not considered enough to predict CRSV and though important to include, it must be triangulated with the other variables to reach more reliable results of pre-existing impunity of violence against women.

6.2 Alternative explanations

This study has focused on pre-existing impunity in relation to CRSV, but other aspects may also be able to explain the variation in the DV between north and south. Reasons related to group dynamic and ideology in the case of Boko Haram could affect the members behavior. However, it does not explain why also Yan Gora and Fulani use CRSV.

The religious tensions between north and south Nigeria may be able to explain some of the outcomes, as the groups are possibly influenced by different values and dynamics related to religion. However, this aspect has not been included in the study and further research is needed to draw any conclusions. Another explanation could be aspects related to the ethnic groups and their relation to each other. Boko Haram consist mainly of one ethnic group, Yan Gora of another, farmers in north of one and farmers in south of another.
Yet another explanation could be poverty rate, as it is significantly higher in north than in south and poverty is also one of the main reasons for women being vulnerable to forced marriage, rape, prostitution and human trafficking. As discussed, the poverty rate in north is 72% and in south 26%. Though relatively low, the fact that 26% of the population in south Nigeria are considered poor is still worrying and can be compared to the global poverty rate of 10% according to the World Bank in 2018. However, the level in north is much higher and could possibly relate to the variation in DV.

Actors in the north can be affected by frustration, militarized masculinity norms and forced recruitment strategies that increases the risk of gang rape being used as a socialization tool. However, in the south there are no major actors that have used forceful recruitment strategies. Militarized masculinity norms and frustration should however be relevant also in the south both among state actors and armed groups near the delta. The lack of known forced recruitment strategies among actors in the south may be able to explain some of the variation in the DV but not all of it. The democratic system is also fragile, which should create more opportunities for armed actors. However, as the democratic system is more influential in south, this still cannot explain the variation in DV.

### 6.3 Limitations

One limitation of this study is that Sharia laws are consistently used when measuring IV in the north. It was considered relevant as they were implemented in most areas already in 2000. However, IV before the implementation of Sharia laws are not included and some of the areas did not have Sharia laws until 2009. This means other laws and cultures were affecting the actors in these regions before implementation of traditional laws.

Another limitation is the data bias, as several different sources were used to collect data for both cases. This means they are not always comparable to each other as they were collected in different ways during different time periods and by different organizations or researchers. The intention was to use mainly UN reports but as data appeared difficult to access, the collection process was extended to all relevant and reliable sources available. This includes studies, official reports and statistics as well as surveys and interviews.

Finally, more research is needed as the level of impunity can be considered high also in south Nigeria, even though remarkably lower than in the north. The fact that it is still high though should according to the theory result in some level of CRSV, which was not the case according to the result of the data collection.
7. Conclusion

7.1 Summary

The intention of this study was to identify if pre-existing impunity of violence against women could predict the outcome of CRSV. A within-case comparison was used for Nigeria, comparing north states to south as the north have implemented traditional laws while south exercise civil law. The expectation was that the north regions of Nigeria would have a higher level of impunity and a higher level of CRSV.

Previous research was not able to explain why armed actors in the same country tended to mutually engage in or refrain from the use of CRSV. Suggested explanations of CRSV rarely took pre-existing conditions into account and impunity was only discussed in relation to an ongoing or post-conflict setting. This study aimed to combine findings on the effect of impunity from the Psychological field with research on CRSV.

When collecting and analyzing the data, it was clear that the level of IV and DV co-varied between the cases as expected. South Nigeria had a lower level of pre-existing impunity and a lower level of CRSV, whilst the northern regions scored high on both variables. While previous explanations for CRSV cannot be used to explain this result, it should be emphasized that pre-existing impunity alone does not explain all cases of CRSV. However, the theory of this study suggest that it provides conditions that makes CRSV more likely to occur.

7.2 Future research

For future research, more case studies are emphasized to identify if the theory holds true in other circumstances. Studies including poverty rate, holding this variable constant between the cases, could be used to identify to what extent this factor affect CRSV. Qualitative studies are suggested for future research in the area as the concept of pre-existing impunity is multi-dimensional which makes it difficult to capture in a quantitative study. However, violence against women could be used as a variable without including the dimension of impunity. In this case a quantitative study would be beneficial as it could be able to identify on a larger scale if pre-existing violence against women, which usually relates to impunity, are related to CRSV. Overall, research on both pre-existing conditions and violence against women are limited in relation to CRSV and should be more carefully considered in future research.
8. References


Eric Y Tenkorang, C. N. (n.d.). *Domestic and marital violence among three ethnic groups in Nigeria*. Canada: Memorial University of Newfoundland.


