



Global Network of Sex Work Projects
Promoting Health and Human Rights

**How Sex Work Laws are Implemented on the Ground and Their
Impact on Sex Workers**

Nigeria Case Study

Introduction

Despite the increase in the number of organisations and groups involved in awareness creation on the challenges confronting sex workers globally and the need for their recognition and protection of their rights, the socio-legal environment within which they operate remains fluid and precarious. Although, sex work is commonly described as the oldest profession in the world and a thriving business till date, sex workers remain socially marginalised, stigmatised, discriminated against and oppressed. This document argues that this persists because globally, the legal status, governance policies and responses to the challenges posed by the practice of sex work is shrouded in controversy, highly contested, ambiguous, and ambivalent. The position in Nigeria is not different hence the environment is even more unsafe and oppressive to sex workers particularly in the course of the purported enforcement of the laws against public morality.

Demographic Information of Participants

Gender Male - 28 Female – 92 (including 6 trans women)	Sexual Orientation Heterosexual – 77 Gay & Bisexual - 43
HIV Status Positive – 43 Negative – 77	Use of drugs Male – 17 Female - 44
Country Nigerian - 116 Migrants – 4	Working Location Brothel based - 72 Non-brothel based - 48
Age Range	
18-20 = 9	36-40 = 13
21-25 = 16	41-45 = 21
26-30 = 31	46-50 = 10
31-35 = 14	Over 50 = 6

Situation Of Sex Workers in Nigeria

According to the Nigerian constitution, sex work itself is not criminalised rather the people that benefit from the proceeds of sex work are the focus of the laws. All aspects of sex work are illegal in all of the Northern States that adopt an Islamic Penal Code. In Southern Nigeria, the activities of third parties, underage sex work and the operation or ownership of brothels are penalised under sections 223, 224 and 225 of the Nigerian Criminal Code. In addition, a sex worker can be punished when caught negotiating sex aggressively with a client. The law that is used to punish sex workers in this situation is chapter 24 of the Criminal Code.

Sex workers, even in the absence of direct criminalisation of selling sex, are harassed and punished by law enforcement agencies through the use of administrative offences, in most cases, when sex workers are arrested and charged for loitering or constituting public nuisance even although they are not charged for selling sex. Due to the activities of law enforcement agencies, sex workers are forced to work in dangerous conditions and subjected to violence (often by law enforcement authorities and at times by their clients). In addition, sex workers are unable to defend their rights.

Thus, from the gender violence incidents recorded by the Nigeria Sex Workers Association (NSWA) has a record of violent incidents reported by the members of the network from their various state and a toll-free line were sex workers call to report human rights violations), it was

gathered that almost all the sex workers detained by law enforcement agencies have had their rights violated. According to the results regarding violations of sex workers' rights during administrative detention, it has been shown that almost all sex workers questioned had been subject to unlawful detention. The biggest number of unlawful detentions were reported to be performed by officers of the Nigerian police force.

Sex workers experience a range of human rights abuses at the hands of the police. For instance, those sex workers detained are taken from their hotel rooms and during the raid they will be robbed and some of the police officers will sexually assault them and force them into their vehicles at gunpoint. Most times sex workers are forced or blackmailed to say all sorts of things, or they will be exposed to the media for everyone to know that they are doing sex work.

The result of the criminalisation of sex work is a limitation of the rights of sex workers. The penalisation of sex work leads to the silencing of human rights abuses, it is difficult for women to speak out on their behalf, and they fear to protest in defence of their rights due to criminalisation and stigmatisation.

Sex workers' experiences

During our interviews and focus groups, sex workers recounted experiences of abuse and harassment at the hands of the police. For example, a 29-year-old female sex worker who works in a brothel spoke about the unlawful arrest and harassment she had faced at the hands of police officers:

"Few months ago, while some group of female sex workers and I were resting and others sleeping in our brothel one early morning; some armed police officers stormed our place from nowhere to our surprise stating that they were ordered to raid criminal hideout in the city and villages of the federal capital territory. They said, we are under arrest, that group of girls like ours were being used by insurgency group "Boko Haram" for bombing targeting at civilians and critical government infrastructure and we are all suspect. Before we could realise what was happening, they descended on us, broke into our rooms, and ransacked everywhere in search of the unknown, and carted away our phones, accessories, cash and leaving us bruised and brutally wounded, they were saying "Ashawo no be work and we no get right" (meaning sex work is not work and sex workers do not have rights)."

Though the event has come and gone it left an indelible scar on the victims who have yet to come to terms with the shock and trauma especially when the perpetrators go unpunished.

A 41-year-old female sex worker who works in hotels recounted another experience of abuse at the hands of the police, including sexual violence:

"There was a certain day while we are relaxing at a hotspot in the city waiting for catch up with our client for the day's work "because if we no hustle we no go chop", a gang of policemen invaded the environment, raid and arrested the female sex workers present in the vicinity. The policemen searched my bag, forcefully collected my phone, wristwatch, and other possession in the process which I never recover till date. They took us to unknown destination and raped my friends and I - one after the other upon taking us from where we were locked up. Against all plea and offer made to them. We were humiliated with our dignity taken away and human rights violated. Few days after, the particular officer in possession of my phone used it to chat to my friends on my contact list who informed me and showed me the chats as evidence. When our chairlady [title given to the oldest sex worker in a brothel] tried to intervene at the scene of the raid, she was beaten and molested by same policemen. The same

policemen who are supposed to protect the life and property of the citizenry are the one acting contrarily. As it stands, the law does not recognise or protect the rights of sex workers and the wheel of justice seem not just to grind but has stagnated in this regard, when we reported the case what we got was more humiliation, imagine a female police officer telling us "them the rape ashawo too" meaning can they rape somebody that is already selling sex."

Other participants furiously expressed that Nigerian police officers can be very cruel when dealing with sex workers with casual violence and sexual harassment being rife. For example, a 26-year-old female sex worker who works in a brothel spoke about the human rights violation she has experienced at the hands of police:

"I have been arrested and beaten many times. Police will just come, invade our place, and arrest people. Before they take us away, you see them spanking your buttocks and making annoying sexual advances and remarks on you."

And a 21-year-old male sex worker who works in a bar also spoke about being assaulted by the police:

"I remember the night I received a thunder-slap from a police officer for refusing to enter the police vehicle when we were raided at our spot."

A 36-year-old male sex worker who works in hotels spoke about strategies he employs to be alerted to police action against sex workers and also bribes that sex workers pay to the police to avoid arrest:

" 'Na wetin we do to Survive', meaning this is what we do for a living; we must do whatever it takes to secure it. We pay some people (like people who sell cigarette, collar, and foodstuff) to alert us "when olopa show" meaning when police arrive in the area. Some officers do cooperate with us (but not all the time); they alert us of possible crackdowns (date and time) or when they are on their way to raid us. We do compensate them well after."

A 37-year-old female sex worker who works on street spoke about how the police unlawfully harass and arrest sex workers just to forcefully collect money from them:

"Once you are arrested, you begin to think of who to call to bring money and bail you. Police don't charge us and take us to court; they only keep us in custody for some hours and later release us when we pay the amount of money they requested from us."

Similarly, a 19-year-old female sex worker who works in a brothel spoke about how the police abuse their authority:

"Police officers know that we will offer them anything to be free as quickly as possible, so some of them don't even waste time. When you get to their station, they just ask you "Wetin u get for us", meaning what do you have to free yourself? Sometimes they will even release you on the way to the station when you have and are ready to give them what they want."

Views of stakeholders (lawyer)

There is no federal / national law against sex work in Nigeria. Although, owing to Sharia Law in the Northern states in Nigeria, sex work is prohibited. In all the Western, Eastern and Southern states in Nigeria, sex work is not a crime. Hence, the police or security agencies cannot arrest sex workers in such states, even though the police cannot arrest sex workers they still do, when they arrest a sex worker, they will not charge them for prostitution, but they will be charged for loitering and constitute public nuisance. But owning / running a brothel, being a pimp, trafficking

persons for prostitution, use of children as sex slaves and other similar acts are criminal in all parts of Nigeria. (Sections 223, 224 and 225 of the Criminal Code, section 15, 16, 17 and 18 of the Trafficking in Person (Prohibition), Enforcement and Administration Act, 2015 and Sections 30 of the Child's Rights Act, 2003).

Conclusion

Interviews draw out information on the brutal experience of participants at the hands of the police. Participants in this study recounted that police officers usually maltreat them when they are caught. They beat, assault, rape (while in custody), and threaten to open fire on anyone who attempts to run or escape. Thus, police violence and threats of execution created fear in some of the participants. Although they all perceived fear as part of their profession and everyday experience, yet many seem to be terrified of being beaten up by police officers. Accordingly, most of them stated that they were willing to comply with officers' instructions to avoid beatings, but they consider police actions as an infringement on their business space and a violation of fundamental rights. This indicates that participants were aware of the violation of their fundamental rights (being beaten up and assaulted), but the fear of more severe punishment they may receive prevents them from challenging police actions.

The economic crisis and hardship in the country has meant that sex workers are experiencing increasing levels of poverty and gender-based violence, which further hinder their access to medical and social services. The financial situation is even more aggravated for single mothers and internally displaced persons that also do sex work. For a very long time, sex workers organisations have found it difficult to organise but recently in 2014 they were able to come together to form a network, the Nigerian Sex Workers Association (NSWA) that is in charge of all the community-based organisations that are sex workers led. Thus, the recession in the country makes sex workers more vulnerable to social and economic injustice, and even less important in regards to budget relocations and respect to human rights.

The lack of disaggregated statistics and monitoring of human rights violations against sex workers, as well as the refusal of women to report their occupation in sex work due to criminalisation, makes it difficult to fully analyse the multiple forms of discrimination that they face. The experiences reported above, however, show, without doubt, that the criminalisation of sex work in Nigeria causes significant harm to sex workers.

Project supported by:

