

DO SECTIONS 405, 406, AND 407 OF THE PENAL CODE CONTRADICT THE PROVISIONS OF THE AFRICAN CHARTER ON HUMAN AND PEOPLE'S RIGHTS?

Lawyers Alert has instituted a matter against the Federal Republic of Nigeria at the Community Court of ECOWAS in Abuja, FCT.

Facts

This case seeks the interpretation of Sections 405, 406, and 407 of the Penal Code of Nigeria, Cap. 89, Laws of Northern Nigeria, 1963 and asks the court to pronounce same as vagrancy laws that should have no place in our statute books. The suit further asks the court to determine the compatibility of the same sections with the African Charter on Human and People's Rights and other International Human Rights Instruments applicable in Nigeria.

It will be recalled that the court delivered an advisory opinion on the 4th day of December 2020 on a similar issue and upon the application of the Pan African Lawyers Union (PALU) and Southern Africa Litigation Center (SALC).

Whichever way the judgment goes, a positive outcome will go a long way to strengthening the position of the vulnerable populations. It is even more strategic that the matter is being heard by the Community Court of ECOWAS. A positive outcome will definitely impact the lives of every vulnerable person.