

LAWYERS ALERT SOME LITIGATION STORIES ON SRHR

FEBRUARY 2017

RIGHTS ENFORCEMENT THROUGH THE JUSTICE SYSTEM

Below are some of our stories based on our interventions. We work closely with the Coalition of Lawyers for Human Rights, COLaHR.

1) *Denial of Hostel Accommodation In University Of Bingham, Karu, Nassarawa State.*

2 undergraduate students, a male and a female were denied accommodation in the University hostels of the above-named institution owing to their HIV status. Lawyers Alert engaged the University via correspondences and meetings for a reversal of this discriminatory practice. The efforts yielded very good results as the University rescinded its position and has since admitted both students into the hostel, having issued a formal letter of apology to the students and their parents.

2) *Victim Vs Mr Chibuzor*

The victim, HIV positive mother (we respecting her privacy by non-closure of the name), was being threatened by her husband who had additionally, forcefully taken possession and custody of her son. COLaHR and Lawyers Alert met with both parties, bringing in the National Human Rights Commission (NHRC) Awka office, Anambra state, where parties live, into the matter. The matter has since been settled with the woman maintaining custody of her son and the husband was given visitation rights. The agreement has been reduced to writing wherein all parties have signed including the National Human Rights Commission Akwa office.

3) *Bail Secured for Female Sex Workers in Abuja*

Lawyers Alert helped secure bail for 52 female sex workers whose homes in Mabushi, Abuja, FCT were raided at midnight by the Abuja Environmental Protection Board (AEPB). Lawyers Alert is in the process of taking the said body to court with the women serving as Petitioners

4) *Victim Vs Mr Abayomi*

An HIV positive lady in a relationship disclosed her status to her partner who lives in London. Upon her return to Nigeria and following a misunderstanding between them, he resorted to blackmail and emotional torture of the victim. He threatened to inform her family of her status without her consent and posted pictures of her online as the face of HIV.

Lawyers Alert immediately reached out to our contact within the IT department of Heartland Alliance International in the Chicago office with a view to informing Facebook and Twitter, the platforms used by the aggressor, to take down the hostile messages. While this was ongoing, the victim and her partner came to an amicable resolution of their differences.

Despite this apparent truce, COLAHR has informed the victim of her rights, assisted in stabilizing her emotionally and has also assured her of our support in the event of a recurrence of the incident. The same is also the position of the partners contacted in the US.

5) *Miss X Vs. University of Abuja*

Miss X, a student of the University of Abuja was sexually harassed and molested by a student. Upon complaints, the university handled the case as a mere assault rather than the GBV/Sexual molestation case it actually is. This, despite glaring medical facts indicating stress around the reproductive organs of the victim and minor injuries sustained during her struggle to avoid being raped. COLAHR wrote to the university stressing the importance of justice and fair play for the victim and to prevent the aggressor prevented from carrying out a similar act in the future. The university called to request a meeting in hopes of resolving the matter amicably and two of such meetings have been held so far to seek justice for the victim.

6) *Unlawful Dismissal from Employment Based on HIV Status*

The Victim who is a person living with HIV was unlawfully dismissed from his place of work after being pressured into carrying out an HIV test, the result of which was then obtained by her employer and used as grounds for her wrongful dismissal. We have obtained an Order of Court to have the matter tried with no disclosure of identity.

7) *Denial of Employment-Based on Grounds of HIV Status*

In this instance, the Victim Nurse was employed by a School to attend to pupils. Upon the School becoming aware of her status, the employment offer letter was denied, and she was expelled from the premises of the school. Lawyers' Alert letter to the school demanding reinstatement has not been honoured after the expiry dates. We are about to approach the court for a resolution of the matter.

8) *Victim Vs Mr Nyikwagh*

The Victim's husband has sued her in a court in Gboko, Benue State seeking divorce and custody of 3 children based on her HIV status. Investigations showed that the husband was aware of the wife's status before marriage and his prayers for divorce lie more in the termination of the woman's employment following the current recession. Lawyers Alert has filed papers in defense of the woman with the preliminary objection. We await a date for a hearing.

9) *Ongoing Investigations into Alleged Rape of Minor*

A minor, 10 years of age, was raped in Mpape, FCT, Abuja. Lawyers Alert has taken up the matter, and we are currently in the process of following up with the police station and court. Another Minor aged 8 also violated in Adikpo, Benue State and is now positive.

CONCLUSION

We aim to keep going with a view to ensuring that those who are ill-treated, especially as a result of their HIV status, get respite from the justice system even as we battle to sustain the tempo owing to lack of funds in meeting the cost of filing court process, and transportation to court for lawyers.

Another critical challenge is the need to harvest and train lawyers across the country committed to free legal services and interventions for Persons Living With, Affected by or Most at Risk of HIV in Nigeria. Currently, we are very short of lawyers especially in some parts of the country, making it difficult to serve deserving cases in these areas. We can create awareness amongst local branches and train these lawyers before inducting them. Training is key and critical as it is crucial not only how lawyers relate with the target population but also how the cases are argued.

The issue of Advocacy is also very important. Advocacy must go alongside cases. This is to enable reform in laws and policies, and also water the judiciary with pro-human rights Judges.

With regard to Advocacy, we recognize the fact that for optimal success, it must be evidence-based, wherein Lawyers Alert now has a web-based rights violation documentation tool <http://colahr.org/lawyersalert/index.php> that automatically documents and analyze violations. This tool has been shared with small and medium-sized CSOs working on SRHR in Nigeria. Today several of these organizations are using it by sending in violations and uploading the same on the tool.

Owing to the web-based Application, Lawyers Alert and COLaHR have been inundated with reported violations. With over 35 cases reported, 12 in court, and over 10 favorably resolved, small CSOs are more favorably disposed to reporting these violations.

Lawyers Alert and COLaHR hope to periodically share the findings so as to equip SRHR organizations with scientific data to aid their work, programming and advocacy. This is it is argued to have the potential of changing SRHR advocacy in Nigeria.

The challenge here is raising awareness amongst specific groups and targets to continually feed into this tool. Already, for MSM, we have been mobilized this support in certain states, while we are still in the hunt for support to raise awareness amongst Female Sex Workers, Persons Living With HIV, Persons Who Use Drugs, Lesbians and Persons With Disability on the use of the tool.

We trust that with your help and support COLaHR will be able to make an even bigger impact going forward.

Thank you

