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**SUB-NATIONAL GOVERNANCE AND
CRIMINALISATION OF POVERTY**

NIGERIA



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INTRODUCTION

Importance of understanding sub-national governance in Nigeria vis-à-vis the campaign to decriminalize petty offenses:

- It aids in understanding the context and the consequently the focus of tailored and result oriented advocacy.
- For a regional campaign such as ours, where lesson sharing is intergral, it is very important to also understanding of differences in context.
- Understanding the effect of sub-national laws and policies will also help to identify policy gaps and advocate for reforms that address systemic discrimination and inequality

LEGAL FRAMEWORK

The Nigerian Constitution provides for three tiers of governance the rights of girls and women and provides for their fundamental human rights. Other legal instruments that protect women and girls in Nigeria are:

- **Federal government**
- **36 States Government**
- **774 Local Government**

Sub-national governance in simple terms is the distribution of power, responsibilities, and resources between the and the 36 states and 774 local governments.

While states government operate fairly independently of the federal Government, local governments are not independent of states governments.

LEGAL FRAMEWORK (1)

- ❑ Offenses and crimes in Nigeria are largely contained in States Penal Codes, for northern States and the Criminal Codes for southern states.
- ❑ In the main, Largely, states are saddled with laws and the enforcement of it as it relates to offenses.
- ❑ In practice however, there are both federal offenses and state legislated offenses.
- ❑ The National Parliament (Senate and House of Representatives) with a collective of almost 500 members, must jointly pass a law, while State Houses of Assembly with sometimes less than 30 members, make state legislation.

NATURE OF PETTY OFFENSES IN NIGERIA

Owing to the legal framework, petty offenses and its enforcement differs from state to state in Nigeria, depending on factors like culture, religion and personnel in government.

- ❑ In the northern states for example, consumption of alcohol is an offense while states in the South criminalise alms seeking
- ❑ That said, across states and the federal regions, certain conducts and actions are criminalized.
- ❑ These include, sex work, same sex relationships, loitering, hawking, occupation of uncompleted public buildings by the homeless, and abuse of elected officials.

ENFORCEMENT

- At the state levels, enforcement is increasingly being carried out by state quasi security agencies, given the nonexistence of state police, e.g. LASTMA for traffic offenses in Lagos and Hisbah in some northern states
- Given most of these quasi security agencies are populated by not so trained personnel, enforcement is marked by a lack of due process, with individuals often subjected to arbitrary detention, physical abuse, and extortion. This has led to a culture of impunity and abuse of power, which sadly is also the case even with the police
- The criminalization of poverty offenses is criticized by human rights organizations for violating the rights of poor and vulnerable individuals, who are often the targets of these laws.
- These laws are seen as discriminatory and a means of criminalizing poverty rather than addressing the root causes of poverty and inequality.

INTERVENTIONS BY CSOs

I will start with what we do at Lawyers Alert. Lawyers Alert is a legal and human rights organizations, and our interventions focuses on:

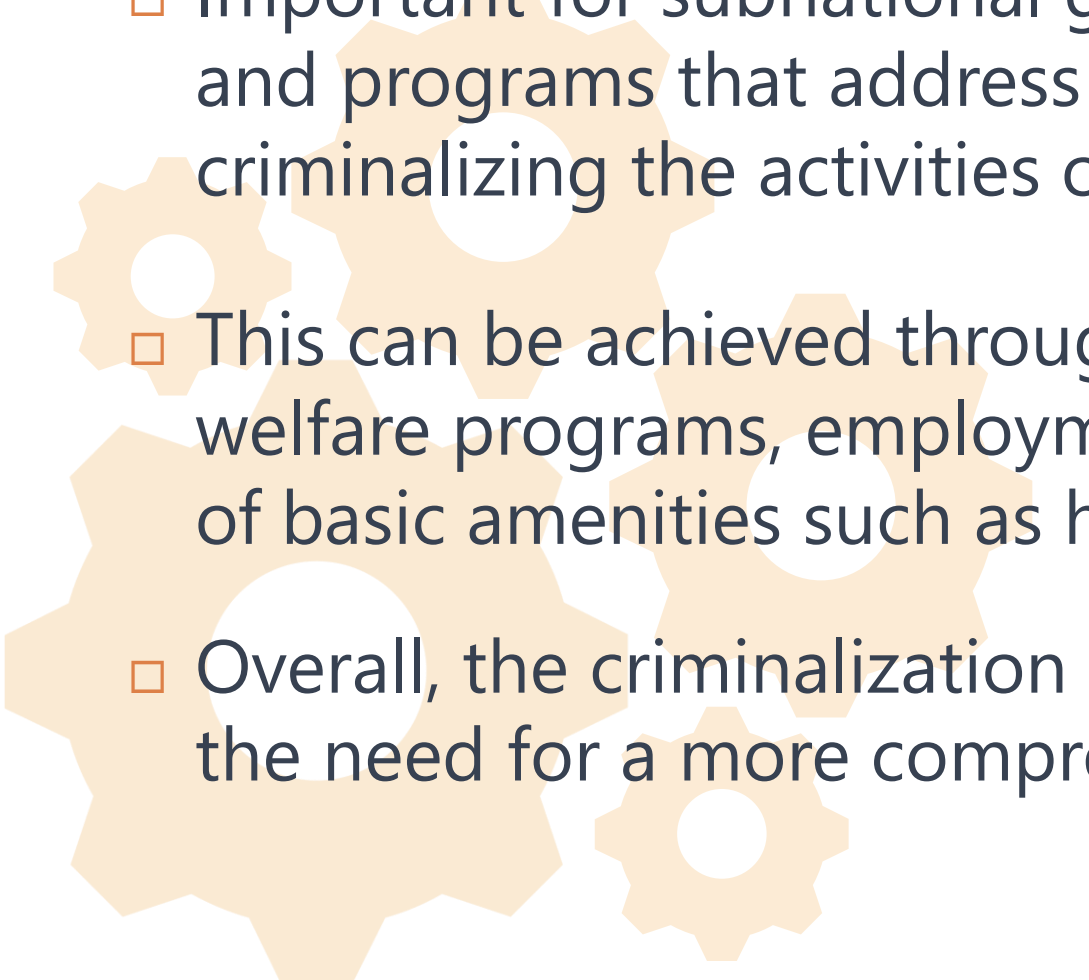
- Provision of scientific Data of Human Rights violations associated with petty offenses. We carry out this out via our online tool LADOC and periodically update and disseminate <https://www.lawyersalertng.com/index.php>
- Free Legal Representation of persons accused of petty offenses... very important given victims of petty offenses are the poor and vulnerable.

INTERVENTIONS BY CSOs (1)

- Strategic Impact Litigation
- Advocacy & Awareness creation especially on the Judiciary. We have held parley geared towards deeper appreciation for state judiciaries
- Law and Policy Reforms... strategic especially at the sub national level. More result oriented. We have pending Bills to decriminalize petty offenses in Bauchi and Benue states

PRAWA has done so much in prison and correctional centers interventions spearheading non-custodial sentencing.

RECCOMENDATION

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- Important for subnational governments in Africa adopt policies and programs that address poverty and inequality, rather than criminalizing the activities of poor individuals.
 - This can be achieved through the implementation of social welfare programs, employment opportunities, and the provision of basic amenities such as healthcare and education.
 - Overall, the criminalization of poverty offenses in Africa highlights the need for a more comprehensive approach to addressing

THANK YOU FOR YOUR ATTENTION

