



**TOWARDS THE DECRIMINALIZATION OF PETTY ACTS IN
NIGERIA BY LAWYERS ALERT IN PARTNERSHIP WITH OPEN SOCIETY
INITIATIVE FOR WEST AFRICA.**

**REPORT OF A ONE-DAY MEETING ON INTRODUCING A MONITORING AND
DOCUMENTATION TOOL FOR PETTY OFFENCES IN NIGERIA.**

DATE: November 28th 2019
TIME: 8.30am – 2.00pm
LOCATION: Reiz Continental Hotel, 779 10th Street, Cadastral Zone, FCT, Abuja,
Nigeria.
HOST: Lawyers Alert

- **Overview/Meeting Objectives:**

The meeting had the following objectives;

- 1) Introduce the expanded Monitoring and Documentation tool “LADOCKT” to partners and’
- 2) Train partners on how to use LADOCKT to monitor and document petty offences.

- **Agenda Item #1: Registration**

All participants present at the meeting were duly registered. Representatives from the six geo-political zones of Nigeria were present.



Fig 1: Some Participants at the registration desk.

- **Agenda Item #2: Opening Prayer**

Roseline Oghenebrume, Director Program, Lawyers Alert, welcomed all participants and requested for a volunteer to lead us in prayer. A female participant prayed for Allah’s guidance

and for successful completion of the agenda of the meeting. She also introduced the facilitator of the meeting, Chigoziem Ellen Onugha, Legal Officer, Lawyers Alert.

- **Agenda Item #3: Introduction and Expectations**

All Participants introduced themselves and gave their expectations. Most of them expected to know more about the monitoring and documentation tool and how they could use it.

- **Agenda Item #4: Welcome Address/Objectives of the Meeting**

The “Welcome Address/Objectives of the Meeting” was delivered by Mr. Rommy Mom, President of Lawyers Alert. He welcomed all participants to the meeting. He explained the meaning of Petty Offences, stating that the definition is vague, that petty offences are connected with poor people. He said wealthy people don’t commit petty offences like hawking, vendor business, etc. To support his assertion that it is poor people that are at the receiving end of the enforcement of petty offences law, he narrated the story of a woman who was hawking pure water in the street of Garki, and was arrested by an officer of Abuja Environmental Protection Board (AEPB). The woman was not willing to let go of the pure water and was desperate to die. A Good Samaritan intervened and asked the entire cost of her pure water. She said N200. The Good Samaritan gave her the sum of N500 before she allowed the officer to go away with her pure water.

Rommy explained further that in view of the injustice meted out to poor people who commit petty offences, the African Commission on Peoples and Human Rights have come up with a Draft recommending member states to decriminalize petty offences in their respective countries. He reminisced further by stating that Nigerian custodial centers (prisons) are filled up with persons charged with petty offences. He then proceeded to discuss the strategy for decriminalizing petty offences in Nigeria: “We have to provide evidence on petty offences,” he said, “when you have data, you can initiate process that will effect decriminalization of petty offences.” He then assured participants that the first violation report will be released in March 2019. He also assured participants that Lawyers Alert will provide free legal services, stating that the voiceless and the poor are the easy target and that all participants should stand for them.

Rommy also informed participants of Lawyers Alert’s projects on SRHR, GBV, Petty offences, free legal services, etc. Finally, he appreciated OSIWA for its support to the two-year project and also appreciated the collaborative efforts of National Human Rights Commission (NHRC), Nigerian Bar Association (NBA), Legal Aid Council of Nigeria, Joint United Nations Programme on HIV/AIDS (UNAIDS), etc.

Buttressing Rommy’s narratives on petty offences and the poor people who are victims, Chigoziem, narrated her experience during her national service with the CID, Anambra State. She said they handled about 300 cases and out of these three hundred cases, over 200 bordered on petty offences.



Fig 2: Bar. Rommy Mom, President, Lawyers Alert

- **Agenda Item #5: Keynote Remark**

Mr. Paul Adeyeye delivered the keynote remark on behalf of OSIWA. He delivered OSIWA's message, stating that OSIWA is resolute in promoting human rights and civil reforms. He appreciated Lawyers Alert and its monitoring and documentation tool. Finally, he wished everyone a fruitful discussion.



Fig 3: Mr. Paul Adeyeye, OSIWA

- **Agenda Item #6: Goodwill Messages**

Nigerian Bar Association

The Nigerian Bar Association (NBA), Abuja branch chairman, Mr. Folarin Aluko, delivered his goodwill message. He appreciated Lawyers Alert and OSIWA. He also appreciated Lawyers Alert's monitoring and documentation tool. He talked about petty offences, the problem with the definition of petty offences and how it is affecting the poor in the society. He cited instances where law enforcements agencies chased people on the road hawking. He stated the need to review our criminal justice system and that this can done through understanding issues. He said data helps us to understand issues. He also noted that the definition of cheating is vague and can be misunderstood by prosecuting counsel. Assuring participants of NBA's support to Lawyers Alert, the NBA chairman said: "In our social platform, we hope to disseminate the information.



Fig 4: Mr. Folarin Aluko, NBA Chairman, Abuja.

Legal Aid Council of Nigeria

Legal Aid Council was represented by Mr. Francis O. Johnson. He appreciated Lawyers Alert's collaboration with the Legal Aid Council over the years. He proceeded to discuss the plight of the poor and how their rights were being violated by law enforcement agents. In his words: "Each time you go to the police station or to DSS, you are not comfortable the way they handle issues. Lawyers Alert's effort is a cry against unnecessary arrest of hawkers.



Fig 5: Mr. Francis O. Johnson, Legal Aid Council.

Joint United Nations Programme on HIV/AIDS (UNAIDS)

Mr. Gabriel Undelikwo of the UNAIDS delivered his goodwill message on behalf of UNAIDS. He apologized for the absence of the UNAIDS country Director and expressed his sincere appreciation to Lawyers Alert not just for inviting the UNAIDS but for the historical collaboration between both of them. On Lawyers Alert's monitoring and documentation tool, Mr. Gabriel said: "The tool helps us to capture violations. We expect that we will utilize the tool. I follow up Lawyers Alert's social media and I commend their efforts. Lawyers Alert is our first point of call and we treasure their efforts. Lawyers Alert is starting on a very good course. We pledge to extend our partnership with Lawyers Alert." He further commented on our correctional centers and the plight of the poor who are remanded on allegation of committing petty offences. Finally, he assured Lawyers Alert that it is on a good course.



Fig 6: Mr. Gabriel Undelikwo, UNAIDS.

National Human Rights Commission (NHRC)

Mrs. Mariam Kadiri represented the NHRC. She expressed gratitude to Lawyers Alert’s collaborative efforts with NHRC and assured all that NHRC will keep collaborating with Lawyers Alert in promoting human rights in Nigeria. She conveyed NHRC’s message to all and said she felt honored to always attend Lawyers Alert’s meetings whenever invited. She states further: “We (NHRC) collaborate with CSOs and We have our machinery for dealing with violations. We look forward to a continuous collaboration with Lawyers Alert in carrying out the project on petty offences decriminalization.



Fig 7: Mrs. Mariam Kadiri, NHRC.

- **Agenda Item #7: “About LADOCKT: How We Have Been Using it to Capture Sexual and Reproductive Health and Rights (SRHR) Violations.”**

The session was taken by Roseline Oghenebrume, Director Program, Lawyers Alert. She explained to all that Lawyers Alert Online Documentation Tool (LADOCKT) was initially developed to capture SRHR violations. She also stated that for this session, we would use the Microsoft word version of the tool which contains only SRHR violations to explain as the online tool now contains petty offences. She stated that LADOCKT was formed in 2016 and it came out of the need for evidence-based fact and interventions. In our advocacy with policy makers and law makers, they request for evidence to buttress the claims made by key and vulnerable groups. She also stated that the content fed into LADOCKT was developed by stakeholders ‘working on SRHR in Nigeria.

Content of the Reporting Form

Roseline informed participants about LADOCKT’s Reporting Form. She stated, among others, that the form requires the following data: Case Number, Organization, date of interview, referral,

Contact of referrer, type of interview, name of interviewer, information of interviewee, gender, age bracket, occupation, marital status, Local government area, contact of interviewee, date of incident, details of what happened, number of persons affected in the incident, information related to the perpetrator (state actor or non-state actor), age of perpetrator, fault of perpetrator, types of violations, applicable legislation/policies, human rights violations involved, interviewee's effort before reporting to interviewer, etc.



Fig 8: Roseline Oghenebrume: How we have been using LADOCKT to capture SRHR violations.

Questions/Observation/Recommendations

Rommy also pointed out to participants that “Page 2 of LADOCKT document contains indicators. You tick those associated with the violations.” Issue of location: “We have 744 local governments in Nigeria. The tool analyses the violations based on all local governments.

A participant asked if we can have an online and offline version of the tool? In response, it was explained that for now, Lawyers Alert receives violation reports and input them online. This is to guard against people uploading unverified and false information.

On age category of perpetrators, a female participant noted that since persons of 0 – 9 years are minors and cannot be punished for any criminal offence, the age category should not be included among the age of perpetrators in the tool. In response to this concern, the age category is for victims and not the perpetrators.

A participant also noted that it may be difficult to know the age of perpetrators. In his words: “if I am harassed by a policeman, I may not be able to know the age of the policeman.”

It was also suggested that the tool should contain provision for drop down menu to make it easier to fill the form.

The issue of anonymity of referrer was raised by a female participant and she stated that we need to take the safety of the referrer serious.

In conclusion, Roseline Stated that this tool should not be seen as Lawyers Alert's tool. It is our tool. We can work together and cause a change.

- **Agenda Item #8: Tracking of Petty Offences: How LADOCKT Has Been Configured to Capture Petty Offences**

This session was presented by Chigoziem Ellen Onugha. She explained that the tool which was originally meant to capture SRHR violations was configured to capture petty offences. She said because of the expansion, the tool changed. She said in the petty offences section, it contains types of petty offences which must be checked as the case may be. The petty offences section of the tool also require the following data: information of interviewee, gender, age bracket, occupation, marital status, Local government area, contact of interviewee, date of incident, details of what happened, number of persons affected in the incident, information related to the perpetrator (state actor or non-state actor), age of perpetrator, fault of perpetrator, types of violations, applicable legislation/policies, human rights violations involved, interviewee's effort before reporting to interviewer, etc.



Fig 9: Ellen Onugha: How LADOCKT has been configured to capture petty offences.

Questions/Observation/Recommendations

- A female participant raised the issue of sexual minorities and said they should not come under petty offences in view of the way the law criminalises it. She stated that the sexual minority issues should be on another platform and not on petty offences. In responding to the concern raised on sexual minorities, for certain the law Nigeria criminalises it. Others see it as a serious issue but some see it as a menial offence which is visited with grave punishment. Rommy also stated that we need to look at petty offences from the angle of the gravity of the offences.
- Another participant explained that State actors mostly infringe on people's rights.
- A participant noted that age 0 – 5 years should not come within the age categories of perpetrators. Chigoziem explained that putting 0 – 5 age categories among age categories of perpetrators does not necessarily make much negative impact. Human face should be looked at in some instances. After violations, tool will be used for advocacy. Rommy also buttressed on age of perpetrators. He said that under our jurisdiction, 0 – 5 years cannot be offenders, but the tool includes 0 – 5 years. It is a fact-finding tool.
- A male participant: the tool may not cover all the petty offences. The option of “others” should be included in the tool.

- A participant stated that breach of promise in tool should be specifically captured. Is it breach of promise to marry or breach of trust? In response, Chigoziem stated that what we have in mind is breach of promise to pay debt. We may put “others” to explain what it means.
- A female participant suggested that there should be shown explanation notes to explain each of the offences.
- **Agenda Item #9: How to Document Petty Offences Using LADOCKT**

This topic was presented by Roseline. With the aid of PowerPoint Presentation, she showed participants a sample of a report that was generated by the tool. In her words: “This sample report is a pie chart. The pie chart is based on what is inputted in the tool. We are documenting because we want to effect change. We have charts by violations, age, persons living with HIV/AIDS, local governments, states, sex, etc.

A female participant asked why “torture” is included among violations. Roseline replied: “Because it is an indicator of petty offences. Another participant affirmed that “torture” is a violation close to petty offences.

A participant suggested: the section on “What happened” i.e. brief description of facts contained in the tool should be made compulsory and not optional.

A participant suggested: at the end of the SRHR part of the LADCKT Form, it should be noted that “Petty Offences Start from Here.”

A participant suggested that petty offences indicators should be changed to petty offences violations.

A female participant said there should be training on the tool. In response, we are already on the training. We need to understand and retrain persons in our networks.



Fig 10: Cross-section of participants

“When you finished filling the Reporting Form, click “Insert” to submit it. After that, you go to the back-end and instruct the tool to analyze the data.

A male participant: Next time, we may have a practical work. We come up with stories, input them and generate the report (statistics).

- **Agenda Item #10: Modus of Capturing Violations and Sending to Lawyers Alert**

The session was presented by Mr. Rommy Mom. He explains the modus of capturing violations and sending to Lawyers Alert as follows: “We have partners from the six geo-political zones of the country. We cannot cover the entire states, but littoral states can send in reports through zonal representatives. We collect violations from these various zones. These persons from the zones will input the violations. PRAWA has been in the struggle. Legal Aid and NHRC receive reports and we go there to obtain the reports and we input on the tool. The two-year project is funded by OSIWA.”

- **Agenda Item #11: Data Reporting on Petty Offences**

The topic was presented by Jerome, the M & E (Monitoring and Evaluation) Officer of Lawyers Alert. In her words: “Of all that we have said about reporting, this is the most important part of the project. Without reporting, all we do goes to nothing. We will work on data collection. We should not hesitate to send in data we have on ground. We should not hesitate to let people know about the tool. We hope that we will get the first report. We should get it across to others. We should decide how we should send in the reports.



Fig 11: Jerome Uneje: Data reporting on Petty Offences

- **Agenda Item #12: Next Step/Way Forward**

This session was anchored by Roseline. It was agreed that Lawyers Alert should do a weekly follow up on petty offences reporting. This should be via emails, phone calls and messages.

A participant asked if they could scan documented reports. Roseline responded stated that they could scan and send to Lawyers Alert via email or even snap and send to us via WhatsApp. Participants also suggested that sending reports via email, scanning report and sending via WhatsApp makes it easier.

A participant asked if violations is strictly within the project states. Roseline responded that wherever there is a violation in the Country, you can report to Lawyers Alert.

A male participant stated owing to the time frame for production of the first documentation report, close working relationship is necessary.

Rommy also explained that Lawyers Alert don't just focus on reporting, we focus on remedial measures. We provide free legal services and take the issue of free legal services very seriously. It is the bedrock of those victims of violations. If there is much awareness, people will take steps to seek redress. A participant asked how we promote what we are doing. Roseline stated that with regards to publicity, we go to communities and marketplaces. We look forward to continuously doing more. We like to work in partnership with others because we cannot do everything.

- **Agenda Item #13: Vote of Thanks**

Mr. Rommy Mom gave the vote of thanks. He thanked all participants for their availability at the meeting. He thanked NHRC, Legal Aid Council, NBA and UNAIDS for their support. He thanked OSIWA for supporting this initiative and looks forward to a more fruitful and continued working relationship. He thanked Lawyers Alert's focal persons in the six geo-political zones of the country. He thanked all who travelled all the way to be at the meeting. He thanked PRAWA, CSOs, the media persons in the room, and all Lawyers Alert Staff.



Fig 12: Focal Persons

- **Agenda Item #14: Lunch/Close**

All participants had lunch and departed to their various destinations.



Fig 13: Group Photograph