

UNTIL WE ALL COUNT

Law and livelihood of sex workers in Nigeria



VISION SPRING INITIATIVES

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*Vision Spring Initiatives.
SRHR training and advocacy
for repeal of laws that impede
the rights of sex workers. (2021).*

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About Vision Spring Initiatives

Vision Spring Initiatives (VSI) is a duly registered (RC 908183), non-governmental, not for profit human rights organization partnering with strategic stakeholders to achieve developmental rights of children, young people and other vulnerable groups and supporting their attainment of these rights using a multipronged approach and diverse strategies.

Our vision: A society where gender equality and social justice becomes part of everyday life

Our mission: To provide our constituents; women, girls and minority groups practical tools for self-development, voice and actions through research, education, advocacy and movement building.

Our Thematic Areas: We strongly believe that rights are interrelated, inalienable and inseparable and therefore cannot be achieved in isolation. We therefore focus on the following thematic areas towards achieving our mission

1. Gender justice (Central and the core of VSI programming)
2. Education and Research:
3. Participatory Leadership/Political education
4. Sexual and reproductive health and rights
5. Movement building and partnerships

Our objectives

- To promote gender equality in all spheres of our programming and develop literary skills amongst women and young persons.
- To advocate for the sexual and reproductive health and rights of young people and vulnerable groups
- To promote and advance education and research in Nigeria
- To promote participatory leadership and advance youth inclusion in decision making
- To collaborate with like-minded organizations for strategic partnerships on achieving gender equality
- To engage with strategic stakeholders and demand implementation of laws and policies that guarantee the rights of women, girls and minority groups.

Our target Beneficiaries:

Children, Young people, women, minority groups and those made vulnerable by laws, policies and practices.

This publication became necessary as a result of request from beneficiaries for documentation of the various conversations and actions taken during the life-span of the project. There is still reluctance on the part of mainstream CSOs to partner with vulnerable women especially sex workers towards the realization of their rights as equal citizens.

This documentation is therefore aimed at calling the attention of institutions to consider an inclusive approach to programming towards the protection and promotion of all persons without judgmental and using an inclusive approach.

Disclaimer:

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Until We All Count: Law and livelihood of sex workers in Nigeria

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We sincerely thank Amplifychange for supporting Vision Spring Initiatives for supporting us and believing that 'Vision Spring Initiatives holds a promise'. We will not relent till the rights of all persons are recognized.

Finally, we acknowledge the incredible work that staff of Vision Spring Initiatives do. The world will be a better place because we dared to believe!

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“We pledge to stand up for the rights of all persons belonging to minorities within our respective areas of action and to defend their freedom of religion or belief as well as their right to participate equally and effectively in cultural, religious, social, economic and public life, as recognized by international human rights law, as a minimum standard of solidarity among all believers”

Commitment 6

Faith for Rights Framework

“If compassion is so good for us, why don’t we train our health care providers in compassion so that they can do what they are supposed to do, which is to transform suffering?”

Joan Halifax

Anthropologist and Civil Rights Activist

“[Social] media are a catalyst for the advancement of everyone’s rights. It’s where we’re reminded that we’re all human and all equal. It’s where people can find and fight for a cause, global or local, popular or specialized, even when there are hundreds of miles between them..”

Rania Al-Abdullah,

Queen of Jordan

'My client is a general overseer. He said to me, I want you to become my side chic because my wife does not satisfy me as you do. We agreed and I became his side chic. I attend his church and he preaches about sex workers and how they will go to hell fire. One day I told him that he should stop presenting sex workers in bad light or I will tell the whole congregation about our relationship. He stopped speaking badly about sex workers. Many of them are pretenders the say something else and do something else'.

Female sex worker

Lagos state

'All of them patronize us even during fasting period. They will hurriedly come immediately they break their fasting'

Female sex worker

Kano state

'The last time I was with my pastor client he started moaning and said I should show him the way to heaven'

Female sex worker

Edo state

A: INTRODUCTION

Commercial sex work is a global age long practice. In Nigeria, it dates back to the 1900s. Sex work in Nigeria is not without many challenges. Ranging from vague and non-explicit laws on sex work and prostitution, severe human rights abuses, multiple forms of discrimination, brutality of law enforcement and denial of access to social services faced by sex workers. Nigeria has two major laws that relate to sex work/prostitution operating differently in Northern and Southern Nigeria-the Criminal and Penal Codes with various provisions. The Criminal Code is applicable in the Southern part of Nigeria, while the Penal Code is applicable in the Northern part. The Nigerian Criminal and Penal Code Acts are Federal laws of Nigeria. Under the Penal Code, Prostitution in Nigeria is clearly illegal in all Northern States. In Southern Nigeria, the law does not expressly legalize or criminalize sex work and/or prostitution.

The provisions of some sections of the Criminal and Penal Codes undermine women's rights to own and make decisions about their bodies. These laws also subject sex workers to abuse and violence regardless of their fundamental human rights, as guaranteed by Chapter 4 of the Constitution of the Federal Republic of Nigeria. It is under this auspice that Vision Spring Initiatives (VSI) implement projects and build knowledge of sex workers in Nigeria.

In 2019, Vision Spring Initiatives held a Tribunal on ending unsafe abortion in Nigeria. At this tribunal attended by cross section of Nigerians, the participants listened as young women narrated the challenges they face with regards to comprehensive sexual and reproductive health and right education and service. The testimonies were validated by a medical personnel from an Abuja hospital who confirmed the number of unsafe abortions which he said puts pressure on existing health care service/facilities. This motivated VSI to intensify its quest to support sexual and reproductive health and rights of women and girls. One of the challenges of accessing information and services is discriminatory and ambiguous laws contained in the Penal and Criminal Codes. The lack of clarity and operations of tripartite laws in the country make it difficult for women and girls to demand comprehensive sexual and reproductive health and rights and empowers health personnel and law enforcement officers to violate the rights of vulnerable groups including sex workers.

In 2020 the organization with support from AmplifyChange commenced implementing a project titled: Support towards dialogue, advocacy to advance SRHR of girls disadvantaged by Penal and Criminal Code Laws. The aim of the project is to support the SRHR needs of sex workers to self-advocate for the repeal of portions of the Criminal and

Penal Code often used by health workers and law enforcement officers to violate their rights.

A total of 120 sex workers were reached from the six geo political zones of Nigeria, while numerous indirect beneficiaries were also reached and have confirmed through social media and personal interviews that the interventions had impacted them and enhanced their capacity to demand accountability from duty bearers. The first activity held by the organization was an inception meeting to enable all VSI staff understand and commit to support the implementation of the project. The next was series of virtual and physical meetings with members of the Nigerian Sex Workers Association (NSWA). The meetings were organized to gain their support and partnership towards the implementation of the project. Thereafter, nominations were made for the first set of beneficiaries.

The first training was held at the Federal Capital Territory (FCT), Abuja where a total of 30 sex workers from the Northern region were trained on understanding the contents of the criminal and penal codes. Since then other trainings have been held to support sex workers' knowledge on SRHR. A second training was held in Lagos for 30 beneficiaries representing Southern region.

This publication captures the knowledge exchange between Vision Spring Initiatives and the project beneficiaries. The findings can be used by other partners who wish to support or program for vulnerable women and girls in Nigeria.

B) ANALYSIS OF THE CRIMINAL CODE ACT 1990 ON SEX WORK AND PROSTITUTION

Under the Criminal Code four major sections address the issue of sex work/prostitution: sections 223-226.

- **Section 223(2)** deals with the offence of procuration of women and girls for prostitution in or outside Nigeria. The section states that: “any person who Procures a woman or girl to become a common prostitute either in Nigeria or elsewhere,
- or Procures a woman or girl to leave Nigeria with intent that she may become an inmate of a brothel elsewhere,
- or Procures a woman or girl to leave her usual place of abode in Nigeria, with intent that she may for the purposes of prostitution become an inmate of a brothel either in Nigeria or elsewhere, is guilty of a misdemeanor and is liable to imprisonment for two years”.

Section 224 deals with defilement by pretense.

Section 225A addresses trading in prostitution-men who live by the earnings of prostitution, solicits and women who influence to aid and abet prostitution.

Section 225B addresses keeping and management of brothels for habitual prostitution.

Section 226-227: deals with unlawful detention with the intent to defile in a brothel and conspiracy to defile.

These offences are mainly regarded as misdemeanors with a penalty of 2 years except for the offence described in section 225B which carries a penalty of =N100 - =N=300 and 6 months-1year imprisonment.

The Impact of Provisions of the Criminal Code Act on Sex Work

The Criminal Code does not expressly legalize or criminalize sex work and/or prostitution as an offence in itself, neither does it prohibit the act or engagement in such activity and indeed no provision of the Criminal Code does. Clearly, only the activities of people who solicit and procure sex workers for clients such as owners/operators of brothels, madams or the popularly known “pimps”, and underage prostitution are penalized under these

sections of the Nigerian Criminal Code-- Also managers of brothels for habitual prostitution are equally liable under the law. .

However, by inference, these sections may be construed by law enforcement agents to mean that sex work and/or prostitution is an offence. It therefore implies that sex workers, clients of sex workers may most likely be harassed by law enforcement when found in the act. The offence of owning and managing a brothel for habitual prostitution also adversely affects sex workers and their clients in ways that hampers the right of sex workers to earn an income and their socio-economic wellbeing. **The law is inexplicit where such work is performed by an independent adult individual who operates on his or her own accord without the use of pimps or a brothel.**

The Position of the Criminal Code Act on Sexual and Reproductive Health Rights (SRHR)-identifying key areas related to SRHR, particularly on abortion services.

In sections 228-230, the Criminal Code makes provisions that address certain aspects of sexual and reproductive health rights including bodily autonomy and access to abortion services.

Section 228: provides that any attempt by a person to procure abortion for a woman is an offence of felony liable to 14 years' imprisonment.

Section 229: deals with an attempt to procure personal miscarriage by the person or woman concerned, which attracts a penalty of 7 years imprisonment.

Section 230: addresses the supply of drugs or any instrument for the purpose of procuring an abortion, which is a felony that attracts 3 years imprisonment.

These provisions undermine women's right to bodily autonomy, the right to own their body and to decide on their own what happens to it. By human rights standards, women should have the freedom to make decisions about their body and any attempt to infringe on this freedom amounts to subjugation of women. The provisions prohibit abortion procured by a third party, personally induced miscarriage and supply of abortion drugs or instruments, which constraints women's sexual and reproductive health rights, including the right to decide whether to, when and how to keep a pregnancy and to have children. So even as a sex worker, these provisions compel you to keep an unwanted pregnancy irrespective of what you think and how a pregnancy may impact your life. This is against fundamental human rights of a sex worker, especially the right to personal liberty, the freedom of expression.

B) ANALYSIS OF THE PENAL CODE ACT 1990 ON SEX WORK AND PROSTITUTION

Prostitution in Nigeria is illegal in all Northern states that practice Islamic Penal Code.

Chapter 532 of the Penal Code Act Federal Capital Abuja 1990 criminalises prostitution and solicitation of prostitutes. The law states that:

An idle person shall include a common prostitute behaving in a disorderly or indecent manner in public place or persistently importuning or soliciting persons for the purpose of prostitution.

The term 'vagabond' shall include any male person who knowingly lives wholly or in part of the earning of a prostitute or in any public place solicits or importunes for immoral purposes; and

Whoever is convicted as a vagabond shall be punished with imprisonment which may extend to two years or with fine which may extend to four hundred and fifty naira or both'.

C) Review of Nigeria’s commitment on Sexual and Reproductive Health and Rights **INTERSECTION OF THE CRIMINAL CODE ACT AND OTHER LAWS THAT** **PROTECT SEXWORKERS**

The 1999 Constitution of the Federal Republic of Nigerian (as amended)

The 1999 Constitution is the supreme law of Nigeria. It is the derivative force for all other laws. According to section 1 of the Constitution, any law inconsistent with the provisions of the Constitution shall be declared null and void to the extent of its inconsistency. Every Nigerian citizen is obligated to uphold, defend and promote the provisions of the Constitution. The Constitution has no specific provision on commercial sex work and no section that is particularly relevant to prostitution, neither is there any constitutional provision that prohibits the acts of sex work and/or prostitution. The Constitution has provisions that protect the fundamental human rights of Nigerian citizens, which includes the rights of commercial sex workers.

Provisions of the Criminal Code regarding sex work/prostitution and sexual and reproductive health rights, and the challenges of harassment, arrest and inhuman treatment that sex workers experience at the hands of law enforcement agents, involves the violation of fundamental human rights guaranteed by relevant provisions of the Constitution of the Federal Republic of Nigeria, 1999.

Such provisions and challenges are against personal liberty, freedom of expression, movement, and thought, and dignity of human person and are thus unacceptable under sections 34, 35, 38, 39, 40 and 41 of the Nigerian Constitution. Chapter IV of the Constitution contains fundamental rights and freedom citizens of Nigeria are entitled to enjoy, whilst Chapter XI spells out the fundamental objectives and directive principles of state policy.

Section 34 of the Constitution of the Federal Republic of Nigeria (1999) guarantees the right to the dignity of the human person thus prohibiting torture and degrading treatment suffered by sex workers at the hands of law enforcement. It provides that:

- “Every individual is entitled to respect for the dignity of the person and accordingly no person shall be subjected to torture or to inhuman or degrading treatment.

Section 35: Protects right to personal liberty. Any act of false imprisonment or unlawful restraint whatsoever constitutes a violation of the right guaranteed by this provision.

Section 38, 39, 40 and 41: states that every person shall be entitled to freedom of thought, the freedom of expression, including freedom to hold opinions, to assemble freely and associate with other persons and of movement.

Section 42(2) provides that no citizen of Nigeria shall be subjected to any disability or deprivation.

These are fundamental human rights that are enforceable in the Nigerian courts.

Section 46 of the Constitution provides that any violation of its fundamental human rights provisions is justiciable by the High Court in the State where the violation occurs.

Violence Against Persons Prohibition Act (VAPP)2015

VAPP Act was passed by the National Assembly in 2015 with the objective to eliminate violence in private and public life, prohibit all forms of violence against persons and to provide maximum protection and effective remedies for victims and punishment of offenders. All offences that relate to physical violence are covered in the Act with the relevant punishment stated therein. Some states have re-enacted the provisions of the VAPP Acts into state laws, thus making them locally applicable.

The Act has no specific provision on sex work/prostitution, but there are portions of the Act that are relevant in the present context, which include sections that relate to human rights violations during acts of arrest, detention and physical injury, which includes sex workers:

Section 2: willfully inflicting physical injury

Section 4: willfully placing a person in fear of physical injury

Section 10; deprivation of personal liberty

Section 13: forced isolation

Section 14: Emotional, verbal and psychological abuse

Section 18: intimidation

Section 28: protection order

Anti-torture Act 2017:-

Section 1: government shall ensure that the rights of all persons, including suspects, detainees and prisoners are respected at all times and that no person placed under investigation or held in custody of any person in authority shall be subjected to physical harm, force, violence, threat or intimidation or any act that impairs his free will; and

Fully adhere to the principles and standards on absolute condemnation and prohibition of torture set by the Constitution of the Federal Republic of Nigeria and various international instruments to which Nigeria is a state party.

Section 2 of the Act describes the acts of torture and states that:

'torture is deemed committed when an act by which pain and suffering, whether physical or mental, is intentionally inflicted on a person to:

- (a) obtain information or confession from him or a third person
- (b) punish him for an act he or a third person has committed or suspected of having committed; and
- (c) intimidate or coerce him or third person for any reason based on discrimination of any kind'.

The Act also lists what act or omissions constitute torture, with non-exhaustive list, that include systematic beatings, head-banging, punching, kicking, striking with rifle butts, and jumping on the stomach, food deprivation or forcible feeding with spoiled food, animal or human excreta or other food not normally eaten, electric shocks, cigarette burning, burning by electric heated rods, hot oil, acid, by the rubbing of pepper or other chemical substance on mucous membranes, or acids or spices directly on the wound, the submersion of head in water or water polluted with excrement, urine, vomit or blow, blindfolding, threatening a person or such persons related to known to him with bodily harm.

Other examples of torture include execution or other wrongful acts, confinement in solitary cells against the victim's will or without prejudice to his security, prolonged interrogation to deny normal length of sleep or rest and causing unscheduled transfer of a person from one place to another with intention of creating the belief that he shall be summarily executed, etc.

Section 3: states that there is no justification whatsoever for torture.

Section 4 and 5: provides that any person tortured has the right to complain to a competent authority and should get assistance to file a complaint through the National

Human Rights Commission, an NGO or individuals.

Section 8: provides a penalty of 25 years' imprisonment upon conviction for committing acts of torture.

The Conference on Population and Development (ICPD)

Resolutions adopted by the ICPD in section 7.6 provided a program of action for reproductive rights and reproductive health as embracing human rights standards entrenched in national and international laws. This includes informed choice, the right to freely decide on how and when to have children, availability and accessibility of reproductive health care services that include family planning, information, contraceptives, referrals and safe abortion.

International/Regional laws

The Protocol to The African Charter on Human and Peoples Rights on The Rights of Women in Africa 2003 (The Maputo Protocol)

The Maputo Protocol in Article 1 defines violence against women:

"Violence against women "means all acts perpetrated against women, which cause or could cause them physical, sexual, psychological, and economic harm, including the threat to take such acts; or to undertake the imposition of arbitrary restrictions on or deprivation of fundamental freedoms in private or public life in peacetime and during situations of armed conflicts or of war;

The Protocol protects the dignity, human and legal right of every woman and urges state parties to implement appropriate measures to prohibit all forms of violence, exploitation and degradation of women, particularly sexual and verbal violence.

In Article 13 (d), the protocol provides for the economic and social welfare rights of women to choose their occupation. In Article 14 it provides for Health and reproductive rights of women to decide freely whether to have children or not, to control their fertility, choose contraception and have a medical abortion where an unwanted pregnancy endangers the mental and physical health of the women.

African Charter on Human and Peoples Rights (ACHPR) (Ratification and Enforcement) Act, (Cap A9) Laws of the Federation of Nigeria, 2004

The ACHPR is a regional treaty ratified and domesticated in Nigeria. The law guarantees personal liberty and protection from arbitrary arrest, the freedom of association,

assembly, movement and the right to work and prohibits torture, cruel, inhumane and degrading treatment in articles 5, 6, 10, 11, 12 and 15.

The denial of safe abortion care to survivors of rape violates the rights to health and privacy and violated the prohibition of ill-treatment. Nigeria is bound by the provisions of the Maputo Protocol which is the main legal instrument for the protection of the rights of women and girls in Africa. Article 14 of the Maputo Protocol guarantees women's rights to health, including sexual and reproductive health. Under Article 14 (2) ©, states parties are called upon to take all appropriate measures to 'protect the reproductive rights of women by authorizing medical abortion in cases of sexual assault, rape and incest, and where the continued pregnancy endangers the mental and physical health of the mother or the life of the mother or the fetus'.

International Covenant on Economic, Social and Cultural Rights (ICESCR) 1966

The International Covenant on Economic, Social and Cultural Rights (ICESCR) is a multilateral treaty adopted by the United Nations General Assembly on 16 December 1966, and it aims to ensure the protection of economic, social and cultural rights. Article 6 of ICESCR provides that everyone has the right to work, which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts, and state parties will take appropriate steps to safeguard this right.

Sustainable Development Goals with a theme of 'leaving no one behind'

Goal 3 of the Sustainable Development goal speaks to the right to health and expects governments by 2030 to ensure universal access to sexual and reproductive health care services including family planning, information and education, and the integration of reproductive health into national strategies and programs and achieve universal health coverage, including financial risk protection, access to quality essential health-care services and access to safe, effective, quality and affordable essential medicines and vaccines for all.

Universal Health Coverage Declaration

The 2019 Universal Health Declaration (UHC) seeks to 'ensure universal access to sexual and reproductive health and reproductive rights as agreed in accordance with the Programme of Action of the International Conference on Population and Development (ICPD) and the Beijing Platform for Action.

CURRENT GAPS IN EXISTING LEGAL FRAMEWORKS

The gaps are challenges to using these laws, and includes the following:

The Nigerian Constitution has no express provision on sex work and/or prostitution, but provides against acts that violate fundamental freedoms and human rights entrenched in the Constitution.

The VAPP Act is limited because it addresses only acts of violence in relation to arrests and detention. Though many states have domesticated this law, there are concerns that the contents have been watered down for acceptance.

The Anti-Torture Act addresses only cases that involve torture and inhuman treatment. Resolutions adopted by the ICPD and its program of action for reproductive rights and reproductive health are guidelines that countries can adopt for reproductive health policies and programs without a binding effect. More over on issues of abortion services, the resolution clearly states in section 8:25 that prevention of unwanted pregnancy is top priority and every attempt should be made to eliminate the need for abortion. Where abortion is not against the law, it must be a safe abortion. The challenge with the Protocol to The African Charter on Human and Peoples Rights on The Rights of Women 2003(The Maputo Protocol) and the International Covenant on Economic, Social and Cultural Rights (ICESCR) is that they have not been domesticated into Nigerian law to give it the force of law.

USING THESE LAWS AS A PREVENTIVE AND RECOURSE STRATEGY AND IDENTIFYING PRACTICAL ENTRY POINTS TO EXPLORE FOR RECOURSE

Despite the gaps in the laws, sex workers and their clients can utilize these laws that intersect with the Criminal Code Act, which oppose the provisions of the Act regarding sex work and/or prostitution as a tool for legal recourse in the event of arrest and detention.

Provisions of the Criminal and Penal Code amount to an infringement on the rights of consenting adults to personal liberty, association and also their freedom of contract. Sex workers can therefore counter provisions of the criminal Code with the supreme provisions of the Nigerian Constitution.

Sex workers, their clients and brothel operators can also utilize provision of the VAPP Act to challenge provisions of the Criminal and Penal Codes in the event of arrest that involves forms of violence, intimidation, deprivation of personal liberty, forced isolation, verbal, emotional and psychological abuse, and infliction of physical injury or fear of it.

This includes the application for protection order under section 28 following a complaint of acts of violence. Victims can also use provision of the Anti-Torture Act to challenge provisions of the Penal and Criminal Code in the event of arrest that involves acts and forms of torture, intimidation or coercion to obtain information or inflict punishment. Furthermore, assistance can be sought from the Human Rights Commission, the civil society and NGOs as practical entry points to file a complaint regarding acts of torture.

Provisions of reproductive health and rights enshrined in the Protocol to The African Charter on Human and Peoples Rights on The Rights of Women 2003 (The Maputo Protocol), including the resolutions and program of action adopted by the ICPD can also be made reference to, and also the ACHPR. The International Covenant on Economic, Social and Cultural Rights (ICESCR) protects the right of every individual to work and to freely choose the type of work. This can be used as a point of legal argument in favor of commercial sex work freely chosen by an adult as a source of income and sustenance.

Lived experiences of sex workers

Rights violation by state and non-state actors

At a human rights training organised by Vision Spring Initiatives, 93% of female sex workers who participated confirmed that they have suffered extortion, beating, forceful eviction, implementation of oppressive rules, arbitrary arrests by law enforcement agencies, denial of access to free sexual and reproductive health information and services, inordinate use of power, rape and sexual harassment at the hands of brothel owners. . Brothel owners also enforce stringent working conditions which include forcing sex workers to sustain their businesses, the payment of arbitrary fines and engaging in unpaid manual labour. In the words of Princess (not real name) based in Lagos;

'You see these brothel owners eh. They have problem o. If you do small thing like this, they will sanction you. Sometimes they will insist that you have sex with a particular client so that their rent will be counting. For any small thing like this they will just threaten you. They normally use the brothel chair ladies to maltreat us.'

Another sex worker cut in

'There was a day I was quarrelling with a customer who refused to pay me because he said he did not 'release' I told him to go and release on his mother's body. Some of them will use drug and come to 'ashawo' and want to turn you to horse, that is how the hotel manager jump in and said I should refund the customer his money, when I refuse he said I should wash gutter for one week'.

The action of brothel owners and their high-handedness make the lives of sex workers unbearable as they suffer multiple layers of violence from both state and non-state actors.

Female sex workers specifically face arbitrary arrest, rape as a bail condition, extortion, theft, and false accusation from law enforcement agents who regularly invade their privacy, destroy personal properties and wrongfully stop and search them. Other forms of abuse include battery, public harassment, planting evidence during unwarranted searches, and confiscation of sexual and reproductive health commodities. Becky a female sex worker (not real name) has this to say:

'In Benue state, once the brothel is raided, they insist they want to call their lawyer because even when you dance to the tune of the police, they capitalize on that to extort you some more'.

A facilitator at VSI's training said it was important for sex workers to start holding the police accountable whenever there is a raid. A sex worker interjected stating that the police would want to frustrate the process when you try to quote the law. The facilitator explained that the police capitalizes on docility of the people and the shame surrounding sex work.

Another sex worker explained that majority of the times sex workers are arrested, they are forced to write statements and refusal to do so results in violence from the police. The facilitator re-emphasized the importance of understanding one's fundamental rights to stand their grounds and not be cajoled into making hasty decisions without the presence of a lawyer, even when derogatory things are being said. According to her, the police will always thread softly when they as much as perceive that a person knows their rights. According to her, If the police goes ahead to torture a sex worker, it goes against the Anti-Torture Act and the station can be petitioned. The Anti-Torture Act according to her protects everyone not a particular set of citizens.

Another sex worker explained that context varies and one may not even get the chance to take legal action. He cited an example where he was handcuffed and arrested with Men who have sex with men (MSM), but was later released because he appears phenotypically female while the rest remained in custody. The facilitator interjected stating that police officers are not vested with powers to handcuff a citizen and the only time handcuff should be used is when the citizen is resisting arrest or trying to resist arrest. The participants argued that the law was different from what happened in real life while the facilitator explained that the incidents shared are obvious reasons why everyone should start acting by the law and holding the police accountable, emphasizing that police do not have the right to handcuff someone who is not resisting arrest.

Continuing the conversation, the facilitator stated that it was important for sex workers to know that it is their fundamental human right to refuse to write a statement or even speak if they do not want to, until their lawyer arrives.

A participant added that laws on sex work need to be revisited, the laws according to her needs to be specific. It's either they are criminalizing or not, so that their stand on sex work is understood, and working groups and advocates can have a clear strategy on how to engage with the law/decriminalization.

Another participant stated that sex work must be viewed from human rights perspective, adding that sex work is a choice and everybody is allowed to do with their bodies as they wish. In her words:

'people who are engaged with trafficking of underage children, child pornography should be prosecuted... engagements with law enforcement agencies on bodily autonomy and sexual diversity is critical'

Another participant stressed the importance of sexuality education as the bedrock of understanding one's rights and engagement with the laws.

On the question of the role religion plays in the conversation, a sex worker has this to say:

'The stigma in Nigeria is getting out of hands and the people are not ready to understand why sex workers do what they do. They are seen as evil, as pollutant... help is needed for people to understand that sex work is work and sex workers popularly known as ashawo are earning a living from it.'

Another participant has this to say:

'the negative mind-set towards sex work stems from religious and cultural fundamentalists, and although sex workers aren't hurting anyone, society continues to be hypocritical and judgemental towards sex workers who are simply going about their businesses'

Erdo has this to say:

'everyone practices sex work directly or indirectly to fulfil their needs. Sex work is judged simply because the concept of morality in Nigeria is flawed and this negative perception of sex workers affects how they access health care facilities.'

Mariam a facilitator has this to say:

'Nigeria is a country filled with culture and about three main religions being practiced. Going by these three religions, sex work is a taboo. Advocating may make society accept sex workers eventually but it will take a lot of time because the country is underdeveloped and its people are uncivilized'

Aisha explained that most sex workers pay tax and it was important for the society to stop seeing them as social misfits. She further explained:

'it is important to lobby and do a lot of advocacy especially in the northern parts of Nigeria where the Shari'a law is active. It is important to get the lawmakers and religious leaders on our side by making them understand that sex workers are not hurting anybody and they are human beings as well'.

Eunice is of the view that people do not want to associate with sex workers because they are considered social misfits. No attempt is made to understand the reason or circumstances before judgment is made.

Uche in her submission said:

'The perception of sex work stems from religious beliefs, culture and expectations from the church. Although many people are sex workers, they do not want to come out and admit they are one due to the stigma attached to it. The religious and cultural beliefs make it difficult for the government to legalize sex work'

CONCLUSION

There is no Federal/National law against PROSTITUTION in Nigeria. Though, according to Sharia Law in operation in Northern Nigeria under the Penal Code, prostitution is prohibited. In Southern Nigeria (which includes states in the west and east), there is no law that makes prostitution a crime. Therefore, law enforcement agents such as the police or security agencies CANNOT arrest sex workers and/or prostitutes in southern Nigeria.

However, owning and operating a brothel, being a 'pimp', trafficking persons for prostitution, defilement of young girls or use of children as sex slaves and other similar acts are criminal acts in all parts of Nigeria.

Sexual rights embrace certain human rights. They rest on the recognition that all individuals have the right—free of coercion, violence, and discrimination of any kind—to the highest attainable standard of sexual health; to pursue a satisfying, safe, and pleasurable sexual life; to have control over and decide freely, and with due regard for the rights of others, on matters related to their sexuality, reproduction, sexual orientation, bodily integrity, choice of partner, and gender identity; and to the services, education, and information, including comprehensive sexuality education, necessary to do so.

Reproductive rights are the rights of individuals to decide whether to reproduce and have reproductive health. This may include an individual's right to plan a family, terminate a pregnancy, use contraceptives, learn about sex education in public schools, and gain access to reproductive health services.

A joint statement by the Global Network of Sex Workers Projects (NSWP) and UNAIDS on April 24, 2020, called on countries to take critical action to protect the health and rights of sex workers during the COVID-19 pandemic, as the health crisis exposed existing inequalities and disproportionately affects people already criminalized, marginalized and living in precarious health and economic situations, such as female sex workers.

Recommendations

For Legislators

Legislators must ensure that everyone, including female sex workers, is protected against human rights violations, either from persons acting on behalf of a governmental body such as the Police or from other persons/organisations such as brothel owners and civil society organizations. The respect, protection and fulfilment of human rights, and the assurance of the highest attainable standard of sexual health, require states to bring their laws, as well as regulations, policies and practices, in line with international, regional and national human rights standards.

- Detailed decriminalization of sex work in relevant laws like Criminal and Penal Codes.
- Domestication of international treaties like the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) and the Maputo Protocol.
- Implement consensus documents that protect women's rights including, but not limited to, Beijing +26, Sustainable Development Goals SDGs, and the National Gender Policy.
- Formulate and implement policies on holistic and inclusive sexual and reproductive health and rights for women.
- Amend the Labor Act 1990 to recognize sex work and allow for appropriate regulations and protections received by other workers in Nigeria.
- Formulate and implement laws and policies that protect female sex workers and other minority groups from discrimination in opportunities for securing adequate means of livelihood and suitable employment, as provided by Section 17 of the Constitution of the Federal Republic of Nigeria.
- Formulate and implement laws and policies to ensure that the health, safety and welfare of female sex workers employed in brothels and other operating institutions are safeguarded and protected, as provided by Section 17 of the Constitution of the Federal Republic of Nigeria.
- Formulate and implement laws and policies to ensure that female sex workers are treated as equal under the law, have access to justice, and are protected from all forms of abuse, oppression and discrimination. These laws must include measures that allow for the investigation, prosecution and conviction of perpetrators of violence.
- Formulate and implement laws and policies that protect female sex workers from experiencing discrimination in accessing quality health care services.
- Recognize the rights of female sex workers to freedom of association and to form trade unions for the protection of their interests, as stated in Section 40 of the 1999

Constitution and regulated by the Trade Unions Act of 1973, as amended in 2005.

- Involve sex workers and/or sex worker organisations in the formulation, implementation, monitoring and evaluation of regulatory laws and policies about sex work.
- Amend section 12 of the 1999 Constitution with the view to making domestication of other laws less cumbersome

For Civil Society organisations

Civil society organisations should work together to create an environment that supports health promotion and the capacities of sex workers in planning and implementing strategies to achieve better health. At the heart of this process is empowering communities to own and control their efforts. In the context of sex work, community empowerment involves helping people in sex work to come together for mutual assistance; removing barriers to full participation; respecting, protecting and fulfilling human rights; combating stigma and discrimination; and strengthening partnerships among government, civil society, and community actors to achieve the most effective health outcomes.

- Carry out comprehensive needs assessments to formulate responsive and holistic sexual and reproductive health rights programs for female sex workers.
- Integrate HIV and sexual and reproductive health programs into regular CSO interventions
- Support capacity building of health care providers, particularly in primary health care settings and youth-friendly centers. These healthcare providers should be aware of and responsive to the specific health needs of sex workers and clients, including regular testing and counselling, access to maternal and infant health services, amongst others.
- Actively engage female sex workers in the design, planning, implementation, monitoring and evaluation of SRHR programs.
- Expand the scope of SRHR proposals to include the current and growing needs of female sex workers.
- Create an enabling fair, safe and non-discriminatory working environment for female sex workers within their organizations.
- Support and create vocational training programs to improve the economic status of female sex workers.
- Reach out to and establish contacts with local sex workers, sex worker groups and

organisations to identify common issues and assess the situation of sex workers

- Raise awareness within CSO communities on the human rights issues female sex workers face.
- Engage in campaigns and policy discussions relevant to the issues of sex workers.
- Engage feminist groups and other women's rights groups on intersectional trans and sex worker inclusive approaches.
- Speak out for the full decriminalization of sex work highlighting the precarious situation sex workers of all genders live in.
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For Donors

Funders have a responsibility to support sex workers towards ensuring their agency, bodily autonomy and self-determination. Support should be targeted towards reducing harms related to criminalization, stigma, and discrimination. Funders should partner with civil society organizations to enhance the capacities of sex worker organizations and networks towards advocacy for respect of their rights as enshrined in national, regional and international documents.

- Provide technical capacity to sex worker networks and organisations as it is part of a fundamental commitment to the protection, promotion and respect of the human rights of female sex workers.
- Funders should support and place more emphasis on human-centered outcomes as opposed to target-driven outcomes in SRHR programming.
- Provide adequate funding and training for sex-worker groups to develop and sustain organizational strength and expertise to effectively communicate and share good practices externally.
- Prioritize and support new sex worker organisations through a flexible approach to funding SRHR programs for female sex workers.
- Fund gender-responsive programs by sex worker organisations and other civil society organisations targeted at training law enforcement agents and other actors to protect the rights of female sex workers.
- Support the establishment of structures, programs and mechanisms that support female sex workers' access to education and alternative employment.

For Media

Sex workers have lived on the margins of society through most of human history. Stereotypes, derogatory names, stigma and general indifference to their humanity

continue to prevail. The media plays a critical role in shaping public opinion and knowledge. Negative reports, insulting and disrespectful coverage can have damaging consequences for sex workers and their clients. The media has a responsibility to help counter bias, stereotypes and general misinformation that stand in the place of accuracy about the circumstances of sex work and the people engaged in it. The rights to life, safety, access to information and to basic health and education services are as important to sex workers as to anyone else.

- Media should adopt human rights-based approach in news reporting.
- Media should engage in independent investigations to verify facts before releasing news that relates with female sex workers
- Media should respect fundamental human rights of female sex workers
- Media through support from civil society and sex worker led organisations should attend mandatory gender, human rights, diversity and inclusion trainings
- Media reporting on sex workers and their organisations should be done respectfully and ethically without causing harm.
- Media should ensure that it does not reinforce existing stigma when covering events about sex workers and their organisations.
- Media should join and support advocacy for the decriminalization of sex work.
- Media should engage in social and behavior change communication targeted at changing stereotypes, and positively influencing attitudes, knowledge and norms about sex work.

For Religious / Traditional rulers

Religious and traditional leaders are integrated into their communities through service and compassionate networks and are often able to reach the most vulnerable with assistance and health information and identify those most in need. They are a critical link in the safety net for vulnerable people within their faith community and the wider communities.

- Religious and traditional rulers should create inclusive and accepting safe spaces within their communities for female sex workers.
- Religious and traditional leaders should share information that promotes the safety and well-being of its members including marginalized groups as this may be more likely accepted than from other sources.
- Religious and traditional leaders should provide support during public health emergencies and other health challenges and advocate for the needs of vulnerable populations.

- Religious and traditional leaders should ensure that a human rights-based approach to advocacy, messaging, and service delivery is systematically upheld, addressing stigma, violence, and the incitement of hate.
- Religious and traditional leaders should ensure that accurate information is shared with communities to counter and address misinformation.
- Religious and traditional rulers should join in the advocacy for the repeal of discriminatory laws which contradict the 1999 Constitution of Federal Republic of Nigeria.

For health care providers

Globally female sex workers are considered a key population group due to the high HIV prevalence. Studies show that there are various factors in some contexts that render FSW marginalized, which limits their access to sexual reproductive health (SRH) services. Access to comprehensive SRHR services are particularly challenging in countries where sex work is criminalized. Positive interactions with health care providers and health services empowers sex workers, affirms their dignity and agency, and support improved health outcomes and well-being.

- Health care providers should adopt human rights-based approach in responding to health needs of sex workers.
- Health care providers should provide comprehensive SRHR service devoid of judgment and stigma.
- Local funding should be available to support the SRHR needs of sex workers.
- Health care providers should provide comprehensive, integrated services addressing sex workers' broader SRH needs, including family planning, safe abortion and pregnancy needs; SRH screening; hormone therapy; and other gender-affirming services.
- Health care providers through support from civil society and sex worker led organizations should attend mandatory gender, human rights, diversity and inclusion trainings.
- Health care providers should contribute to the advocacy towards removal of restrictive SRH policies and practices, and dedicating appropriate resources towards sex-worker led healthcare models within the context of decriminalization of sex work.
- Health care providers should employ a human rights-based approach when providing services to sex workers. Health care providers should recognize and overcome their cultural, religious and other personal biases that can interfere with the quality of services provide to sex workers.

- Health care providers should ensure that respect, dignity and confidentiality is maintained at all times in providing services to sex workers.
- Health care workers should support and pay attention to the mental health, drug and alcohol related challenges faced by sex workers.
- Health care providers should be trained to recognize signs of physical and sexual violence in female sex workers.
- Health care providers should be trained to act as referral points for female sex workers who experience any form of violence.

For Brothel Owners

From the experiences shared by sex workers at the Vision Spring Initiatives workshop, brothel owners can be tagged as mini gods. They are mostly men and a few women. Brothel owners assert power in various harmful ways on sex workers. Some of these ways are extortion, insecurity, all forms of violence and public embarrassment. Unfortunately, the women who work as pimps (madams) promote discrimination, violence and oppression carried out by brothel owners. In Southern Nigeria, the activities of pimps or madams, underage prostitution and the operation or ownership of brothels are penalized under sections 223, 224, and 225 of the Nigerian Criminal Code. Section 532 of the Penal code criminalizes prostitution and solicitation.

- Eliminate unnecessary levies on female sex workers staying in the brothels.
- Improve working conditions in brothels to follow laws that protect the safety and health of female sex workers.
- Brothel owners must respect work hours and keep from forcing female sex workers to work overtime.
- Informed consent must be a standard in the interactions between female sex workers and their clients.
- Create an enabling environment for female sex workers to access sexual and reproductive health services and information.
- Respect the rights, agency and bodily autonomy of female sex workers to refuse clients/ brothel management without consequences.
- Facilitate periodic conversations with law enforcement agencies about the safety, liberty and rights of female sex workers.
- Respect the fundamental human rights of female sex workers living in brothels, including, but not limited to, rights to movement, opinion, expression, decision-making, and privacy.

Appendices

POSITION PAPER

“We declare that human rights are for all of us, all the time: whoever we are and wherever we are from; no matter our class, our opinions, our sexual orientation.”

Former UN Secretary-General Ban Ki-moon

PROBLEM STATEMENT

Parts of the Criminal and Penal Codes undermine women’s rights to own and make decisions about their bodies. These laws also subject sex workers to abuse and violence regardless of their fundamental human rights, as guaranteed by the constitution of the Federal Republic of Nigeria.

BACKGROUND

The 1999 Constitution is the supreme law of Nigeria. It is the foundation for all other laws made in Nigeria. According to section 1 of the Constitution, any law inconsistent with the provisions of the Constitution shall be declared null and void to the extent of its inconsistency. The constitution has provisions that protect the fundamental human rights of ALL Nigerian citizens, without exception.

Chapter IV of the Constitution contains fundamental rights and freedom citizens of Nigeria are entitled to enjoy, whilst Chapter XI spells out the fundamental objectives and directive principles of state policy.

Section 34 of the Constitution of the Federal Republic of Nigeria (1999) guarantees the right to the dignity of the human person thus prohibiting torture and degrading treatment suffered by sex workers at the hands of state and non-state actors. It provides that

“Every individual is entitled to respect for the dignity of the person and accordingly no person shall be subjected to torture or inhuman or degrading treatment.”

Sections 35, 37, 38, 39, 40 and 41 also guarantees rights to personal liberty, privacy, freedom of thought, conscience, expression, opinion, assembly, association, and movement respectively.

The Criminal Code (which is applicable in Southern Nigeria) does not expressly legalize or criminalize sex work. The challenges of harassment, arrest and inhuman treatment

that sex workers experience at the hands of law enforcement agents, brothel owners, clients and some members of the public are unacceptable as they violate the fundamental human rights guaranteed by relevant provisions of the Constitution of the Federal Republic of Nigeria, 1999.

The Violence against Persons Prohibition Act (VAPP Act) was passed by the National Assembly in 2015 to eliminate violence in private and public life, prohibit all forms of violence against persons and provide maximum protection and effective remedies for victims and punishment of offenders. All offences that relate to physical violence are covered in the Act with the relevant punishment stated therein. Some states have re-enacted the provisions of the VAPP Act into state laws, thus making them locally applicable.

Additionally, The Anti-torture Act of 2017 in its **Section 1** states that government shall ensure that the rights of all persons, including suspects, detainees and prisoners are respected at all times and that no person placed under investigation or held in the custody of any person in authority shall be subjected to physical harm, force, violence, threat or intimidation or any act that impairs his free will; and fully adhere to the principles and standards on absolute condemnation and prohibition of torture set by the Constitution of the Federal Republic of Nigeria and various international instruments to which Nigeria is a state party. **Section 3** states that there is no justification whatsoever for torture. **Section 4 and 5** provides that any person tortured has the right to complain to a competent authority and should get assistance to file a complaint through the National Human Rights Commission, an NGO or individuals. **Section 8** provides a penalty of 25 years imprisonment upon conviction for committing acts of torture.

Resolutions adopted by the International Conference on Population and Development (ICPD) in section 7.6 provided a program of action for reproductive health and rights and embraced human rights standards entrenched in national and international laws. This includes informed choice, the right to freely decide on how and when to have children, availability and accessibility of reproductive health care services which include family planning, information and services, referrals and safe abortion.

Article 1 of the Protocol to The African Charter on Human and Peoples Rights on The Rights of Women in Africa 2003 (The Maputo Protocol) defines violence against women as all acts perpetrated against women, which cause or could cause them physical, sexual, psychological, and economic harm, including the threat to take such acts; or to undertake the imposition of arbitrary restrictions on or deprivation of fundamental

freedoms in private or public life in peacetime and during situations of armed conflicts or war. The Protocol protects the dignity, human and legal rights of every woman and urges state parties to implement appropriate measures to prohibit all forms of violence, exploitation and degradation of women, particularly sexual and verbal violence. In **Article 13** (d), the protocol provides for the economic and social welfare rights of women to choose their occupations. Article 14 provides for the health and reproductive rights of women to decide freely whether to have children or not, to control their fertility, choose contraception and have a medical abortion where an unwanted pregnancy endangers the mental and physical health of the women.

The African Charter on Human and Peoples Rights (ACHPR) (Ratification and Enforcement) Act, (Cap A9) Laws of the Federation of Nigeria, 2004 is a regional treaty ratified and domesticated in Nigeria. The law guarantees personal liberty and protection from arbitrary arrest, the freedom of association, assembly, movement and the right to work and prohibits torture, cruel, inhumane and degrading treatment in **articles 5, 6, 10, 11, 12 and 15**.

The International Covenant on Economic, Social and Cultural Rights (ICESCR) 1966 is a multilateral treaty adopted by the United Nations General Assembly on 16 December 1966, and it aims to ensure the protection of economic, social and cultural rights. **Article 6** of ICESCR provides that everyone has the right to work, which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts, and state parties will take appropriate steps to safeguard this right.

Portions of the provisions of the Penal Code on sex work amounts to an infringement on the rights of consenting adults to personal liberty, association and also their freedom of contract as it illegalizes sex work in all Northern states.

CURRENT SITUATION

Commercial sex work is a global age-long practice. In Nigeria, it dates back to the 1900s. Sex work in Nigeria is not without its numerous challenges ranging from vague and non-explicit laws on sex work and severe human rights abuses, discrimination, brutality by law enforcement agents and denial of access to social services faced by sex workers. This is reinforced by the 2021 research report by The Initiatives for Equal Rights which revealed that female sex workers experience increased levels of physical and sexual violence from clients, intimate partners, their 'madams' and law enforcement agent officials. They also suffer higher levels of intimidation, humiliation, and threats from various parties such as the police who take advantage of the stigmatization of sex workers in a patriarchal society. At a training organised by Vision Spring Initiatives, 93% of female sex workers who participated confirmed that they have suffered extortion, beating, forceful eviction, implementation of oppressive rules, facilitating arbitrary arrest by law enforcement agencies, denying access to free sexual and reproductive health information and services, inordinate use of power, rape and sexual harassment at the hands of brothel owners. . Brothel owners also enforce stringent working conditions which include forcing sex workers to sustain their businesses, the payment of arbitrary fines and engaging in unpaid manual labor.

Female sex workers specifically face arbitrary arrest, rape as a bail condition, extortion, theft, and false accusation from law enforcement agents who regularly invade their privacy, destroy personal properties and wrongfully stop and search them. Law enforcement agents Wide ranges of abuse of power by law enforcement agents also include battery, public harassment, planting evidence during unwarranted searches, and confiscation of sexual and reproductive health commodities. A joint statement by the Global Network of Sex Workers Projects (NSWP) and UNAIDS on April 24, 2020, called on countries to take critical action to protect the health and rights of sex workers during the COVID-19 pandemic, as the health crisis exposed existing inequalities and disproportionately affects people already criminalized, marginalized and living in precarious health and economic situations, such as female sex workers.

CURRENT GAPS IN EXISTING LEGAL FRAMEWORKS

The existing legal frameworks in Nigeria consists of laws that do not sufficiently protect women against all forms of violence. The plurality of the Nigerian legal system poses a significant barrier in protecting women's rights. Some sections of the Criminal and Penal Codes also continue to pose a threat due to their lack of clarity.

The Nigerian constitution has no express provision on sex work but provides against acts that violate fundamental freedoms and human rights entrenched in the constitution. The VAPP Act is also limited because it addresses only acts of violence about arrests and detention. The Anti-Torture Act addresses only cases that involve torture and inhuman treatment.

Several international and regional human rights instruments relevant to protecting women's rights against abuse have either not been ratified or domesticated. The challenge with the Protocol to The African Charter on Human and Peoples Rights on The Rights of Women 2003(The Maputo Protocol) and the International Covenant on Economic, Social and Cultural Rights (ICESCR) is that they have not been domesticated into Nigerian law to give it the force of law. Non-implementation of signed and ratified treaties, therefore, remains a challenge.

Resolutions adopted by the ICPD and its program of action for reproductive rights and reproductive health are guidelines that countries can adopt for reproductive health policies and programs without a binding effect.

RECOMMENDATIONS

- Explicit decriminalization of sex work in the Criminal and Penal Codes.
- Domestication of international treaties such as the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) and the Maputo Protocol.
- Implementation of holistic consensus documents that protect women's rights, including, but not limited to, the Beijing Platform for Action, Sustainable Development Goals, and the National Gender Policy.
- Formulation and implementation of policies on holistic and inclusive sexual and reproductive health and rights for women and girls.
- Respect for the fundamental human rights of all persons as stipulated in the 1999 Constitution of the Federal Republic of Nigeria.
- Respect for the bodily autonomy, agency and reproductive rights of female sex workers and other marginalized women groups.
- Engage in inclusive advocacy and protection of the rights of all persons.
- Informed consent must be a standard in the interactions between female sex workers, their clients and brothel owners.
- Create an enabling environment for female sex workers to access sexual and reproductive health services and information.
- Respect the rights, agency and bodily autonomy of female sex workers to refuse non-consensual sex with clients and brothel management without repercussion.
- Facilitate periodic conversations with law enforcement agencies about the safety and security of female sex workers.
- Hold law enforcement agents accountable for abuse, arbitrary arrests intimidation and extortion of sex workers.
- Integrate gender, human rights, diversity and inclusion courses into the training curricula of educational, security agencies and research institutions
- Hold mandatory refresher training for all law enforcement agencies, including superior officers.
- Provide professional and inclusive healthcare in a non-discriminatory manner for the benefit of marginalized persons/groups.
- Hold mandatory refresher training for healthcare workers to ensure that they maintain professional relationships with patients and uphold the national standards for the provision of healthcare.
- Carry out an extensive needs assessment to formulate responsive and holistic sexual and reproductive health rights (SRHR) programs for female sex workers.
- Actively engage female sex workers in the design, implementation, monitoring and evaluation of SRHR programs.
- Expand the scope of SRHR call for proposals to include the current and growing needs

of female sex workers.

- Create an enabling, fair, safe and non-discriminatory work environment for female sex workers within their organizations.
- Support and create vocational, technical and academic educational programs to improve the economic status of female sex workers.
- Engage in campaigns and policy discussions relevant to the issues of marginalized groups
- Civil society organizations and feminist groups to facilitate intersectional trans and sex worker inclusive approaches in their programming.
- Extensive law reviews and removal of discriminatory provisions from such laws.
- Advocacy by civil society groups towards passage and domestication of the VAPP Act in all states.
- Advocacy for the full decriminalization of sex work highlighting the precarious situation sex workers live in.
- The media should adopt a human rights-based approach in their reporting.
- Proper independent investigations to verify facts before publishing reports relating to female sex workers.
- Mandatory gender, human rights, diversity and inclusion training for all media personnel.
- Funders should ensure a flexible approach to funding SRHR programs for sex workers with an emphasis on human-centered approaches and outcomes as opposed to target-driven approaches.

Activity reports

SRHR Training in 6 geopolitical zones

In July 2021 Vision Spring Initiatives held training which brought together, 60 sex workers from the 6 geo-political zones; Kano, Abuja, Benue and Kaduna States. Others are Lagos, Oyo, Edo, Ogun, Rivers, Cross River and Ondo. The training was organized to analyze portions of the Penal Code and how they impact the Sexual Reproductive Health and Rights needs of sex workers and the needs of their clients.

A thorough analysis revealed that sex work is indeed not criminalized in Nigeria as initially understood by sex workers. Instead, it criminalizes their clients and other beneficiaries such as unlicensed brothels. The analysis brought to fore, the loopholes in the law while capacitating sex workers on other laws such as the CEDAW, anti-torture Acts, ICPD, Maputo Protocol and the VAPP Act that supersede the Criminal Code and Penal Code. Sex workers were made to understand that in situations of conflict between any provision of the Act and any other provision on similar offences in the Penal Code and Criminal Code, the provisions of the VAPP Act supersedes. The training went further to enlighten sex workers on the impact of harmful gender stereotypes on the sexual and reproductive health and strategies to break free from the stereotypes; safe abortion; strategies to safe sex negotiation; and contraceptive devices/commodities.

The discussions that followed each session were participatory and lively with contributions from all the participants. The second training on sexual and reproductive health and rights helped beneficiaries understand the various laws that can be called upon for their protection such as the Anti-torture Act of 2017, ICPD, CEDAW, Maputo Protocol, Sustainable Development Goals, and Universal Health Coverage. Some of the sessions dealt with topics such as Sexual health, reproductive health, sexual rights, reproductive rights, how gender stereotypes impact sexual and reproductive health and rights. There was knowledge building around bodily autonomy and decision making around right to control their own bodies and their sexuality without any form of discrimination, coercion, or violence which is critical for their empowerment. Without sexual rights, they cannot realize their rights to self-determination and autonomy, nor can they control other aspects of their lives. Indeed, it is the attempts to control women's and girls' sexuality that result in many of the human rights abuses they face on a daily basis, including gender-based violence, forced marriage, genital mutilation, and limitations on their mobility, dress, education, employment, and participation in public life. The facilitator clearly stated that it is clear that sexual rights underpin the enjoyment

of all other human rights and are a prerequisite for equality and justice.

Advocacy in Practice Training for Sex workers

Vision Spring Initiatives held 2 advocacy-in-practice trainings for sex workers. These trainings were aimed at equipping vulnerable girls with knowledge on advocacy and protection of their rights. A total of 60 sex workers identified from the 6 geo-political zones attended the training. Beneficiaries were later provided with the advocacy tool kit jointly developed to engage different stakeholders. Vision Spring Initiatives is happy to report that at least 4 sex worker organizations have been able to effectively engage in advocacy and attract funding support to step down advocacy efforts in their various states.

Media and CSO training on the rights of sex workers

Vision Spring Initiatives held media and CSO conversation with media and sex workers. During this training which coincided with the Human rights day, media personnel were encouraged to recognize their role of ensuring that they provide accurate and reliable information which will facilitate respect of rights of all citizens and avoid sensationalisation which often exposes sex workers to abuse, harassment and lack of respect. They were reminded of the various laws and policies that exist for the protection and promotion of the rights of all citizens irrespective of their choice of work.

National Town hall meeting on the rights of vulnerable women in Nigeria

In partnership with NSWA Nigeria, Vision Spring Initiatives held a National Town hall meeting on June 8 2023 tagged: National Advocacy Summit for meeting SRHR needs of vulnerable women and girls. The meeting had in attendance 41 stakeholders comprising traditional and religious leaders, representatives from the National Human Rights Commission, representatives from Ministry of Justice, Law enforcement office, Hisbah police, media and CSOs. The meeting commenced with Vision Spring Initiatives presenting video reels of the work it had undertaken with support from Amplifychange towards ensuring the protection of the rights of sex workers who face challenges posed by lack of clarity of the Penal and Criminal Code laws especially the portions that deal with sex work. This was followed by presentation by the Coordinator of Nigerian Sex Workers Association who described the numerous challenges faced by sex workers. At the end of her presentation, sex workers shared with the duty bearers' cases of abuse and injustices they face at the hands of mostly law enforcement officers. Vision Spring Initiatives' representative thereafter explained its partnership with sex workers which has resulted in the increased knowledge about their rights and how to demand them from duty bearers. She further explained that the town hall meeting was convened to seek the support of relevant agencies in the support for the rights and well-being of sex workers.

Responding to the presentations, representatives of the Police appealed to the sex workers by stating that no one has right to violate their rights and committed to challenge any form of violence if reported to the agencies. The representative of the National Human Rights Commission said her agency is saddled with the responsibility of ensuring that citizens' rights are not violated, stating that her agency recently created a department for handling abuse of vulnerable groups. She stated that they are available to tackle any reports of injustice against sex workers and ensure that justice prevailed. A traditional ruler representing a community in Lagos state committed to take the plea of VSI on behalf of sex workers to its council of chiefs, and ensure that sex workers are not stigmatized in all aspect of life. The meeting came to a close with a signed commitment by all participants to promote and protect sex workers' rights.



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