



LAWYERS ALERT

FINDINGS ON PETTY OFFENCES IN NIGERIA

IN

PARTNERSHIP WITH

OPEN SOCIETY INITIATIVE FOR WEST AFRICA (OSIWA)

APRIL, 2020

INTRODUCTION

Petty Offences are basically those offences that were created by colonial masters in attempt to have a strong hold on people and right to self-expression and determination. Petty offenses offend human rights particularly rights to movement, expression, liberty, and dignity of person. Petty Offences often times have no victims, for example, wandering/loitering, rogue/vagabond, hawking etc. As earlier captured, these offences do not only violate human rights but over the years, people have been sent to correctional custodial facility on this account. This is why there is a strong movement to decriminalize petty offence in Africa.

Often, Parliamentarians in efforts at decriminalizing offenses demand evidence of data to validate positions they take. This is where the gap exists. So, while we are all in agreement on the violations associated with petty offences, there is paucity or lack of data to validate this. This reason is why Lawyers Alert with the support of OSIWA is not only monitoring rights violations associated with Petty offences but also documenting this so as to have the evidence to support decriminalization of petty offenses in Nigeria, or provide for non-custodial sentences, where appropriate.

Our documentation process seats on our already existing structure of producing data in other spheres. Lawyers Alert has an online tool that automatically analyses data according to geographic locations (774 LGAs), age, sex, types, etc. This tool has given us the plank to produce data in Nigeria on several issues ranging from SRHR to sexual minorities. In producing the data on Petty Offences, the online tool was expanded to also capture violations associated with petty offenses. Violations report came from our six (6) focal persons in the six (6) geopolitical zones of Nigeria. This accounts for the national spread of the data produced, even though, this project is focused in the following States, Anambra, Bauchi, Benue, Kano, Lagos and the FCT.

The data offered is verifiable and the report as produced is scientific in regard to violations associated to petty offences in Nigeria. It is hoped that this report will be a resource for activists and other bodies working on documentation of petty offences in Nigeria with regard to advocacy and focused interventions including programming.

This report is broken into several parts like types of violations, its spread and locations, local government areas picture, ages most affected etc.

Lawyers Alert is grateful to OSIWA for providing necessary support for this project.

Dr. Magdalene Dura,
Chair, Governing Board

VIOLATION ANALYSIS BASED ON TYPES OF PETTY OFFENCES

In documenting violations associated with petty offences, civil society groups working on petty offences in Nigeria and agreed on ten (10) violations most reported to be monitored. Documentation was therefore focused on:

- Wandering/Loitering
- Disobedience to Parents/Constituted Authorities
- Alms seeking
- Hawking
- Public Display of Affection
- Violation of Traffic/Wrong parking
- Breach of promise
- Commercial sex work
- Indiscriminate disposal of waste
- Sexual minorities
- Rogue/Vagabond

On the above listing, **Disobedience to parents/Constituted Authority** ranked highest as evidenced by the charts below with 28%. The reason for this is not farfetched. With support for the government daily dwindling owing to falling standard of living, citizens have been exercising in very strong terms their nonappreciation/feelings as evident in traditional and new media. Unfavorable Facebook postings against the government of the day has for instance seen social media journalists in jail in Cross River, Bauchi and Adamawa states. NGOs are being threatened with regulations through Legislation that in truth seeks to gag them. It is therefore not surprising to note that overall disobedience to Constituted Authority within this period ranks highest. **Wandering/Loitering and Rogue/Vagabond** follows closely with 26%. This is heavily evident in Nigerian today. This is the most commonly used modus of security agents shaking down citizens, especially young males, currently in Nigeria. Often, young males are arrested, and the contents of their phone demanded. They are forced to unlock their phones for proof that they are not rogues or vagabonds and have identity, where no identity card exists, and it is usually a ground for arrest and detention. Where phone contents exhibit pictures of videos of for example gay sex or complicated apps exists, they are arrested as being gay or “yahoo boys” a term for internet fraud. This violation is analyzed at 26%. **Commercial Sex Work** ranked third with 10%. Violations associated with Commercial Sex Work within the period of monitoring violations ranks third at 10%. This can be said to be

low in view of the visibility it gained in Nigeria, following the raids and arrests of female sex workers in Abuja and subsequent protests by residents of the city. Ironically, it will appear the issue and constant search light on these violations by the police has reduced dramatically, though still at 10% in compassion to other violations. **Hawking and Sexual Minorities** both stand at 4%. Even though hawking will appear the most “offensive act” visible, violations associated with this is at 4%. Hassan (not real name) stated in Pidgin English, “When police come, seize my property, I no get am for ₦5000 to give am for am” meaning he cannot afford bribes. Often times all the wares being hawked are barely ₦5000 (\$15) in worth making the offering of bribes very unlikely. This is not a motivation for arrest as gratification if any, amounts to nothing. Often violations with regard to hawking are in seizure and destruction of the goods. Violation of Traffic/Wrong Parking and Breach of Promise that are ordinarily not reported had a percentage of 1%. From calls received, citizens usually do not see these as a violation of their rights and see no need for reportage. Violations associated with Indiscriminate Disposal of Waste, Alms Seeking and Public Display of Affection had an insignificant reportage of less than 1% in this reporting period.

The pie-chart as in below reflects the story.

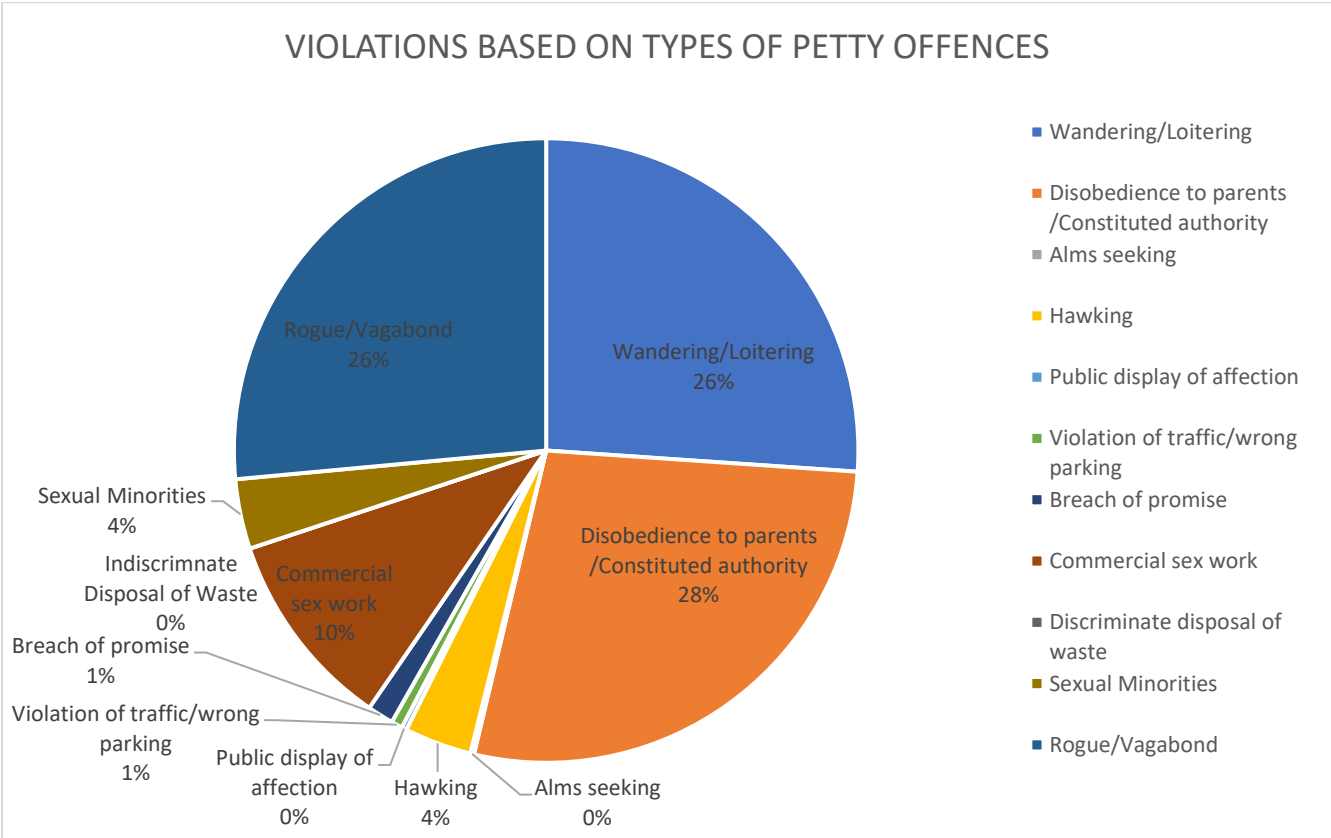


Fig 1: Violations based on types of Petty Offences.

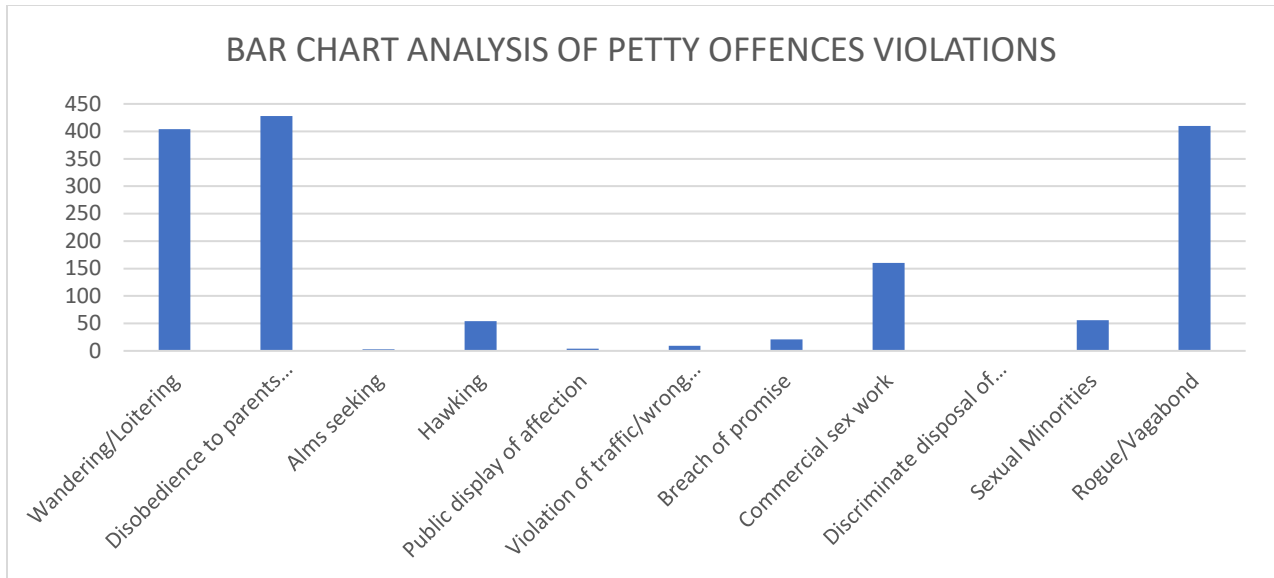


Fig 2: Bar Chart analysis of Petty Offences Violations

STATES WITH HIGHEST VIOLATION RATES.

This Report is based on a project that is being implemented in the Anambra, Bauchi, Benue, Kaduna and the FCT. Much more violations may therefore come from these States. This report, however, covers the entire country owing to LA documentation of human rights violations in other spheres over the years. We used our structures and frameworks in this regard to take in violations associated with petty offences across the Country. To this end, Lagos State ranked highest with 32%, closely followed by Plateau State with 31%. A distant second is Benue with about a quarter of the reported violations. The next is Anambra and Bauchi coming in at 6% while Abuja, the Federal Capital Territory ranks 5%. One may wonder why Abuja the FCT has only 5% of reported violations. The reason is not far-fetched. Abuja is the Federal Capital, and while violations across the Country maybe heavy, FCT being in the seat of power, efforts are made at addressing them promptly, making reportage low in comparison to other jurisdictions. Niger State is at 2%, with Abia, Osun, Delta, Kano, Kaduna and Akwa Ibom at 1% respectively. Ogun, Ebonyi, Borno, Ondo, Imo and Oyo states present the least number of reported violations at less than 1% respectively.

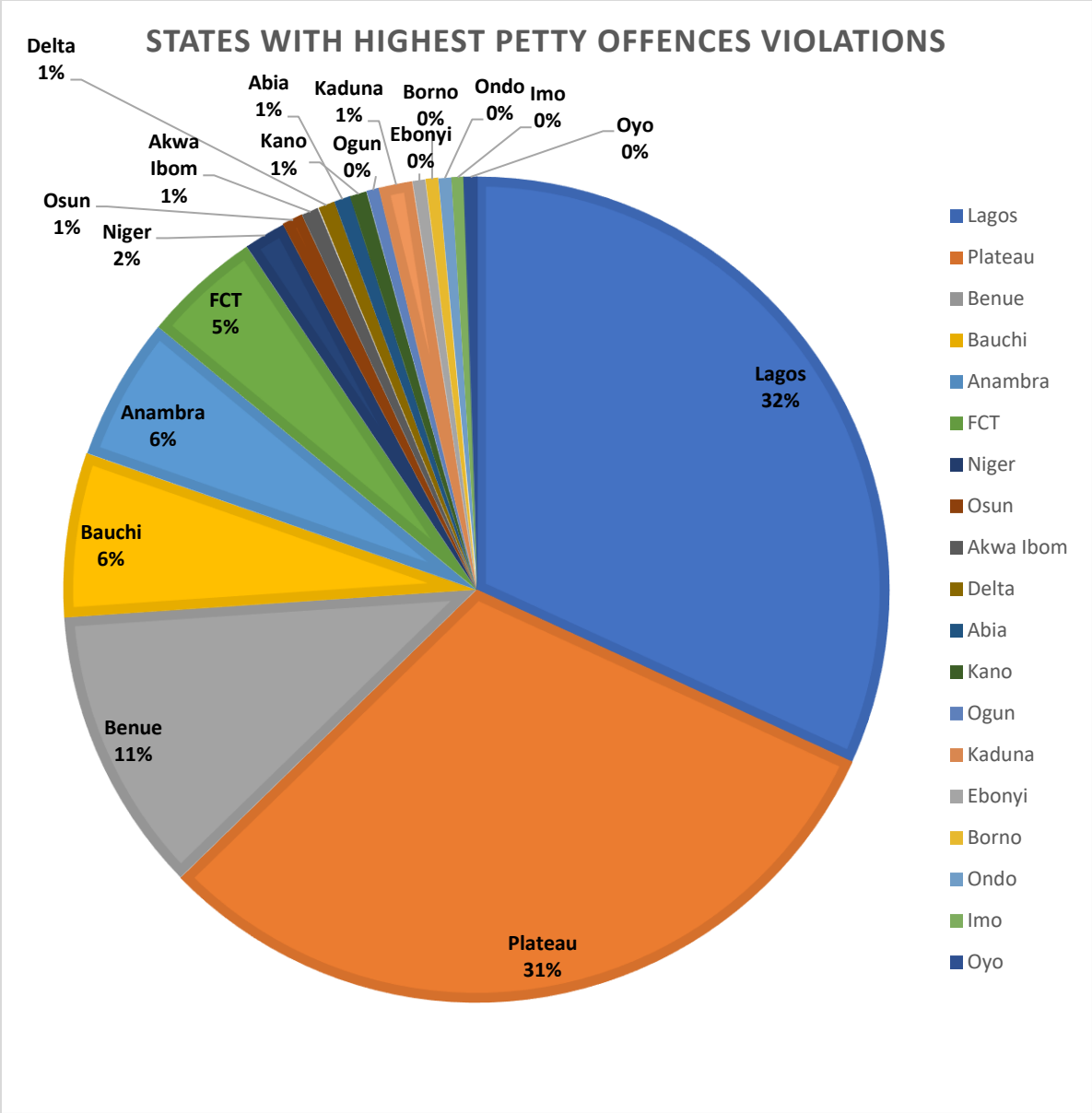


Fig 3: States with highest Petty Offences violations.

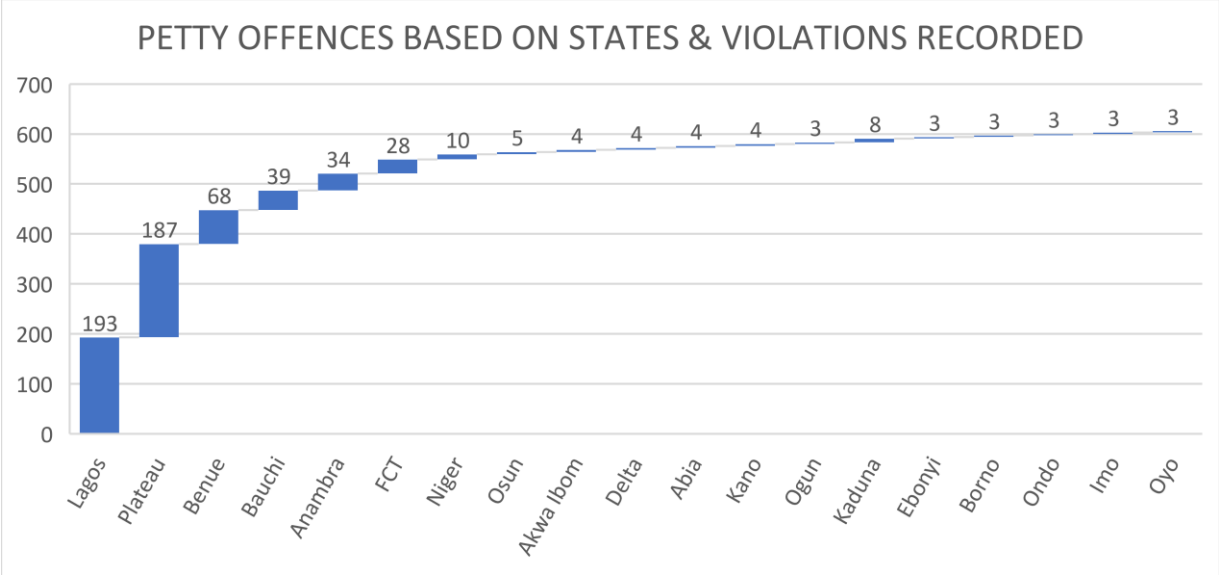


Fig 4: Petty Offences based on States and violations recorded.

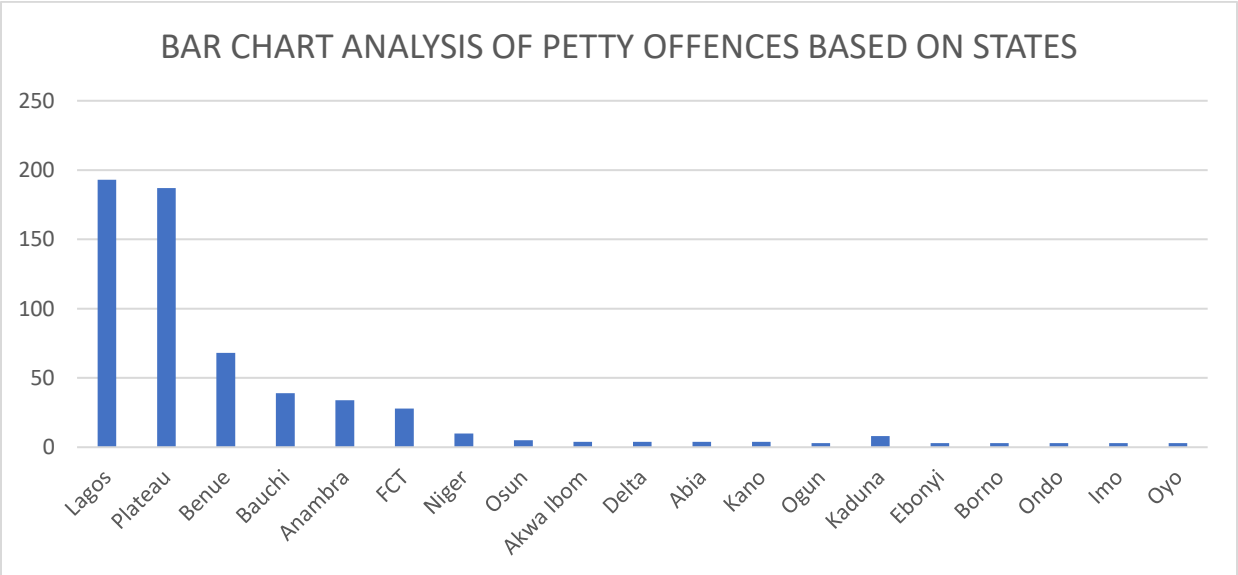


Fig 5: Bar Chart analysis of Petty Offences based on States.

PETTY OFFENCES VIOLATIONS BASED ON LOCAL GOVERNMENT AREAS (LGAs).

In ensuring findings are grassroots and community focused, Lawyers Alert is situating findings within the 774 local governments in Nigeria. Local government is the tier of government closest to the people and at the grassroots. The thinking is that programs, policies and laws can be tailored and surgical in addressing issues in their locations and be context specific. From across the 774 LGAs of the Country, Kosofe LGA in Lagos State ranked highest with 11%, closely followed by Riyom & Bauchi LGAs in Plateau and Bauchi State with 7%. Oshodi-Isolo LGA in Lagos recorded 6%, with Makurdi LGA in Benue State and Mushin LGA in Lagos State with 5%. Mangu, Jos-North, BarikinLadi, Shendam, Langtan North, Awka North and Eti-Osa all ranked 4%. Kwande, Gboko, Pankshin, Ikeja and Ifako-Ijaye was had 3%. Abuja Municipal, Suleja, Alimosho, all ranked 2%. Onitsha North, Idemili North, Ikot Ekpene, Osogbo, Dambata and Shagamu all show same violation rate. Others recorded had an insignificant reportage of less than 1%.

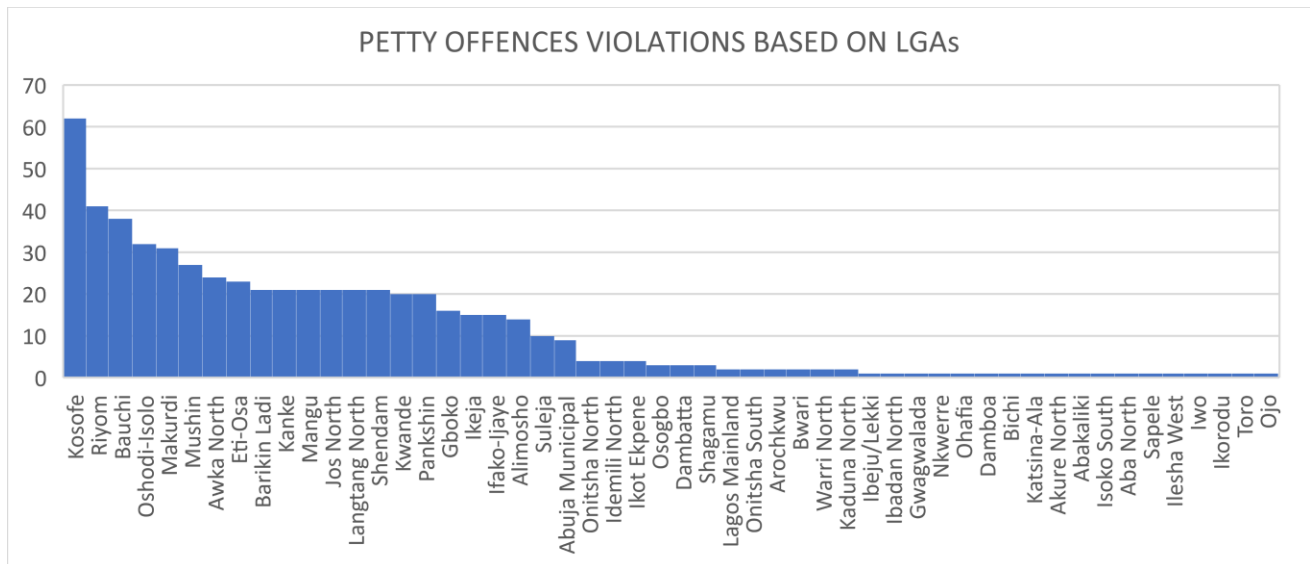


Fig 5: Petty Offences violations based on LGAs.

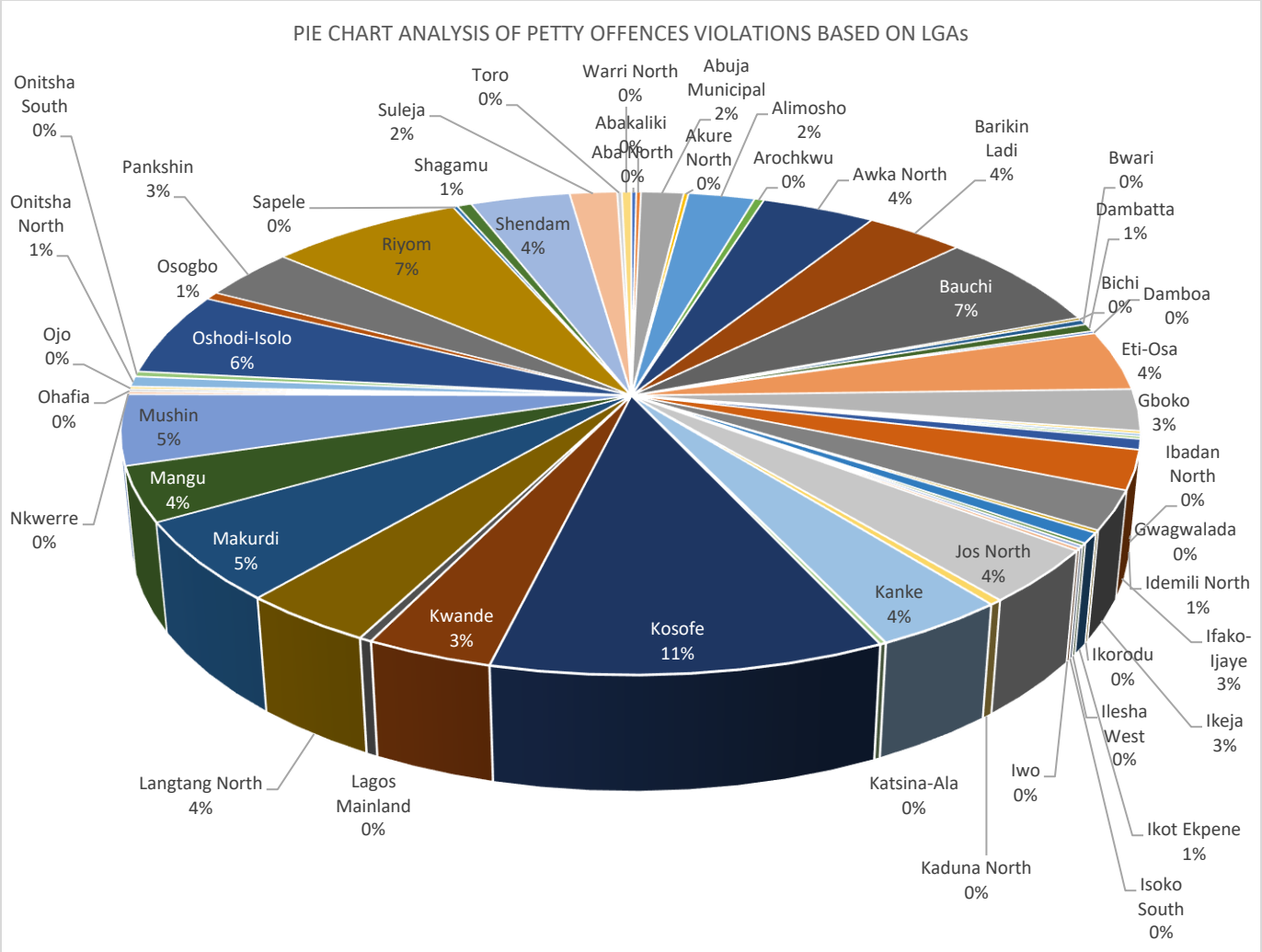


Fig 6: Pie Chart analysis of Petty Offences violations based on LGAs.

PETTY OFFENCES VIOLATIONS BASED ON AGE

Disaggregation by age, as shown in the pie chart below on the other hand, reveals that the 20-24-year group suffers the highest violation rate with 37%. 25-40 years represent 30%, with 10-19-year group ranked 29%. Age 0-5 and 6-9-year-old ranked 2% respectively. This could simply be a result of which age group has the highest number of workers or which age range is more likely to report such violations or be knowledgeable of channels for seeking redress.

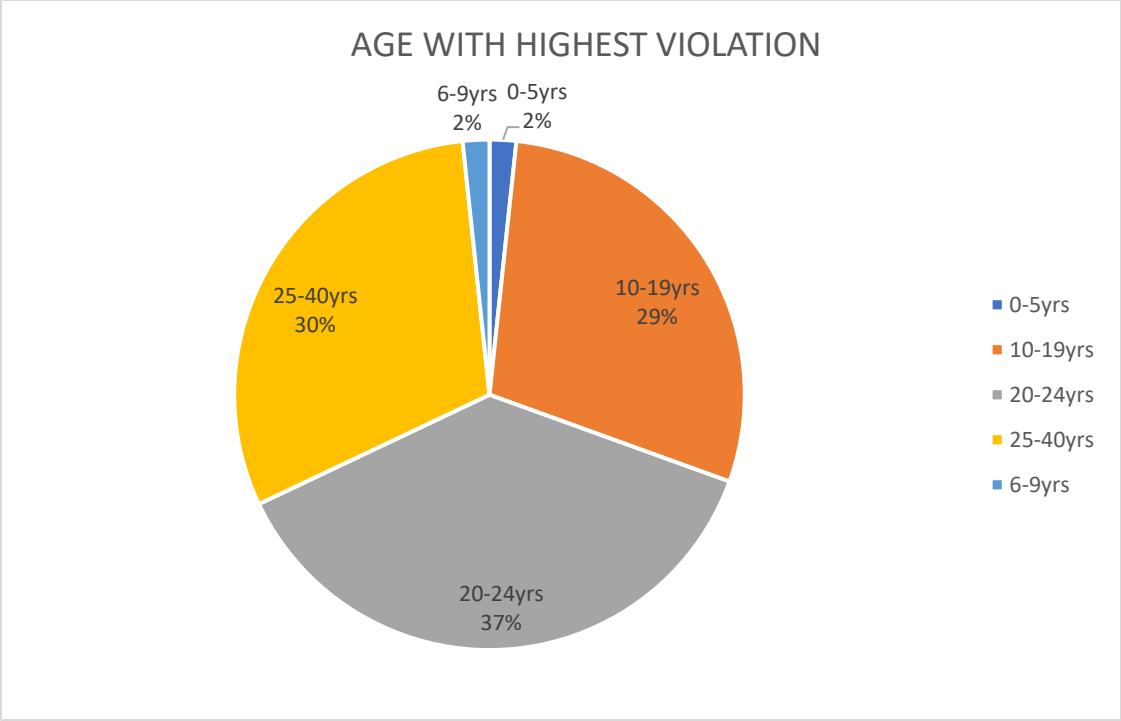


Fig 7: Age with highest violation.

PETTY OFFENCES VIOLATIONS/INDICATORS

The chart below shows a picture of Petty offences indicators as captured during this reporting period. Emotional Abuse and Verbal Abuse shows a 16% rate of violation which is the highest of all, followed by Unlawful Arrest and Detention with 15% and 13% respectively. Assault ranked 11% with Harassment 7%, Corporal Punishment 5%, Battery 3%, Torture 2%, Stigmatization 2%, Confiscation of Property 2%, Extortion 2%, while Molestation, Exorbitant Fine, Incarceration, Seizure of Goods, Blackmail, Rape/Sexual Assault are shown at 1% respectively. False Imprisonment, Invasion of Privacy, Exploitation of Personal Belongings, Damage of Vehicle, Starvation/Food Deprivation and Denial of Legal Representation are less than 1%.

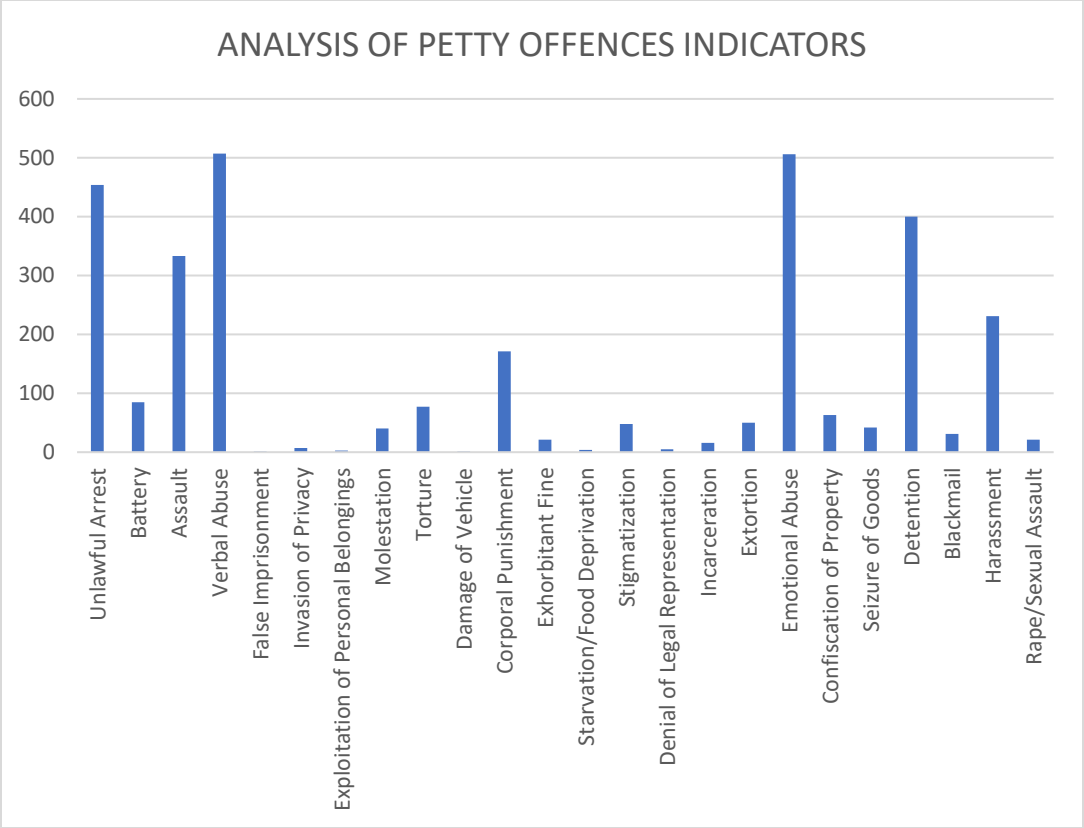


Fig 8: Analysis of Petty Offences indicators.

PETTY OFFENCES BY VIOLATION TYPES/INDICATORS

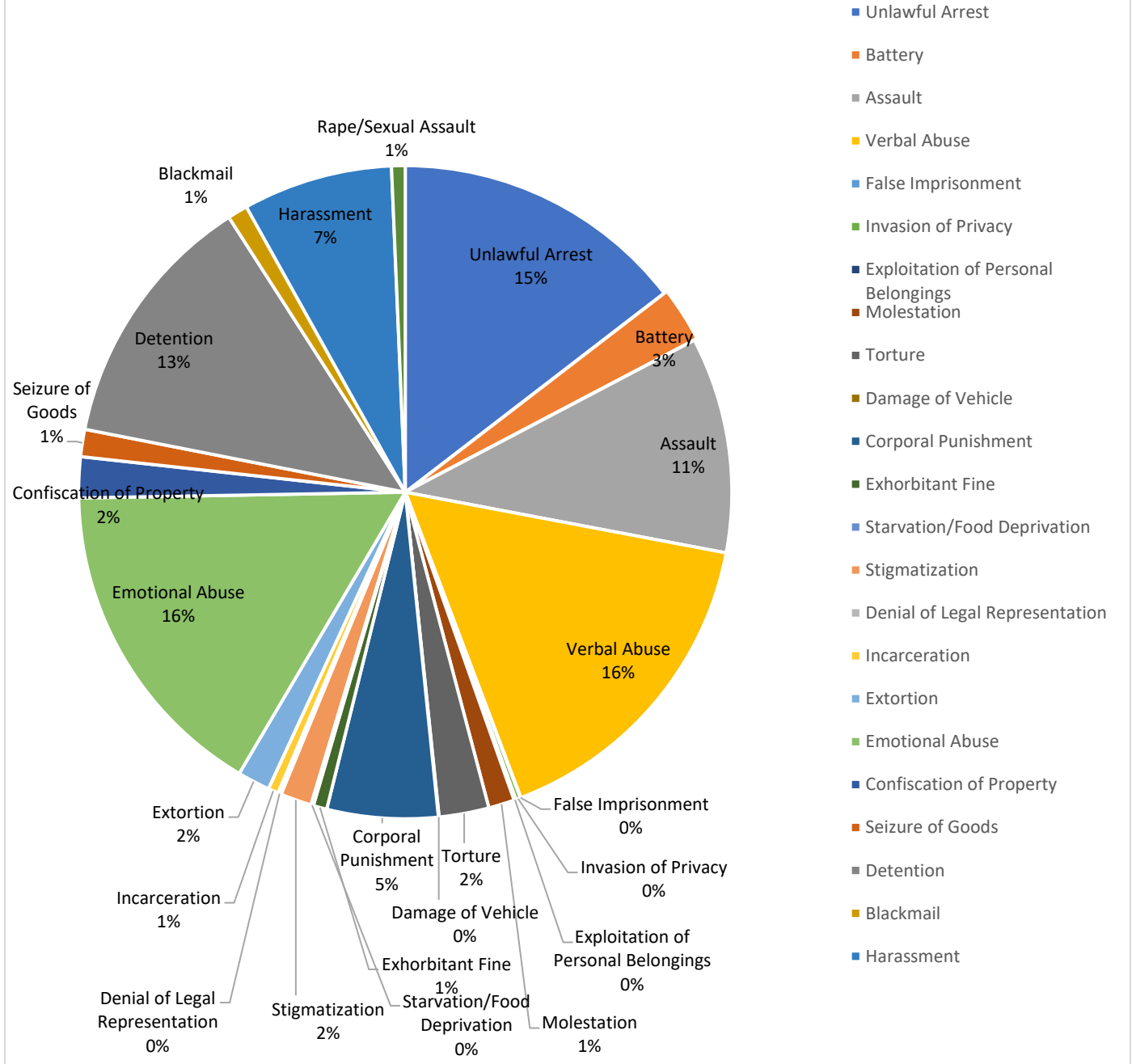


Fig 9: Petty Offences by violation types/indicators.

CONCLUSION

The violation analysis as captured above in representation of the period October 2019 to March 2020. While it may not be completely inclusive of the entire Country but certainly accurate, credible and a valid picture of the state of human rights violations associated with Petty Offences. It is hoped that there will be a valid and resource for advocacy towards decriminalization of petty offences in Nigeria.