

Interdicting the Harassment of Sex Workers under Environmental Nuisance Laws in Abuja



Background

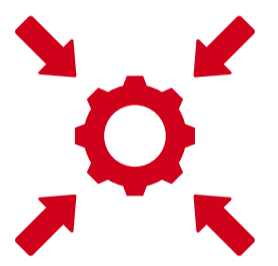
Female sex workers (FSW) are often arrested by law enforcement agencies in Nigeria and are exposed to rape, sexual harassment, assault, HIV and STIs.

In recent years, the Abuja Environmental Protection Agency (AEPD), military and police have joined forces in the mass arrest of sex workers.



Factors leading to change

- Alliances with FSWs, women groups, CSOs and the media
- Cases highlighted from human rights perspective, and rights of women
- 7 cases filed through collaboration with CSOs and private lawyers
- Amicus brief filed to support the case with assistance from SALC
- Ongoing advocacy at various levels on the cases
- Media coverage, articles, personal stories
- Alliance of 7 CSOs to drive advocacy, with litigation coordinated by Lawyers Alert - Abuja Raids Coalition of CSOs



Impact

- While cases were in court and post judgment, there were no recorded incidents of arrest and harassment of women and FSW.
- Increased community engagements
- Stronger coalitions and networks



Cases

Previous cases highlighted the harassment of women by the AEPB and police:

Lawyers Alert v Federal Capital Territory & Ors

Dorothy Njemanze v Nigeria, ECOWAS, 2017

Nkwocha & 9 Ors v Federal Capital Territory & Ors, 2019

These cases set the tone for the latest cases where 71 women were arrested at various public spaces in Abuja in April 2019. The arrests were carried out by the FCTA Joint Task Team comprising the Nigerian Army, Nigeria Securities and Civil Defence Corp, Nigeria Police Force, Social Development Secretariat, and Abuja Environmental Protection Board. They were not informed of the reason for their arrest. During their arrest and detention, the applicants were sexual assaulted, verbally harassed, beaten, teargassed, and their phones were confiscated. Seven women separately sued the respondents for damages:

See Ojima v Minister, Federal Capital Territory & 13 Ors;

Sam v Minister, FCT & Ors; Moses v Minister, FCT & Ors;

Nanji v Minister, FCT & Ors.

Judgment



- The Court declared that the Joint Task Force acted unlawfully and in violation of the rights to non-discrimination, liberty, freedom of movement and freedom from cruel, inhuman and degrading treatment.
- The Court denounced the actions of the Abuja Environmental Protection Board for being outside their mandate and powers.
- The Court granted a perpetual injunction to restrain law enforcement agencies from arresting women in similar circumstances without a court order.
- The Court awarded damages to each petitioner, ranging between \$5000 and \$10 000 per person.

