

OCTOBER, 2019



E-LOYA

E-NEWS LETTER OF INTERNATIONAL FEDERATION OF WOMEN
LAWYERS, (FIDA) NIGERIA



Professional
Ethics and the
Female Lawyer

FIDA NIGERIA BRANCH
ACTIVITIES DURING THE
UN DAYS OF
OBSERVATION

CELEBRATING OUR
BOARD OF
TRUSTEES (BOT)
MEMBERS

The
Legal
Framework
for the
Gender Crime
Desk

Implementing The
Visions, Missions &
objectives of FIDA

Committed to enhancing, promoting, protecting and
preserving the rights of women and children in Nigeria



INTERNATIONAL FEDERATION OF WOMEN LAWYERS FIDA NIGERIA

About FIDA

Federacion Internacional de Abogadas (FIDA) was founded on the 4th day of August, 1944 in Mexico City, Mexico. Founding members were: Rosalind G. Bates from U.S.A., Esther Talamantes from Mexico, Luisa Maria Capo from Puerto Rico, Isabel Sierro Perez from Cuba and Alma Paredes from Salvador. The first convention took place in 1945 in Havana Cuba and the first President was Isabel Sierro Perez. FIDA has grown to have members in over 80 countries of the world. Federacion Internacional de Abogadas (Spanish) is translated as International Federation of Women Lawyers.

FIDA Nigeria

In 1964, Ms (Lady) Aduke Alakija introduced the Federacion Internacional de Abogadas (FIDA) in Nigeria. FIDA Nigeria is a non-governmental, non-profit organisation made up of women law- yers called to the practice of law in Nigeria. FIDA Nigeria has been in existence for over fifty years and has branches in thirty-two states of the Federation including the Federal Capital Territory, Abuja.

Vision

A just, peaceful and equitable Nigerian society where women and children's rights, interests are guaranteed, in which they have the freedom to choose and live their own future.

Mission

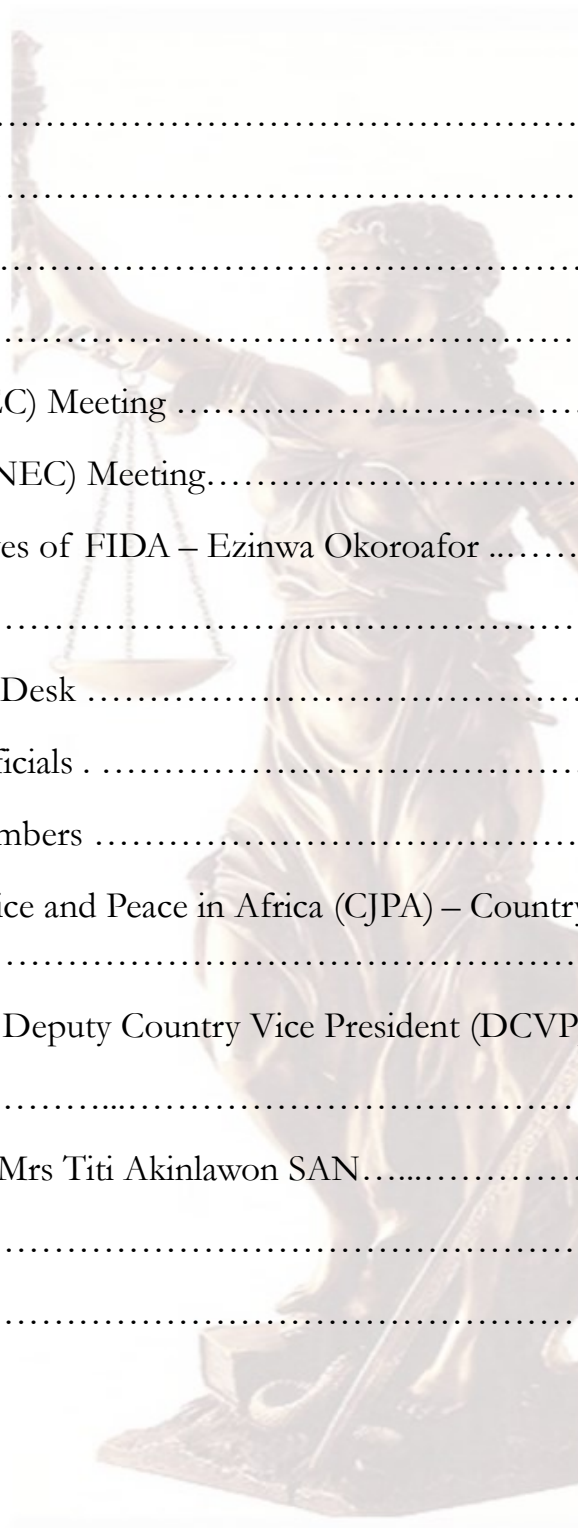
FIDA Nigeria's mission is to promote, protect and preserve the rights, interests and well-being of women and children through the use of legal framework to ensure that they live free from all forms of discrimination, violence and abuse in the society.

Objectives

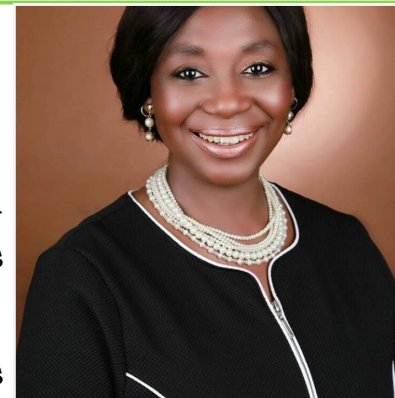
- To establish friendly international relations on the basis of equality and mutual respect for all peoples.
- To promote the principles and aims of the United Nations in their legal and social aspects
- To promote the study of comparative Law
- To enhance, promote, protect and preserve the rights and welfare of women and children, realizing that on their wellbeing depends the happiness of the home and strength of the society.
- To proffer advice to the government in all cases of disregard relating to women and children.

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From the Editor in Chiefs Desk



Eliana Martins
National Publicity Secretary

FIDA Nigeria doing great things in her unique style, a success story all round as the leadership baton changes hands.

We celebrate and applaud the immediate past executives under the very distinguished leadership of the immediate past CVP, Hon. Inime Aguma; while welcoming on board the new executives ably led by our dynamic current CVP, Rhoda Prevail Tyoden, poised to do even greater things.

The vision and mission still paramount, as the commitment to focused, efficient and effective service targeted at attaining the noble objectives and ideals of the association remains key in all matters

In this edition, we speak to this and the recurrent topical issues that plague the vulnerable groups, showcasing the challenges and how we address some of them, keeping hope alive.

Looking inward, we project our FIDA Nigeria Branches, united in mission, doing great diverse things to tackle the issues challenging our different communities across Nigeria

FIDA Nigeria working under the umbrella of FIDA International celebrates key United Nations Days of observation; we highlight these activities to draw attention to the issues, sensitizing and addressing the need for greater action from all key stakeholders across board, whilst being appreciative of our project sponsors and supportive partners who willingly collaborate

#GreatFidaAmazonsDoingGreatThingsForSociety

#LongLiveFidaNigeriaGivingHopeToTheDefenceless

Happy Reading!

Eliana Martins

National Publicity Secretary

Message from CVP



*Rhoda Prevail Tyoden
Country Vice President/
National President*

It is with great pleasure that I address our dear readers in this edition of E-Loya upon assumption of office as the Country Vice President/National President of FIDA Nigeria. I count it a great privilege and honour to have been unanimously elected to lead this prestigious organization whose mandate is to protect, preserve and promote the rights of women and children in Nigeria. Even though I am not new to the administration of the affairs of this great organization, this is a step higher and I am excited about the great work we are doing already and the vision that I, in consonance with the other National Officers, have for FIDA Nigeria. The past National Officers under the impeccable leadership of the Country Vice President Emeritus, Hon. Inime Aguma, accomplished a great feat and she has left big shoes which I shall try to fit into during my tenure.

Upon assumption of office on 26 January, 2019, I declared my agenda for FIDA Nigeria for the next three years as:

1. Effective implementation of the 5-year Strategic Plan/Framework.
2. Restructuring and strengthening of FIDA branches in the 32 states to ensure that the mission and vision are preserved and promoted.
3. Ensuring that FIDA is established in the remaining 4 states where we currently do not have presence.
4. Ensuring that the VAPP Act is adopted in most of the states in Nigeria.
5. Ensuring that sensitization campaigns on the VAPP Act is done throughout Nigeria.
6. Promote the visibility of FIDA Nigeria and the great work we do.

So far, FIDA has been involved in diverse activities this year. In February, we joined the rest of the world to celebrate the International Day of Zero Tolerance to Female Genital Mutilation. Female Genital Mutilation is a deep-seated cultural menace which has eaten deep into the fabrics of our society and still wreaking havoc in the lives of our women and girls despite the rise in education and enlightenment among our people. We still hear sad stories of professors and well-to-do Nigerians bringing their daughters home to be cut to mark their entry into adulthood and all sorts of barbaric acts, all in a bid to satisfy cultural demands. FIDA Nigeria vehemently condemns Female Genital Mutilation and is working with other stakeholders to ensure that it is eliminated in Nigeria. We were actively involved in the review of the National Policy for the Elimination of Female Genital Mutilation and are positive that that document will be used by actors in the health and human rights sector to engage community gate-keepers to ensure that FGM is completely eradicated in Nigeria.

Also worthy of note is the fact that FIDA Nigeria, after the demise of the members of the Board of Trustees, inaugurated a new Board of Trustees at its 1st Quarter National Executive Council meeting in Lagos on 25 April, 2019.

Fida Nigeria in commemoration of the International Day against Drug Abuse and Illicit Drug Trafficking in June 2019, lent her voice to the issue of drug abuse and illicit drug trafficking in Nigeria, stressing that many families are battling and contending with drug addicts, some of which have quit school and work, and even belong to dysfunctional homes, while others are on the verge of lunacy or battling acute diseases. It is no news that drug abuse leads to deterioration of the individual's relationships, finances and health.

From a health perspective, abuse can lead to diseases such as cancer, HIV/AIDS, stroke, etc. Communities that are rife with drug abuse and illicit trafficking tend to also suffer from an increase in crime and other delinquent behaviours that threaten the safety, security and wellbeing of the citizens. Therefore, it is imperative that the government addresses the root cause of drug abuse and illicit drug trafficking as it is very much with us.

FIDA Nigeria in addition has entered into some strategic partnerships to ensure that collaborative efforts are made for the preservation and promotion of the rights of our women and children. Accordingly, FIDA Nigeria in partnership with the Human Rights Radio and Television Show (Brekete Family) hosts the TV and Radio programs, to ensure that issues that affect women and are referred to Fida are promptly addressed. Fida here leverages on her partners wide network coverage to sensitize Nigerians on the provisions of the VAPP Act and other gender-sensitive laws.

Likewise, FIDA Nigeria has entered into a partnership with Reconnect Health Development Initiative, a centre that provides psycho-social support, to ensure that survivors of gender based violence are rehabilitated in order for them to be re-absorbed into society and to enable them cope with the attendant realities of their experiences.

FIDA Benue has worked hard to ensure the passage of the Violence Against Persons (Prohibition) Law in Benue State. This is a laudable achievement as this law will ensure that perpetrators of violence against persons, especially the vulnerable women and children in the state, are protected.

With the passage of the law, there needs to be continuous sensitization on the provisions of the law in order for all stakeholders and even the citizenry to take action towards the eradication of the violence in the state.

Fida appreciates her development partners; the MacArthur Foundation and Oxfam being that all hands must be on deck to deal with the overwhelming plaguing issues affecting the vulnerable in our society. Together, we can do so much more!

Finally, I invite you to read the contents of this edition of E-Loya as it promises to be intriguing, exciting and expository!

Long Live FIDANs! Long Live FIDA Nigeria!

MEET THE FIDA NIGERIA EXECUTIVE COMMITTEE (2019-2021)



Rhoda Prevail Tyoden
CVP/National President



Amina Suzanah Agbaje
Deputy CVP



Evelyn Membere-Asimea
National Secretary



Rita Ilevbare
Assistant National Secretary



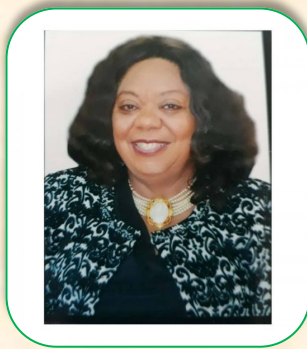
Olubunmi Arajuwa
National Treasurer



Maria Edeko
National Financial Secretary



Eliana Martins
National Publicity Secretary



Elizabeth Akah
Assistant National Publicity Secretary



Inime Chinwenwo Aguma
Ex-Officio

The International Federation of Women Lawyers (FIDA) on Tuesday 25th January, 2019, in Port Harcourt, Rivers State, held its Annual General Meeting (AGM). After the AGM was a free and fair election of new Executive members for the organization for a single term of three years from 2019 to 2021. Rhoda Prevail Tyoden emerged the new Country Vice President/National President.

During the opening ceremony there was also a business session on the theme "Enhancing the Rights of Women and Children through Legal Practice" with Miannaya Essien SAN as the lead discussant, alongside Mrs Bunmi Akaakar and Professor Aduche Wokocha.

The second day ended with an award night/dinner at Asia town restaurant. During the award night, FIDA Rivers, FIDA Ekiti and FIDA Lagos were awarded for their standout activities. The week ended with a thanksgiving service at St Pauls Cathedral, Rivers State.

PICTURES FROM THE ANNUAL GENERAL MEETING, JANUARY 2019.



Awards



Dinner Night



Cultural Presentation



Courtesy Visit to His Excellency Nysom Wike Governor of Rivers State



Thanksgiving Service at the St Paul Cathedral, Rivers State.



FIRST QUARTER NATIONAL EXECUTIVE COUNCIL (NEC) MEETING

FIDA Lagos hosted the FIDA Nigeria 1st Quarter NEC Meeting. It was an engaging few days. On Thursday 25 April 2019, the National Executive Committee paid a courtesy visit to the FIDA Ward at the Lagos University teaching hospital. Later that evening there was a cocktail party. where Capacity Building Lectures on Functional Offices in FIDA Nigeria was delivered by the National Publicity Secretary, Eliana Martins and the National Financial Secretary, Marie Edeko on the publicity and financial aspects of the organisation. Members of the newly inaugurated Board of Trustees were also introduced at the cocktail party.

On Friday 26 April 2019, the business session was held and a Brief Talk On FIDA Nigeria, Yesterday, Today & Tomorrow; Professionalism, Etiquettes And Decorum delivered by FIDA International Secretary, Ezinwa Okoroafor. The meeting culminated in a formal dinner.

Pictures From The Meeting



Newly Inaugurated Members of the Board of Trustees (BOT)



FIDA Ward at the Lagos University Teaching Hospital



Meeting with the Chief Medical Director of LUTH



Gifts presentation at FIDA adopted Children WARD E4 at LUTH.

Cocktail Party/Formal Dinner



Cutting of the Cake



FIDA Akwa Ibom hosted the 2nd Quarter National Executive Council Meeting (NEC) It was an engaging few days. On Thursday 25 July 2019, there was a Cultural Night event to welcome the National Executive Council (NEC) members.

On Friday 26 July 2019, the business session was held and the meeting included a capacity building session on 'The Thin Divide Between Legality and Morality'. The panelists included Chief Mrs Victoria Awomolo SAN, Regional Vice President of FIDA International, Mrs Eno-Obong Akpan (Lead Speaker) and the Chairpersons of FIDA Anambra (Prof. O. Ikpeze) and FIDA Ekiti (Seyi Ojo). The meeting ended with a Dinner.

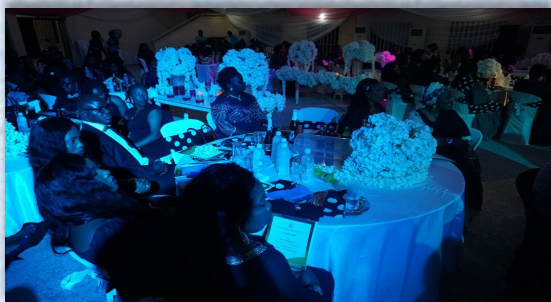
Pictures From The Meeting



Cultural Night



Dinner



Implementing the vision, mission and objectives of FIDA –

Ezinwa Okoroafor

Why I am a FIDAn!

What is FIDA?

A non-political, non-governmental, non-religious, not-for-profit (non-profit making) association of women called to the practice of law, with a mission to protect, preserve, promote and enhance the rights and interests of women and children.

What else is FIDA?

A voice for the voiceless; A pressure group; An opportunity to give back to society; A confidence booster, An education pedestal, A platform for expression of opinions, beliefs and self; A training ground, A platform for personal development and fulfilment, A redemption, A sisterhood regardless of creed or tribe.

What were the objectives of the Founding Mothers of FIDA?

To protect the rights of women and children, especially girls, by creating awareness of these rights and providing them free legal services in the event of a breach or infringement of these rights;

To touch lives of and enhance the status of women;

To provide a forum to make a difference in their lives, to educate, inform and enlighten them;

To provide liberation from some of the situations and circumstances that hold them bound.

Was there a need for FIDA when it was founded?

Yes. FIDA's founding mothers, having interacted with their colleagues abroad, realised that it was necessary to begin to engage at various levels in society to address the peculiar challenges women faced, which could be occasioned by religion, culture, patriarchy and so on. These challenges manifested in limited education and educational opportunities, lost economic opportunities, inability to participate effectively and meaningfully in politics, leadership and decision making; violence in different forms – physical, psychological, emotional, economic, amongst a host of other challenges.

Is there a need for FIDA now?

Yes, there is a need now for FIDA more than ever before, especially in the light of falling standards and

values in the society. While some of the initial challenges FIDA sought to meet at inception have been resolved by law and/or policy as well as societal development, some have remained the same, while others have transmuted into different forms, and new challenges have also emerged, as a consequence.



Ezinwa-Okoroafor

Has FIDA outlived its purpose?

Most certainly not! FIDA has continued to touch the lives of women and children, especially the indigent and vulnerable who would otherwise have had no voice, in the event of an infringement of their rights. FIDA serves as their last bastion of hope and defence. In that context, FIDA has remained a pace setter and an opinion moulder.

FIDA remains relevant both in the lives of its members and to the society at large.

Has FIDA been beneficial its members? How so? (or How not?)

FIDA has certainly been beneficial to its members.

Beyond the immediate benefits of helping to increase knowledge, exposure and self-confidence, among members, which it does through training on a variety of professional and social issues, it has also helped in forging new friendships and sisterhoods, access to many fronts, among others. Experience has shown that those who have served FIDA well have received their due reward, even if indirectly. They have gone on to achieve great successes and make significant progress in their private lives and careers. FIDA has provided the solid background that has enabled them excel wherever they find themselves. Consistently, FIDAns stand out in every other area of endeavor, whether in public or private service

What is our duty to FIDA?

Our primary duty to FIDA is to keep her flag flying high. We are to ensure that the dream of the founding mothers is kept alive and that the torch is effectively passed onto the next generation of FIDAns. We must keep the candle burning and shine the light on the path we are treading so that others may be encour-

aged to get on to the path. We must ensure they look beyond themselves and give of themselves and their resources for the benefit of those who may not be endowed with the resources or opportunities. We must live that which we preach – walk the talk, so that in little but incremental ways, we help to make a positive difference in our society.

What do we owe FIDA?

Our time and effort, our resources. sincerity, selflessness, commitment. Applying the benefits of our training and network in the interest of the underprivileged. Giving the best of ourselves to each other as we pursue the worthy cause of providing succor and support to the less privileged. Having received so much from society, we must give back.

What are the challenges FIDA faces?

The most obvious is the finance. The availability of funds would enable an institutionalization process for the Association which would help its sustainability and enable it carry out its various programmes effectively.

Beyond the financial challenge is the human factor. There is nothing that a committed group of people cannot accomplish. The singleness of vision and dedication by members to the cause of FIDA will ensure that the objectives of the association are met. Indeed, a lot has already been accomplished in spite of meagre resources. A whole lot more will be accomplished with a focus on meeting the needs of the people we have set out to serve. We must deemphasize personal interests and achievements and focus on the group, avoiding debilitating battles over positions and tenures in the association. A strong commitment to accountability and transparency at all levels will also ensure that we build a strong and long-lasting association.

FIDA must strive to remain relevant. A unique FIDA offering to the general public is the free legal services to the indigent and vulnerable. FIDA's ability to provide this critical service is affected by the dearth of female lawyers involved in litigation. We must therefore think outside the box to enable us meet this challenge, so that we remain true to our promises. Whilst we are committed to the peaceful resolution of conflicts and charity, we must not pull back from pursuing the litigation option on behalf of these vulnerable ones in our society, if and when the need arises. This is also in order to expand the bounds of the law.

We must also sharpen our mediation and conciliation skills to enable us bring respite to our clients, without necessarily going the route of litigation and hostile res-

olution.

How can we ensure that FIDA continues to thrive?

By constantly asking ourselves how we can improve and reviewing the work we have done to ensure we are improving. By continuing to give of ourselves and our resources. By keeping our eyes fixed on our objectives and our target group and finding innovative solutions to their problems. By continuing the advocacy for a better society for everyone – male or female. We must focus on the big picture at all times.

What would I like to be remembered for in my service of FIDA?

For using the benefit of my education and experience and giving of myself, to actually make the burdens of other people lighter and their tasks easier. To have touched lives and made a difference, through the use of my privileged position.

How I will actually be remembered?

How I will actually be remembered will go beyond what I have expressed and will be a reflection of the good that I actually do in furtherance of my best intentions and the accomplishments I attain by virtue of the opportunities available to me in FIDA.

At the end of the day, we must leave the scene and the world, at some point. The good we have done will remain as a memorial for us. Consequently, I must always remember that it doesn't all end here and now. The world continues to evolve and one of our points of satisfaction should be that we helped to make the world a better place for all to live in.

I must bear in mind that if I have left FIDA a better place than I met it, posterity will judge me aright, if on the other hand I do not do what is in the better interest of society, posterity will be a harsh judge.

I am a FIDAn because I buy into the above ideals and am genuinely committed to making a difference in the lives of the people around me who may not have the privileged voice, visibility and opportunity that I have.

Question?

Will you leave FIDA a better place than you found it?

What will you like to be remembered for?

What will you actually be remembered for?

We Are PINK...

Every morning,
before the cock announces
its victory over the thick night,
my ear drums dance to the beats
from my pounding heart,
waking me to face my own night;
My night falls when your day breaks.
My night is read-eyed terrorist,
an arrogant drunk,
a hardened criminal...

So while your day seduces you
with fairy tales and beautiful
promises,
my night rips in two
the innocence of my mind,
ruining every hope for a
better tomorrow.

My night is the lie society sold to
women,
that aren't suitable
for a smooth affair
with positive impacts,
but capable to handle the herculean
task of the home front,

the kitchen and the 'other room'
entitlements.
And let's not forget the very
unflattering position
of baby-making machines.
And of course we bought the lie,
because we confided in the society;
We learned we are the foundation
'home makers'.
So in a bid to appease
and to please their selfish whims,
we trained our waists to twerk to
their
rhythm.

Unknown to us,
that with every beat
of their custom drum,
we tweaked away the future
of our children.

But they were wrong...
Very wrong!
We are more than a weak mind can
conceive...
More than matrimonial maids; to
cook and clean,
more than baby-making machines.
We more than square pegs in
round holes.
We are goddesses;

with great destinies.
Our hands are blessed with
the creativity of the Most High.
Our minds, burning embers that
ignite
growth.
Our hearts flee stain-cleansing and
thirst-quenching streams of passion.
We ink love on every page,
drink poison in return,
yet we do not shrink nor blink...
We allow the pain to sink
like a stone into the sea our souls,
because we are more than the spell
of a wink.
We are Wonder Women speaking
life
to the dry bones of humanity.

We are PINK:

P – Powerful

I – Intelligent

N – Noble

K – Kind

And what we think we become

© Eduoe Ndifreke.

The Legal Framework for The Gender Crime Desk

HON NAANLANG S. DASHE AND
HON MARY ABAB IZAM

The Nigerian legal framework denotes the entire corpus of law that has been designed for the proper regulation of conduct within the society and for proper administration of justice.

The common law legal system which Nigeria adopted comprises both the substantive and the procedural laws. While the substantive laws consists of the laws that create rights and obligations between the law subjects, the procedural laws on the other hand are the laws that lay down the steps or the procedures by which the rights and obligations created by the substantive laws can be implemented or in the event of disputes can be presented to the court for adjudication. Nigeria has a strong legal framework which is one in which both the substantive and procedural laws are comprehensive, adequate and accessible.

The gender crime desk is a unit created within the Juvenile Welfare Center of the Nigeria Police Force manned by specially trained officers to handle all sexual and gender based violence against children and adults. The gender crime desk was established to address the challenge of confidentiality of the process of laying a complaint, the investigation, sensitivity and empathy to the victims of the alleged crimes as well as prompt response to the medical and psychological needs of such victims. All this is in addition to the primary responsibility of the police to diligently investigate whether a crime has been committed and to prosecute offenders.

The gender crime desk is not the product of

legislation in the sense of a statute establishing same. However its workings are founded upon law and it is from the law it has its legitimacy. It is those laws that we will consider here with particular emphasis on Jos North in Plateau State Nigeria.

The laws are the 1999 Constitution of the Federal Republic of Nigeria; especially chapter 4 thereof which deals with the fundamental rights of every citizen, from their right to life, dignity, liberty, freedom of association, freedom of movement, freedom from discrimination on the basis of gender, ethnicity, religion etc., the Police Act, the Evidence Act 2011, the Equal Opportunities Law Plateau State 2015, the Plateau State Child Rights Law 2005, the Plateau State Penal Code Law 2018 and the Plateau State Administration of Criminal Justice Law 2018.

There are legislations in the various states in Nigeria which are equivalent to the Plateau State Penal Code Law 2018 and the Plateau State Administration of Criminal Justice Law 2018. The Constitution of the Federal Republic of Nigeria is the grand norm and any other law including customs, is void to the extent that it is inconsistent with the said constitution.

The laws are in two broad categories, namely procedural and substantive.

THE NIGERIAN CONSTITUTION

The Constitution of the Federal Republic of Nigeria recognizes the need to accord protection to the people in Nigeria over the dignity of their persons. For this, we refer to Section 34 of the Constitution which provides thus;

34(1) every individual is entitled to respect for the dignity of his person, and accordingly-

- a) No person shall be subjected to torture or to inhuman or degrading treatment;
- b) No person shall be held in slavery or servitude; and
- c) No person shall be required to perform forced or compulsory labor

Similarly, the Constitution in Section 42 also makes provisions inter alia that the citizens of Nigeria shall not be discriminated upon on the basis of sex.

Section 42(1) provides that "A citizen of Nigeria of a particular community, ethnic group, place of origin, sex, religion or political opinion shall not in any way be subjected to discrimination.

The stipulations in the Nigerian Constitution highlighted above shows the importance attached to the protection of the citizens and inhabitants of Nigeria.

STATUTES AND OTHER LAWS

1. PENAL CODE LAW

We shall consider hereunder some of the provisions of the Plateau State Penal Code 2018 which is a recent legislation that provides a comprehensive and robust legal frame for the workings of the gender crime desk in Jos North which is the area under reference.

Laws Against Cruelty

Section 205 (1) Whoever being the father or mother or having the care of a child or an adult, exposes or leaves such child or an adult in any place with the intention of wholly abandoning such child or adult shall be punished with imprisonment for a term of not less than five years or with fine of not less than two hundred thousand Naira or both.

Section 206 Whoever having the charge or

care of a child or an adult being in a position of authority over him wilfully ill-treats or neglects him in such a way as to cause him suffering, shall be punished:

(a) With imprisonment for a term of not less than six months and not exceeding one year or with fine of not less than twenty five thousand Naira or both.

(b) Where the ill-treatment or neglect results in serious injury to the health of such child or adult, with imprisonment for a term of not less than five years or with fine of not less than two hundred thousand Naira or both.

Laws on offences Against a Child

Section 207 Any person who indecently deals with a child is guilty of an offence and shall be punished with imprisonment for a term of not less than five years.

Section 208 Any person who has sexual intercourse with a child is guilty of an offence and shall be liable to imprisonment for life.

Section 209 Any person with intent to deprive any parent, guardian or other person who has the lawful care or charge of a child or the possession of such child or with intent to steal any article on or in custody of such child (a) forcibly or fraudulently takes or entices away or detains the child, (b) receives or harbours the child, knowing him to have been taken or enticed away or detained, is guilty of an offence and shall be liable to imprisonment for a term of not less than fourteen years.

Laws against Desertion

Section 210 Any person who being the parent, guardian or other person having the lawful care or charge of a child or an adult, wilfully and without lawful or reasonable cause deserts the child or adult and leaves him without means of support, is guilty of an of-

fence and shall be punished with imprisonment for a term of not less than one year and shall be liable to fine of not less than one hundred thousand Naira without prejudice to the recovery of any cost that any other person may have reasonably incurred with respect to the upkeep of the child or the adult.

Section 211 Any person who impregnates a woman or girl-child and fails, refuses or neglects to contribute to maternity related costs from ante-natal to post-natal stages is guilty of an offence and shall be punished with imprisonment for a term of not less than one year and shall be liable to fine of not less than two hundred thousand Naira without prejudice to the recovery of any cost that any other person may have reasonably incurred in relation to the upkeep of the woman or girl-child.

Duty of Head of Family

Section 213 It is the duty of every person who as head of a family has charge of a child being a member of his household, to provide the necessities of life for such child; he shall be held to have caused any consequence which results to injury to the life or death of the child by reason of any omission to perform that duty whether the child is helpless or not and shall be punished with fine of not less than ten thousand Naira or imprisonment of not less than three months.

Laws against Procuration of Persons

Section 249 Whoever by any means whatsoever induces any person to go from any place or to do any act with intent that such person may be or knowing is likely to be forced or seduced to illicit sexual intercourse with another person shall be punished with imprisonment for a term of not less than ten years and shall also be liable to fine of not less than two hundred thousand Naira.

Section 252 Whoever buys, sells, hires, lets

to hire or otherwise obtains possession or disposes of any person with intent that such person shall be employed or used for the purpose of prostitution or for any unlawful or immoral purposes or knowing it to be likely that such person will be employed or used for any such purpose shall be punished with imprisonment for a term of not less than ten years and shall also be liable to fine of not less than two hundred thousand Naira.

Section 253 Whoever imports, exports, removes, buys, sells, disposes, traffics or deals in any human trafficking or accepts, receives or detains any person against his will for any unlawful dealing, shall be punished with imprisonment for a term of not less than ten years and shall also be liable to fine of not less than two hundred thousand Naira.

Laws Against Rape, Unnatural and Indecent Offences

Section 257 Whoever commits rape shall be punished with imprisonment for life or for a term of not less than twenty one years.

Section 258 Whoever has sexual intercourse against the order of nature with any man, woman or animal such as sodomy, lesbianism or bestiality shall be punished with imprisonment for a term of not less than fourteen years and shall also be liable to fine of not less than one hundred thousand Naira.

Laws against Sexual Harassment

Section 261 (1) Sexual harassment is unwelcome sexual advances, requests for sexual favours and other visual, verbal or physical conduct of sexual nature which when submitted to or rejected: (a) implicitly or explicitly affects a person's employment or educational opportunity or unreasonably interferes with the person's work or educational perfor-

mance; (b) implicitly or explicitly suggests that submission to or rejection of the conduct will be a factor in academic or employment decisions; or (c) creates an intimidating, hostile or offensive learning or working environment.

(2) Any person who sexually harasses another is guilty of an offence and shall be liable to imprisonment for a term of not less than three years or with fine of not less than one hundred thousand Naira or both.

Section 242 Whoever assaults or uses criminal force on any woman intending to outrage or knowing it to be likely that he will thereby outrage her modesty, shall be punished with imprisonment for a term of not less than three years or with fine of not less than one hundred thousand Naira.

Law against Incest

Section 370 Whoever being a man has intercourse with a woman who is and whom he knows or has reason to believe to be his daughter, granddaughter, female ascendants or descendants, sister or the daughter of his brother or sister or his paternal or maternal aunt and whoever being a woman voluntarily permits a man who is and whom she knows or has reason to believe, to be her son, grandson, father or any other of her male ascendants or descendants, brother or the son of her brother or sister or her paternal or maternal uncle to have sexual intercourse with her, shall be punished with imprisonment for a term of not less than fourteen years and shall be liable to fine of not less than one hundred thousand Naira.

Law against being Idle or a Vagabond

Section 383 (1) The term 'idle person' shall include any person who: (a) wanders about or places himself in any street or public place to get or gather alms or causes or encourages children to do so; (b) has no means of liveli-

hood or means of subsistence and cannot give a satisfactory account of himself; (c) is a common prostitute behaving in a disorderly or indecent manner in a public place or persistently importing or soliciting persons for the purpose of prostitution; ... (i) Being able wholly or in part to maintain himself or his family, wilfully neglects or refuses to do so.

Section 384 Whoever is convicted as being an idle person shall be punished with imprisonment for a term of not less than three months or with fine of not less than ten thousand Naira or with both.

The provisions of the law reproduced above are by no means exhaustive of the laws that prohibit gender based violence. It can be seen that the law addresses a spectrum that encompasses abuse, neglect, violence, and exploitation.

The gender crime desk is empowered by law therefore to inquire into complaints that hitherto were considered 'family or domestic matters or matters of custom' and outside the ambit of criminal investigation or prosecution. In this wise, the law mandates the cooperation of the public with the police and to give information on demand during investigation. See Sections 104, 106 and 140 of the Penal Code Law.

2. ADMINISTRATION OF CRIMINAL JUSTICE LAW (ACJL)

Criminal prosecution in Nigeria is governed by the rules of criminal procedure which every state in Nigeria is given the powers under the Constitution to enact. Criminal prosecution in Nigeria involves steps commencing from the time a report is made to the law enforcement agents on the commission of a crime up to the time the matter is adjudicated upon and disposed of.

The Gender Crime Desk is now being guided by the ACJL in the prosecution of Gender

Based Crimes, ranging from abuse, denial of financial resources, rape, domestic violence, etc. It is believed that gender based violence is of 'epidemic proportions' and it's seldom reported because of fear of reprisal and lack of response from law enforcement officials hence the essence for the establishment of a Gender Crime Desk.

The following are some of the innovations in ACJL. Trials are to be conducted and concluded within 180 days. Trials starting de-novo due to transfer/change of a judge has been eliminated. There are also sections for the protection of women and children which includes – respecting the privacy of women, allowing women to stand as sureties, remedies of a married woman in respect of her person or properties.

For children, it has provisions on the arrest of a child, children as witnesses, protection of a child against death sentence etc. These can be found from sections 413, 424, 206, 207, 278, 279, and 414 of the ACJL of Plateau State. It is important to note that the ACJL has adopted all the provisions of the child rights law for the protection of children.

3. OTHER LAWS

One of the sources of the Nigerian law is the customs and traditions of the people. The persistent incidence of gender based violence in Nigeria can sometimes be traced to the customs of the people. In most traditional societies of Nigeria, women are regarded as personal chattels of their husbands or fathers, as the case may be. For that reason, the man can deal with his wife or daughter as he pleases. Because of this patriarchal mind set created by the customary practices in many societies in Nigeria, the society appears to condone situations where a husband beats his wife in the name of discipline. This wife beating custom was smuggled into sec 55(1) of the old Penal Code law but the new Penal

Code Law considered above has expunged this section as a result of the outcry of FIDA and other civil society groups; this is because the beating of a woman by her husband is in contravention of the provision of the 1999 Constitution as amended which guarantees the right to dignity of the human person.

Other practices which can also be categorized as violence against women are widowhood practices and disinheritance of females in most traditional societies in Nigeria. Interestingly, however there have been Supreme Court decisions condemning the disinheritance of females on the basis of their sex. Among the celebrated cases are *Mojekwu V Mojekwu* (1997) 7 NWLR Part 512 and *Ukeje V Ukeje* (2014) 11 NWLR Part 1418.

From the above Supreme Court decisions, there are obviously new trends in judicial opinion that strikes down any statute or cultural practice that infringes on the rights of women. It is however to be noted that many women who are the beneficiaries of this current trend are not even aware of its existence and in order to have an effective gender crime desk, it behoves civil rights groups such as JSD, FIDA and other advocacy groups to take up the challenge of creating awareness among women, especially those in rural areas and other communities.

In conclusion, the JSD team has with the gender crime desk created a synergy of different stakeholders including FIDA, the police, the judiciary, community leaders, and civil society groups to work in tandem thereby ensuring that any gender based crime is thoroughly investigated and the offender prosecuted.

PREPARED BY: HON NAANLANG S. DASHE,
(PLATEAU STATE JUDICIARY)

AND HON MARY ABAH IZAM, (PLATEAU
STATE JUDICIARY / CHAIRPERSON FIDA
NIGERIA, PLATEAU STATE BRANCH)

CELEBRATING OUR INTERNATIONAL OFFICIALS



Hauwa Shekarau
UN Representative



Ezinwa-Okoroafor
Secretary

CELEBRATING OUR REGIONAL OFFICIAL



Victoria Awomolo SAN
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Hon. Justice
Elsie Thompson



Mrs. Fatima Kwaku MFR



Mrs. Veronica Odunuga



Dr. Zuwairatu Mantu



Mrs. Susan Onyeche

Celebrating our Board of Trustees (BOT) Members

Visit to our Board of Trustee (BOT) member Mrs V. Odunuga in Lagos



FIDA Nigeria courtesy visit to our Board of Trustee BOT member - Justice Mary Odili



CJPA is a non-profit organization dedicated to promoting the efficient and transparent delivery of justice which is needed to maintain peace and to enhance prospects for economic growth and sustainable development for the peoples of Africa.

CJPA's mission, goals and purpose are to promote the rule of law namely the empowering stakeholders who work in Africa's law and justice systems with knowledge, tools incentives and sanctions that are needed to enable them to perform their duties and to discharge their responsibilities to the best of their abilities.



*Rhoda Prevail Tyoden
Country Vice President/
National President*

The mission, goals and purpose pursued respectively by CJPA and FIDA are congruent and complimentary in both their nature and their geographic areas of operations and implementations. To this end CJPA offered to partner with FIDA Nigeria, and a memorandum of understanding was signed by both organizations to solidify the relationship.

Some of the areas of collaboration include promoting joint programs, projects and networking with one another, with other international agencies and funders for the realization of said programs and projects, and above all in line with their mandate. Also, identification of suitable countries and venues for holding of contemplated learning and training events such as conferences, workshops, lectures, seminars and membership drive events.

In addition, it is also worthy to note that the CJPA are also in partnership with the Nigeria Bar Association (NBA), and a Memorandum of Understanding (MOU) was recently signed in Abuja, Nigeria to formalize partnership between both organizations amongst others.

The country vice president, Ms. Rhoda Prevail Tyoden, had also attended a meeting recently with the CJPA in Washington DC to meet with the World Bank Group (WBG), during the Annual World Bank Group meeting. The purpose of the meeting was solely to meet with the WBG, the sponsors of the forth coming CJPA international world conference, which will be taking place in Nigeria.

The World Bank Group had requested to see the partners of the CJPA for a meeting and during the meeting, the partners were introduced to the different subgroups of the World Bank Group and further discussion was had for the upcoming conference.

Report on FIDA Nigeria Project/Activities

FIDA Nigeria carries out her vision and mission through the implementation of projects. To enable the successful implementing of this projects FIDA has a five-year strategic plan from 2015 -2020 as follows:

Output 1: Strengthening Legal Frameworks

- i. Advocacy/public enlightenment/community visits to schools, rural communities, media houses and churches
- ii. Building partnership: workshops/seminars between FIDA and other stakeholders
- iii. Advocacy visits & lobbying to Governors of states, wives of Governors; market leaders, Houses of Assembly, Ministries of Women Affairs (state and federal), Nigeria Police Force and traditional rulers
- iv. Propose Bills/amendments: Participate in public hearings, observe sittings in the Houses of Assembly; Propose Bills to Houses of Assembly
- v. Training of stakeholders in the Justice sector on relevant laws such as the ACJA, VAPP, Persons with Disabilities and Child Rights Acts
- vi. Establishment of family courts: Lobby for more family courts at the High Court and Magistrate Court levels

Output 2: Organizational Effectiveness

- i. Mentoring programme: Visit to universities, law schools and Legal Aid NYSC Community Development Groups
- ii. Research, documentation and dissemination
- iii. Data management: Monitoring and evaluation
- iv. Training/capacity building: Continuous Legal Education (CLE) modules for FIDA Nigeria members
- v. Workshop/seminars during each branch's annual FIDA Week
- vi. Membership drives: Printing and distribution of flyers and notices

Output 3: Access to Justice

- i. Prison interventions

- ii. Training of paralegals
- iii. Rights empowerment through publications
- iv. Law schools visits
- v. Maintenance of legal clinics
- vi. Rights empowerment through publications: translation of relevant laws into local languages and simplified versions

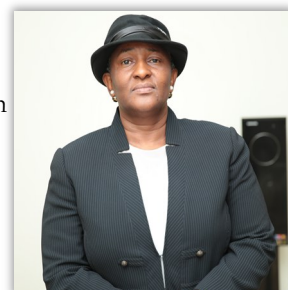
Output 4: Women's Participation

- i. Leadership trainings for women
- ii. Legal education guidance and counselling
- iii. Publication and distribution of IEC materials
- iv. Affirmative Action
- v. Partnerships with men and other stakeholders

As part of our activities, our state Branch Mediation and Litigation Committees continue to provide legal advice, mediation services and legal representation to our walk-in clients. In collaboration with specialized units of the Nigeria Police Force, we seek justice for survivors of violence and publicly condemn acts of violence by issuing press statements, as required. We also participate in the sessions of the Commission on the Status of Women at the United Nations General Assembly.

Notably, we were a frontline advocate for the passage of the Violence against Persons (Prohibition) (VAPP) Act 2015 and acted as the Secretariat to the Gender and Affirmative Action Coalition, LACVAW. Since the passage of the Act, we have conducted advocacy to state executives, religious, traditional and community leaders, ensured citizen sensitization through community outreaches and town hall meetings, hosted rallies, road walks, radio and television shows and printed and distributed simplified copies of the Act.

In fact, we serve as a key partner to Human Rights Radio, Abuja and are in the process of formalizing our working relationship with a Memorandum of Understanding. This would provide us with the opportunity to host an independent



Amina Suzanah Agbaje
Deputy CVP

show on radio, which would educate citizens on human rights protection under the Nigerian law.

We currently observe the proceedings of court cases based on the VAPP Act in Lagos and the FCT and we are collaborating with providers of psycho-social care to provide additional interventions to our clients in both states. In celebration of the above, we were recognized for our work in Sexual and Gender Based Violence by the Vice President of the Federal Republic of Nigeria in 2018.

We have implemented projects on the human rights of women such as inheritance and reproductive rights, gender-based violence and access to justice, with funding from UN Women, United Nations Funds Population Agency, International Organisation on Migration, MacArthur Foundation, Oxfam and a number of diplomatic missions to Nigeria. A detailed list is as follows:

1. Legal Aid Council of Nigeria - FIDA/LACON Child Rights Awareness Project
2. UN Women - FIDA/ UN WOMEN - Women Mandate Protection Project
3. NSRP – Challenging Impunity through Gender Protection and Empowerment Project
4. ActionAid, Heinrich Böll Nigeria and SWOFON (Small Scale Women Farmers Organisation in Nigeria) – Women's Land Rights in Nigeria Project
5. National Democratic Institute (NDI) – Stop Violence Against Women in Election (Stop VAWIE) Campaign Project
6. UNODC – Support to the Justice Sector in Nigeria Project.
7. IPAS Nigeria – Campaign for the Passage of the Violence Against Persons (Prohibition) Act, 2015 in commemoration of the 2015 International Women's Day
8. French Embassy Social Development Fund (SDF) – Access to Justice for Indigent Women Project
9. Australian Embassy - Promoting and Protecting the

Rights of Women and Children through the Implementation of the VAPP Act/Law Project

10. Justice for All (J4A) – Strengthening the Institutional Capacity of FIDA Nigeria Project

11. Legislative Advocacy Coalition on Violence Against Women (LACVAW) – Voices for Change, Challenging Impunity: Advancing Legislation on Gender Based Violence

12. International Organisation on Migration (IOM) – Access to Justice for Conflict-Induced Displaced Populations in Maiduguri, Borno State, North East Nigeria Project

13. Eradication of Female Genital Mutilation and Cutting in Ebonyi, Osun, Cross River, Ekiti, Rivers and Abia States Project

Some of our other affiliations and partnerships are as follows:

1. Nigerian Council of Women Societies Nigeria
2. Federal Ministry of Women Affairs and Social Development
3. Nigeria Health Sector Reform Coalition
4. Gender and Affirmative Action (GAA) – This network is focused on ensuring that a gender agenda is integrated in to the work on the national Assembly.
5. National Human Rights Agenda Network – FIDA Nigeria is part of this network which works towards ensuring that institutions are properly empowered and working effectively to ensure the protection of the human rights of the members of the society.
6. African Court Coalition – FIDA Nigeria has become a member of this Coalition which works to ensure that awareness is created about the African Court of Human and People's Rights and the possibility of enforcing these rights via the Court

*Most recently, we were awarded two projects titled, "Enabling Capacity for the Adoption and Implementation of the Administration of Criminal Justice Act, 2015 in select states of Nigeria" by MacArthur Foun-

dation and “Enabling Capacity for the Adoption and Effective Utilisation of the Violence against Persons (Prohibition) Act in Rivers State and Effective Utilisation only in Lagos State and Abuja” by the Voice Nigeria project, which is administered by Oxfam on behalf of the Government of the Netherlands.

The MacArthur Foundation-funded project is running in 14 states across Nigeria from 2017-2020. The key objective of the project is to build the capacity of actors in the criminal justice sector to effectively and efficiently administer criminal justice in Nigeria. In light of this, we are working to provide technical assistance to state Administration of Criminal Justice Monitoring Committees (ACJMCs), simplifying and translating state Administration of Criminal Justice Laws and conducting community sensitisation in our implementation states. We are also proposing to support the development of Practice Direction for criminal justice in Plateau State.

The Oxfam-funded project is being implemented in Lagos and Rivers States and the FCT. We are conducting sensitisation on the legal protection against gender in secondary schools, conducting peer educator training for law students in Lagos and Abuja, collaborating with the Police and NAPTIP to develop standard operating procedures on handling gender based violence cases and providing legal representation to women who have faced exploitation, abuse and violence. The Oxfam-funded project is running until September 2019.

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Notable International Days

International Women's Day

FIDA BAYELSA

The Executives and members of FIDA Bayelsa were part of the score of women who graced the celebration of the 2019 International Women's Day with theme: "balance for better".

The celebration featured paper presentations by Mrs. Omubo People of SMEDAN who delivered the first paper while Dr. Mrs Josephine Igodo, former Head of Service, Bayelsa State delivered the second paper. Both presentations centred on girl child education and empowerment in a bid to make the girl child useful to self and society. The paper presentations were followed by a Q&A session.

The high point of the event was the March past by all the women groups and societies present at the occasion. The ceremony ended on an interesting note with numerous calls for equal opportunities for women in a bid to create a balance for better.



FIDA Bayelsa in a radio program to mark the day.



March past by women groups and societies present at the occasion

FIDA EDO

On the 8th March 2019, International Women's Day 2019 was celebrated by FIDA Edo Branch. The theme was "Think equal, Build smart, Innovate for change. #Balance4Better ". FIDA Edo Branch executives and members snapped pictures with the #Balance4Better pose.



FIDA Edo **striking the Balance for better pose**

FIDA RIVERS

FIDA RIVERS STATE visited Elingbu Community to mark the International Women's day 2019. We were warmly welcomed by HRM EZE JOBSON UTCHAY JP. The women were sensitized on various laws available for them after which legal clinic was carried out. The Eze being satisfied with the visit invited FIDA Rivers again to come back on the 4th of April 2019 to enable us sensitize the larger Esera kingdom comprising of more than 12 communities.



FIDA Rivers Striking The Balance for better pose

FIDA LAGOS

ON 7TH -8TH MARCH 2019: : FIDA Lagos joined the world to commemorate the International Women's Day on the theme: "Balance for Better Life," Think Equal, Build Smart, Innovate for Change." Special legal clinic was held in that regard and grassroot oriented program on the aforementioned theme was organized for Makoko market women. Every step taken was aimed at making the International Women's Day impactful in the lives of women. During the program, the women were enlightened accordingly. They were able to bring some pressing issues of concern to the fore. Cases that required legal attention were noted and addressed without hesitation for follow ups. At the end of the program, the women were very fulfilled and happy.



AT UN INTERNATIONAL WOMEN'S DAY SPECIAL LEGAL CLINIC

International Day Against Drug Abuse & Illicit Trafficking

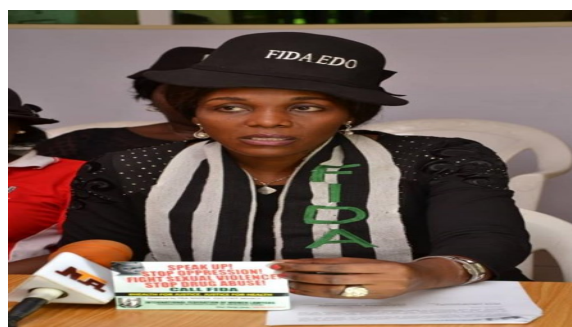
FIDA EDO

The International Day Against Drug Abuse & Illicit Trafficking was celebrated on the 26th June 2019 with the theme "Health for Justice. Justice for Health". FIDA Edo Branch organized a School advocacy program and paid visits to Nine (9) Schools where the students and pupils were educated on the dangers of drug abuse and illicit trafficking. Flyers were distributed with the caption "Speak up! Stop oppression! Fight sexual violence! Stop Drug Abuse! Call FIDA! #Health for Justice. Justice for Health."

On the 26th June 2019, there was a Press Briefing by FIDA Edo Branch wherein the Chairperson Iryn Omorogiwa addressed the members of the Press on the commemoration of the day. She stated that the message being communicated to the students is the fact that drugs are injurious to the health of the individual and abuse of drugs can also lead to a situation where the individual gets on the wrong side of the Law.



FIDA Edo educating students on the dangers of drug



Press Briefing commemorating the day

FIDA ABUJA

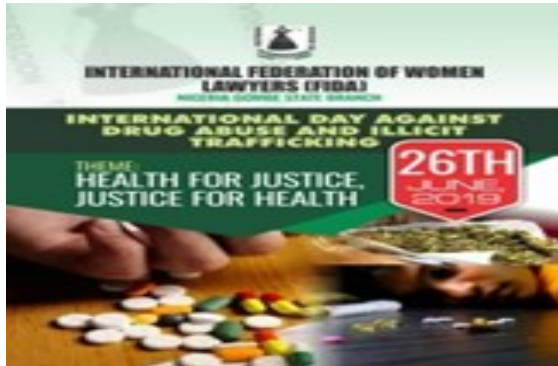
The FIDA Nigeria Country Vice President/National President, Rhoda Prevail Tyoden, stated in a Press Conference in Abuja while addressing journalists as part of activities to commemorate the International Day against Drug Abuse and Illicit Trafficking that "Many families are battling and contending with drug addicts, some have quit schools and work, dysfunctional homes, some are on the verge of lunacy or battling with acute diseases". It is no news that drug abuse leads to the deterioration of the individual's relationships, finances and health. From a health perspective, abuse can lead to diseases such as cancer, HIV/AIDS, stroke, etc. Communities that are rife with drug abuse and illicit trafficking tend to also suffer from an increase in crime and other delinquent behaviours that threaten the safety, security and wellbeing of the citizens.



PRESS CONFERENCE HELD ON THE 26TH DAY OF JUNE IN COMMEMORATION OF THE INTERNATIONAL DAY AGAINST DRUG ABUSE AND ILLICIT TRAFFICKING

FIDA GOMBE

FIDA Gombe branch like other states on the 26th day of June 2019, marked the International Day Against Drug Abuse and Illicit Trafficking with the theme ; 'Health for Justice, Justice for Health'. The speaker Barrister Mairo Moda admonished the pupils on the dangers of engaging in drug abuse and illicit trafficking. Considering the theme, she advised that staying off drugs is key to good health and long life, as, you do justice to your health and your self when you avoid the intake of such drugs especially when not prescribed by a physician. With good health you can pursue your career, your dreams and aspirations and be what you want in life but failure to adhere to the above can deter one from accomplishing your set or desired goals.



FIDA RIVERS

FIDA Rivers commemorated the International Day Against Drug Abuse and Illicit Trafficking on the 26th day of June, 2019, themed: "Health For Justice, Justice For Health". Collaborating with the National Drug Law Enforcement Agency, (NDLEA), Association of Pharmaceutical Women Society of Nigeria and Creamed Africans, FIDA Rivers members volunteered and joined in the Walks\Campaigns with these Partners in all events which held simultaneously at different locations in Port Harcourt. FIDA Rivers in her "tradition" of sensitizing Children in Schools, rounded off the day at Community Secondary School Nkpolu where the Consequences of Drug Abuse were highlighted.



Some sections of students during the sensitization

International Day of the African Child

FIDA GOMBE

FIDA Gombe branch in collaboration with a Non-Governmental Organization, Advocacy Center for Development commemorated the day of the African. Barr. Mwalin Abdu, Secretary FIDA Gombe branch gave a brief talk on the day with the theme "Humanitarian Action in Africa: Children's Rights First". The session was quite interactive and educative as pupils from various schools gave their various opinions as to the reasons for child neglect in the society.



Pictures during the sensitization



Group pictures of pupils, teachers alongside FIDA members

FIDA RIVERS

The International Day of the African Child which gained cognizance through a Resolution of the United Nations to be commemorated on the 16th of June every year, was duly commemorated by FIDA Rivers.

The event which took place at the NBA Port Harcourt Branch House Moscow Road, had over three (300) Hundred Participants drawn from various secondary schools in the State also had the swearing in of Executives of the Arts Students Association Rivers State Chapter, to pilot Her affairs. In line with the theme for the year, "Humanitarian Action in Africa: Children's Rights First", the FIDA Rivers Chairperson, Pst. Ngozi Odukwe Ighosevbe highlighted the need for Nations, States, Government and all Stakeholders to ensure that Children are equipped through acquiring literacy and digital skills, emphasizing also the need to recognize and promote\protect the rights of every Child.

Speaking further, Pst Ighosevbe lauded the Governor, Chief Barr. Nyesom Wike for setting in motion, a Child friendly quality free education to early school age pupils and called on Parents and Guardians to leverage on this opportunity to ensure no Child is "estopped from getting literacy". The Chairperson rounded off by appreciating the State's ASAN chapter for their thoughtful sub theme: Inducting Excellence" and admonished them from the following scriptural verses, Proverbs 35:6 and James 1: 25, and further encouraged them to always trust God as the source of Wisdom and Excellence.



FIDA Rivers, Commemorating International Day of the African Child.

PROFESSIONAL ETHICS AND THE FEMALE LAWYER

- Mrs Titi Akinlawon SAN

1.1 Introduction

The relation of law to morals was one of the three subjects chiefly debated by nineteenth-century jurists. According to Jhering, it was the Cape Horn of jurisprudence. Modern scholars tend to support the view that laws do sometimes create moral obligations, and that this is a case-by-case analysis, relative to the individual citizen. The language of law overlaps the language of morality, with assertions about rights, duties, liberties, and permissions. Generally, law does create and should create moral obligations. Therefore, our moral obligation to support the State and her needy citizens, for instance, is translated into a legal obligation to pay a certain percentage of our income as tax; our moral obligation to drive safely is translated into a specific legal speed limit, and so on.

There are so many basic questions around morality and legality, example, must a legal system meet a certain moral standard to warrant the title, 'law'? or do norms that fall below a certain moral standard lose their legal status? Why should one assume that one has a moral obligation to do as the law says, simply because the law says so? Since law and morality are intimately related to each other, behaviour which is commonly regarded as immoral is often also illegal.

Quite often, laws are borne out of the need to preserve some accepted moral values of a given group, community or society. But sometimes, morality and legality raise human rights challenges as what is considered immoral or illegal may be a clear violation of the right of a person who chooses to adopt a way of life or behaviour that is considered obnoxious and unacceptable. For instance, there are times certain behaviours that

are not in direct conflict with the rights of other people but because prevailing societal norms are at variance with those behaviours, laws are put in place to punish such behaviours. It is in such instances that morality has been seen to erode the human rights of particular sections of the society. It is the more debatable aspects of morality that are in question because people have their own preferences for how they conduct themselves, and as long as no evidence emerges that they are causing unacceptable harm to any living thing, some laws are seen as harsh and unnecessary.

1.2 Relationship between Morality and Legality

Law and morality have a common origin but diverge in their development. There are three main theories which deal with law and morality. Firstly, the Liberal view principle expounded by John Stuart Mill in 1859, known as 'the harm to others'. Mill posited that the only purpose for which power can be rightfully exercised over any member of a civilized society against his will is to prevent harm to others. Accordingly, to Mill, the law should not be used to enforce moral principles on society but to protect harm to its citizens. Criminal offences such as murder and acts occasioning grievous bodily harm against the person are examples of the type of harm which Mills thinks the law should enforce.

The second theory is known as the Moralistic view or 'harm to society' principle which was put forth by Lord Devlin. This view recognizes morality as essential to the very essence and being of society. Devin argued that individual liberty and freedom should be curtailed in order to protect the fabric of society. Society may use the law to preserve morality in the same way that it uses the law to safeguard anything that is essential to

its existence. Lord Devlin envisaged morality in an objective fashion seeing it as a common morality shared by all in society.



Mrs Titi Akinlawon SAN

The final theory, otherwise known as the Paternalistic view or 'harm to self and others' principle, is the most modern. It was put forward by Professor Hart in the 1960s and theories that the law should only intervene in the private lives of citizens to prevent harm to others and harm to oneself. Although Hart did acknowledge that there was a difficulty in defining harm, he also accepted that it did not include moral harm to oneself. The Paternalistic view focuses very much on the individual. Examples of paternalism in everyday life are laws which require seat belts, wearing helmets while riding a motorcycle, and banning certain drugs such as marijuana and cocaine.

Legality and morality are not mutually exclusive because there are some things that many people agree are morally wrong and should be outlawed such as stealing, sexual abuse or sodomy. For purposes like that, the law itself is a necessary evil. Morality is defined as beliefs pertaining to the differences between right and wrong or good and bad behaviour. It refers to a body of conduct according to an accepted standard. So conventional morality would be a body of conduct approved by the custom or habit of the group of which the individual is a member. Christian morality would be conduct approved by Christians as in accordance with the principles of Christianity. Laws are the rules a country or community mandates its citizens follow

in order to regulate society. Law is an instrument of policy; therefore, the government cannot penalize a person based on morality or religious beliefs. Law sets the minimum standard of human behaviour while ethics sets maximum standard of human behaviour. Law prescribes remedies and punishments for the violation of the standards it sets while ethics expects an ideal set of behaviour from individuals concerned. In law, sanctions are invariably imposed for the infringement of a legal obligation. There is no official sanction for immoral behaviour, although society often creates its own form of censorship.

The success of any law in a particular society depends upon its social acceptance in that society. If the law is not objective on issues dealing with personal morality, it is almost certain that not everyone is going to accept it. Sometimes law becomes instrumental to bringing about social change, example social evils such as slavery have been largely eradicated. Moral and ethical values can be instrumental in guiding law-making in a given society. Theorists like Mark Greenberg, and Ronald Dworkin argue that law simply is an aspect of morality. For Joseph Raz, law 'claims' to be morally authoritative.

Although laws are generally based on moral principles of a particular society, some points of distinction between morality and legality may be summed up as follows; the laws of the land are the concern of the State and are always definite and precise. Even though morality is the concern of conscience, it is often vague and indefinite. Again, while morality is universal by nature, laws act within the territory of a State. The violation of a law is punishable by the State while violation of moral values is not punishable by the State. Additionally, force is the sanction behind laws while in morality, moral conscience is sufficient. Another distinguishing feature worthy of note is the fact that a legal wrong may be morally wrong while a moral wrong may be legally right. Finally, there is a definite

agency to enforce law whereas there is no definite agency to enforce morality.

1.3 Respect for Human Rights

Human rights, as a tool of dignity and equality, are those rights which are inherent in our nature and are benefits to which people are entitled by virtue of being human. They are rights belonging to all human beings at all times irrespective of sex, race, color, religion, or language. The first documentary use of the phrase, 'human rights' is found in the United Nations (UN) Charter which was adopted on June 25, 1945 immediately after the Second World War. The acceptance and adoption of the Universal Declaration of Human Rights 1948 (UDHR) by the UN General Assembly set a common universal standard on human rights. UDHR remains a milestone document in the history of human rights having been inspired by the need to protect the fundamental human rights and inherent dignity of all members of the human family. The UDHR document therefore represents the modern international human rights framework created by governments, for governments.

Regrettably, the Universal Declaration of Human Rights was a mere expression that did not have the nature of a legally binding covenant and therefore had no machinery for enforcement. The UDHR was later followed by an International Bill of Rights that would be legally binding on the covenanting parties. Therefore, the subsequent adoption of the 'twin covenants', the International Covenant on Civil and Political Rights 1966 (ICCPR), and the International Covenant on Economic, Social and Cultural Rights 1966 (ICESCR) came to cure the deficiency of the UDHR. Today, human rights are gradually becoming the preferred option with nations systematically endorsing the moral equality of all human beings.

In Nigeria, fundamental rights are guaranteed under Chapter IV of the Consti-

tution of the Federal Republic of Nigeria 1999 (as amended). Sections 33-44 list out the different kinds of rights that every citizen should rightfully enjoy devoid of all forms of discrimination. These rights include the right to life, right to be protected from torture, inhuman or degrading treatment, right to personal liberty, right to fair hearing, right to be presumed innocent until proven guilty, right to privacy, right to freedom of religion or belief, freedom to form or belong to any political party, trade union or any other association, freedom of movement, freedom from discrimination on account of place of origin, sex, religion, or political opinion, etcetera.

1.4 Striking a Balance between Morality and Legality to Promote Citizens' Human Rights

As noted earlier, law simply is a subset of morality. Some laws mirror the majority of society's moral view, for example, murder is considered to be wrong in its entirety whereas the introduction of same sex marriages is seen by some people as morally wrong. It is necessary to emphasize that in promulgating laws; our legislators must be able to strike a balance between morality and legality. Invariably, human rights reflect our moral standing as human beings, the claims we have against governments and other people. Societies that respect human rights are more likely to be prosperous and to be at peace. The extent to which human rights are recognized on paper - through legislative commitments, constitutional provisions, treaty obligations, or international conventions - varies greatly from place to place. And, of course, recognition of a right on paper, we well know, does not guarantee that it will be fully recognized in practice.

The recognition and protection for human rights vary significantly across countries. Many countries purport to recognize human rights through their constitutions, statutes, or international treaties, but questions arise when the

rights protected in practice vary from what the scope of the rights actually are or should be. In Nigeria, there are instances where moral values influenced the promulgation of certain laws without consideration for the human rights of those persons likely to be affected by such laws. Currently, the Same Sex (Prohibition) Act, 2013 serves as a clear illustration. Issues bordering on gay rights are usually based on strict societal definitions of what is morally right and wrong and not on human rights considerations of freedom from discrimination as enshrined under Section (42 (1) of the Nigerian Constitution 1999. This Section provides thus; 'a citizen of Nigeria of a particular community, ethnic group, place of origin, sex, religion or political opinion shall not be discriminated against by reason only that he is such a person'.

From the human rights perspective, it does appear the Same Sex Marriage Act 2013 infringes on the fundamental human rights of the Lesbians, Gays, Bisexuals and Transgender (LGBT) people ('community'). The Same Sex Marriage (Prohibition) Act 2013 came into force on 7th January 2014, effectively making the provisions of the Act operative in Nigeria. The law has generated much debate and anxiety on the implications of the passage, especially as it affects human rights and related issues. Human rights activists argue that this law threatens the very livelihood of LGBT people and allies in Nigeria and sets a dangerous precedent for persecution and violence against minorities throughout the nation. Considerations bordering on culture, value or belief systems and religion have lent support to this particular law. No doubt, the enactment of the said law was purely on moral and religious grounds prohibiting relationship or marriage between persons of the same sex.

There are also agitations by human rights groups for the modification and liberalization of Nigerian abortion laws. Nigeria currently operates restrictive

abortion laws, which prohibit abortion except under exceptional circumstances of preserving the life of the mother. The Nigerian abortion laws are encoded in the portions of the criminal and penal codes which are applicable to Southern and Northern Nigeria respectively. Essentially both codes prescribe a penalty of 7–14-year imprisonment for induced non-medically indicated abortion. From a rights dimension, the restrictive abortion laws of Nigeria are responsible for the unsafe abortions in Nigeria, which contribute significantly to the high maternal mortality rate in Nigeria. The restrictive abortion laws of Nigeria are thought to force women with unwanted pregnancies (especially those from rape, defilement, incest or other sexual violations) to seek clandestine abortion, most of which take place in unsafe places. By this argument, therefore, it stands to reason that if the abortion laws are liberalized, women will have access to safe abortion from qualified medical personnel and facilities, thereby reducing the risk of complications from unsafe abortions. The usual approach to revising abortion laws has been to expand or extend the grounds for legal abortion. In some jurisdictions, courts have widened the ground by adopting the decision that life includes mental and physical health.

Furthermore, the criminal code laws of our States and federal government contain numerous prohibitions of acts that do not seem to involve harmful consequences to others besides the actor. In some instances, conduct is prohibited even though morality appears to be the only value protected by the prohibition. An example is the criminalization of marijuana and other hard drug use in the society. The criminal law makes the sale of the drug or its possession a criminal violation. Such a proscription is surprising in light of the lack of reliable evidence of marijuana's harmful effects. In view of the largely non-existent scientific case against marijuana, the legal proscription against its sale and possession is questionable.

1.5 Conclusion

Discussions in this Paper, apart from giving useful insights into the thin divide between morality and legality, affirm the fact that morality and legality act and react upon and mold each other. Moral value issues continue to influence the making of new laws which are often seen as a means to preserving the moral sanctity of the society. In the name of 'justice', 'equity', 'good faith' and 'good conscience' morals have filtered into the fabrics of legality. In fact, if the law is to remain closer to the life of the people and effective, it must not ignore morals.

Regrettably, discriminatory practices and harsh penalties for infringements of moral values continue to violate Nigeria's international human rights obligations. This is particularly true of LGBT rights and the criminalization of such unions under the Nigerian laws. Many other laws are motivated more by a concern for the 'decency' or 'tone' of society or a desire to punish purveyors of these commodities, rather than a sincere wish to protect the user from himself. The same may plausibly be said for proscriptions of the sale or use of drugs or alcohol.

From the human rights perspective, it is paramount to strike a balance between morality and legality when enacting new laws. Such laws must follow international human rights standards in order to promote the human rights of persons who are perceived to be different from others in the society. Implementation of laws must not violate the fundamental rights of citizens. Therefore, the government must realize that adopting relevant International and regional Conventions/Treaties without more is not enough. A concerted effort must be made at addressing discriminatory laws against a section of the society. Only then will the government be seen to be promoting and protecting the rights of all citizens.

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**"AS WOMEN,
WE MUST STAND UP
FOR OURSELVES.
WE MUST STAND UP
FOR EACH OTHER.
WE MUST STAND UP
FOR JUSTICE FOR ALL."**



MICHELLE OBAMA



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