

LAWYERS ALERT: BUILDING A PETTY OFFENCES DECRIMINALISATION MOVEMENT IN NIGERIA

Background

By July 2021, a total of 68, 556 persons in Nigeria are in correctional service centers with 70% of these persons awaiting trial. A large percentage of those awaiting trial is on account of Petty Offences. These persons are often the poor and vulnerable in the society owing to the very nature of Petty Offences and economic reasons.

The Government expends resources in prosecuting these matters and much less, in commensurate terms, focusing on governance and economic empowerment for the betterment of citizens. The legislature has been slow in reversing the situation through legislation and law review owing to a paucity of evidence with which to engage legislators and insufficient recourse to the law courts by lawyers seeking redress for poor persons who run afoul of petty offenses.



There is the need to decriminalize Petty Offences. i.e., remove them from our statute books. They are basically relics of our colonial past. These are laws that are not pro-poor and certainly do not take the dignity of persons or other Human Rights into consideration.

Recently, the African Court passed an advisory opinion on Petty Offences and particularly vagrancy laws and declared them against the African Charter on Peoples and Human Rights, Children's Rights Charter, and the Maputo Protocol. The Court stressed the incompatibility of Petty Offences laws with Articles 2,3,5,6,7,12, and 18 of the Charter.

Lawyers Alert belongs to the African Petty Offences Decriminalization Campaign Movement and has been at the forefront of campaigns to decriminalize Petty Offences at regional and national levels.

Interventions

Some of Lawyers Alert's activities towards the decriminalization of Petty Offences includes:



1. Advocacy and Collation/Publication of Data towards Decriminalization of Petty Offences in Nigeria

- LA developed an online tool for the collation of Human Rights violations associated with Petty Offences. In populating this online tool with data, partners were trained on the use of the tool to capture and document Human Rights violations. The tool does not only capture violations but also analyses these violations according to location, age, types etc. evidencing trends.

LA has released several reports on Petty Offences and Human Rights violations associated with same, towards aiding advocacy for the decriminalization of Petty Offences in Nigeria. These reports are increasingly being used for engagement with the legislature.

2. Capacity Building for HR Advocates & Facilitation of a Petty Offences Movement

- LA has conducted trainings for Human Rights Advocates and CSOs on what Petty Offences are, how they impact the poor, violate Human Rights, and deepen poverty. These trainings led to networking and partnerships amongst these organizations on Petty Offences issues and the eventual movement-building facilitated by LA.

LA facilitated the creation of a Petty Offences movement through the Alliance for the Decriminalization of Petty Offences in Nigeria (ADPON). Advocacy at various levels of government is ongoing, sensitization of the citizenry on the effects of Petty Offences, actions against the government's attitude towards Petty Offences and cases criminalizing Petty Offences have been instituted in courts of law, etc.

Movement members are involved in several interventions ranging from radio talks and phone-in programs for awareness creation, advocacy visits to justice sector agencies such as police state commands, correctional centers, production, and distribution of IEC materials across states etc.

3. Strategic/Public Impact Litigation & Free Legal Services

- There has been intense awareness creation for Lawyers across the country on international best practices as regards Strategic/Public Impact Litigation on especially offenses that carry the face of poverty like petty offenses. There are currently 4 of these litigations snaking the justice channels in Nigeria. Currently, 314 persons are

beneficiaries of free legal services, all owing to awareness creation amongst lawyers. Persons accused of Petty Offences in Nigeria now have free legal services.

Results

- a. Availability of scientific data/findings on Petty Offences in Nigeria for scientific and evidence-based advocacy on Petty Offences.
- b. Access to justice and services for victims of Petty Offences in Nigeria, including expansion of the frontiers of Human Rights threatened by Petty Offences. There exists a pool of trained Lawyers across the country to serve victims of Petty Offences violations.
- c. A healthy partnership between the media and CSOs on issues of Petty Offences decriminalization.
- d. Existence of a vibrant network and campaign to decriminalize Petty Offences in Nigeria under the umbrella of the Alliance for the Decriminalization of Petty Offences in Nigeria (ADPON).
- e. Decongestion of correctional centers during COVID-19 lockdown. LA aided the release of over 150 persons who were remanded in prisons for Petty Offences during the COVID-19 lockdown

Going Forward

Lawyers Alert is determined to work with its partners (new, old and intending) on Petty Offences in Nigeria to the following end:

1. Engage the government on the need to give effect to the Advisory Opinion of the African Court on Petty Offences.
2. Knowledge of Petty Offences and their effects, on the citizenry
3. Non-detention of persons on account of Petty Offences
4. Ultimately, the decriminalization of Petty Offences in Nigeria

Appreciation

We are indebted to the Open Society Initiative for West Africa (OSIWA) and the Southern Africa Litigation Centre (SALC) for their immense support to Lawyers Alert in our programs and projects towards decriminalizing Petty Offences in Nigeria. Our appreciation also goes to the Nigerian Bar Association (NBA), National Human Rights Commission (NHRC), Legal Aid Council (LAC), for their continued support.