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## **ABUJA HIGH COURT DENOUNCES VIOLATION OF WOMEN’S RIGHTS BY LAW ENFORCEMENT AGENCIES**

**12 August 2021, Abuja** – On 5 August 2021, the Federal High Court of Nigeria, Abuja Division, per Justice Maha, handed down a groundbreaking decision against law enforcement agencies that violated women’s rights.

The Applicants were among 71 women who were arrested at various public spaces in Abuja between 17 and 26 April 2019. The arrests were carried out by the FCTA Joint Task Team comprising the Nigerian Army, Nigeria Securities and Civil Defence Corps, Nigeria Police Force, Social Development Secretariat, and Abuja Environmental Protection Board. The Applicants were not informed of the reason for their arrest; they were sexually assaulted, verbally harassed, beaten, teargassed, and their phones were confiscated. They were denied basic sanitation during detention and treated in a degrading manner during their arrest and detention. Some women were released without appearing in Court, whilst others were instructed to plead guilty. The raids sparked a public outcry and led to the formation of the Abuja Raids Coalition of CSOs. The CSOs decided to engage in advocacy and legal action. Lawyers Alert, with support from the Southern Africa Litigation Centre and the Open Society Initiative of West Africa, supported the filing of individual applications by the women. Lawyers Alert, with the support of SALC, also filed an *amicus curiae* brief in the case.

The judgment is significant for several reasons:

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

“The judgment is an important affirmation of our law and the obligation of all law enforcement agencies to act within the parameters of the law and at all times to protect and respect the fundamental rights of women,” said Rommy Mom, from Lawyers Alert.

### **Background**

The Abuja Environmental Protection Board has as its legislative aim to conserve the environment. However, in practice, it has adopted the mandate of “sanitising the city” by targeting street vendors, sex workers, and persons who beg or scavenge. In January 2017, the FCT Ministerial Joint Task Force was established and quickly earned a reputation for brutal repression of marginalised groups within the city. In 2017, the ECOWAS Court held in *Njemanze and Others v Federal Republic of Nigeria*, that routine sting operations directed only at women amounted to discrimination. These practices have, however, continued unabated



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since the ECOWAS Court’s pronouncement. On 18 December 2019, the Federal High Court of Nigeria, Abuja Division, per Justice Nyako, considered similar facts in *CN and 15 Others v Minister of Federal Capital Territory and 5 Others*. The Court held that the Task Force’s actions amounted to an infringement of the applicants’ rights to privacy. The Court emphasised that the procedures for effecting an arrest are stipulated clearly in the law, and law enforcement agencies must follow it at all times. The applicants were awarded compensation and legal costs.

In December 2020, the African Court on Human and Peoples’ Rights issued an Advisory Opinion in which it noted that “...many poor and marginalised women across Africa earn a living by engaging in activities that put them at constant risk of arrest under vagrancy laws. By sanctioning the arrest of poor and marginalised women on the ground that they have ‘no means of subsistence and cannot give a satisfactory account’ of themselves, vagrancy laws undermine Article 24 of the Women’s Protocol.” The African Court ordered States to “take all necessary measures, in the shortest possible time, to review all their laws and by-laws [to] bring them in conformity with the provisions of the Charter, the Children’s Rights Charter and the Women’s Rights Charter.”

**For more information contact:**

Rommy Mom, Lawyers Alert, [rommymom@yahoo.com](mailto:rommymom@yahoo.com), +234 803 608 1967

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