

UNAIDS 2019

Demanding access to justice

Spearheading the establishment of the Coalition
of Lawyers for Human Rights in Nigeria

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UNAIDS in Focus

The UNAIDS in Focus series features snapshots of the Joint Programme’s work enabling people living with and affected by HIV around the world to realize their human right to health.

UNAIDS advocates for a holistic, multisectoral approach to AIDS, with a long history of working across sectors and building multistakeholder partnerships. As a joint programme, it uniquely leverages the capabilities and comparative advantages of each of its 11 United Nations (UN) cosponsoring organizations (Cosponsors), as well as those of civil society, governments and other partners.

This series of case studies captures compelling stories of how Cosponsors, the UNAIDS Secretariat and a wide range of partners join forces to overcome challenges and build solutions at the country, regional and global levels to address the needs and protect the rights of people living with, affected by and at risk of HIV. The case studies depict a wide array of interventions that make a difference, such as creating a coalition of lawyers to provide pro bono services to defend people living with HIV from discrimination, implementing a partnership in southeastern Africa to ensure the continuity of health services for communities suffering from drought, or supporting countries in western and southern Africa to scale up prevention and treatment coverage in countries lagging most behind in their response.

By using evidence-informed and people-centred approaches, UNAIDS acts as an advocate, convenor and broker to address obstacles at the global, regional and country levels (including legal environments and social determinants) that are hindering access to essential, quality and sustainable care, treatment, support and prevention services.

The UNAIDS in Focus series shows how the Joint Programme puts its mission into practice, delivering results for people everywhere in order to achieve zero new HIV infections, zero AIDS-related deaths and zero discrimination.

When violence, discrimination and injustice are a part of life

In February 2014, 15 young men were brutalized by an angry mob, forced from their homes and cast out of their community in Gishiri, a village in the Maitama District of Abuja, Nigeria's capital. During the preceding weeks, 12 young men had been physically assaulted and held in unlawful police detention in Bauchi, a state in northern Nigeria. The alleged crime of these men—as it has been for countless others in the country—was engaging in same-sex sexual relations.

Discrimination and violence against lesbian, gay, bisexual, transgender and intersex (LGBTI) people in Nigeria are far too common. Human rights violations against LGBTI people are fuelled by coercive and discriminatory legislation: same-sex sexual relations are criminalized in the country, and in some states in northern Nigeria where Shari'a law is applied, these acts are punishable by death. The Same Sex Marriage (Prohibition) Act of 2013, signed into by the President in 2014, imposes a prison sentence of 14 years for anyone who enters a same-sex marriage or civil union. The law also punishes establishing, supporting or participating in gay organizations or same-sex public displays of affection with 10 years in prison. Following passage of this Act, harassment and violence against LGBTI people increased in many parts of the country (1).

Like LGBTI people in Nigeria, sex workers and people who inject drugs are common targets of discrimination and violence. This includes blackmail and extortion, torture, arbitrary arrest, unlawful detention and physical assault. Prostitution is a criminal offence, and strict laws put a blanket ban on possessing and consuming illicit drugs.

This coercive legal environment and the violence experienced by key populations at higher risk of HIV is directly affecting the HIV response in Nigeria. It is a terrible cycle: when law enforcement officials or national authorities condone and commit violence, it results in a climate of fear that fuels further human rights violations. The resulting fear also deters key populations from seeking and adhering to HIV prevention, treatment, care and support services. The adoption of the Same Sex Marriage (Prohibition) Act has significantly increased the number of gay men and other men who have sex with men who report fear of seeking health-care services (2).

Results released in March 2019 by the Government of Nigeria indicate a national HIV prevalence in Nigeria of 1.4% among adults aged 15–49 years. UNAIDS and the National Agency for the Control of AIDS estimate that there are 1.9 million people living with HIV in Nigeria. Ensuring access to tailored, rights-based HIV services for key populations—and to justice when their human rights are violated—is crucial for progress across the national AIDS response and to Nigeria's achievement of the globally agreed 2020 Fast-Track commitments.

Protecting the most marginalized

At the time of the arrests in Bauchi State and the aggressions in the village of Gishiri, no effective and predictable mechanism existed to support the men in knowing their rights, securing legal representation or contesting their arrests. To respond urgently to the national spate of mass arbitrary arrests of young men suspected of engaging in same-sex sexual relations, UNAIDS—in partnership with local civil society organizations—established an ad hoc support group to coordinate efforts. In its early days, the group secured the safety of the men in Gishiri and the eventual release of the men in Bauchi State (4).

Nevertheless, with violence against LGBTI people on the rise, local actors and their partners recognized the need for a more permanent solution. To expand the capacity and effectiveness of the ad hoc support group, Lawyers Alert (a local human rights organization), the Nigerian Bar Association and UNAIDS mobilized several practising lawyers to undertake human rights training and provide pro bono services. In February 2015, the Coalition of Lawyers for Human Rights was inaugurated.

Today, the Coalition of Lawyers for Human Rights is the foremost organization providing legal advice and representation to people who are living with, affected by or at risk of HIV in Nigeria (including LGBTI people, sex workers, people who inject drugs, and women and girls). The national network consists of 32 volunteer lawyers across 17 states.

With the continued support of UNAIDS, the Coalition of Lawyers for Human Rights has become a credible and influential force for human rights in the movement to include legal aid as a central aspect of the Nigerian AIDS response.

The Coalition of Lawyers for the Human Rights in action

“Being part of the Coalition of Lawyers for Human Rights is indeed an opportunity to expand the frontier of rights in Nigeria, especially the rights of key populations.”

Abiola Olagunju
Lawyer, Coalition of Lawyers
for Human Rights, and National
General Secretary, Nigerian Bar
Association

In its first 18 months, the Coalition of Lawyers for Human Rights achieved several victories in protecting the human rights of some of Nigeria’s most vulnerable people. According to a report from August 2016, since its establishment in 2015, the Coalition of Lawyers for Human Rights has done the following: (a) provided legal assistance to 193 people; (b) educated 65 men and women from key populations on their rights and legal literacy; and (c) trained 22 paralegal officers from 18 federal states on expanding people’s understanding of their rights, identifying violations and providing referrals to available legal aid or HIV services (3).

The Coalition of Lawyers for Human Rights successfully upheld the right to fair trial of the 12 young men in Bauchi State and the rights to physical security, nondiscrimination and protection from forced eviction for the 15 young men in Gishiri. The Coalition also worked to uphold the right to fair trial of 15 young men in Ibadan and the right to due process of four young men in Gombe. The Coalition of Lawyers for Human Rights has further established the first comprehensive database of human rights abuses among vulnerable populations in the context of the AIDS response.

The establishment of the Coalition of Lawyers for Human Rights has enabled a more organized and timely reaction to cases of human rights abuse. It also has created the basis for public litigation to protect the rights of populations subjected to discrimination, marginalization and/or criminalization. Although the network currently focuses on remedial action following human rights violations, it ultimately aims to contribute to an environment of trust in which all people feel safe to use available HIV services without fear of rejection, discrimination or prosecution.

The progress of the Coalition of Lawyers for Human Rights is built on several pillars, including partnership, strategic outreach and sustainability. In partnership building, UNAIDS has been instrumental in bringing local civil society and development partners to the table to find sustainable solutions to human rights challenges. While the Coalition of Lawyers for Human Rights was still in its nascent stage, UNAIDS and its partners enlisted the political support of several embassies in Nigeria, including those of Canada, the Netherlands, the United Kingdom of Great Britain and Northern Ireland, and the United States of America. The engagement of these embassies and their advocacy was critical to bringing visibility to the Bauchi and Gishiri cases and to engaging Nigerian authorities for the release of the detained men.

“To say that the Coalition of Lawyers for Human Rights and UNAIDS have changed the foundation for the rights of key populations in Nigeria is an understatement. The volume of referrals and interactions with key populations since the legal literacy campaign started has been enormous.”

Rommy Mom
President, Lawyers Alert

The Coalition of Lawyers for Human Rights also maintains long-term partnerships with key institutions in order to build a more enabling legal environment and to strengthen the human rights aspects of the national AIDS response. These partners include the Nigerian Bar Association, Lawyers Alert, Heartland Alliance, the National AIDS Coordinating Agency and the National Human Rights Coalition.

The success of the Coalition of Lawyers for Human Rights stems from its closeness to the community it serves. It cultivates this relationship through a number of community-based activities: (a) its legal literacy programme; (b) the documentation of human rights violations; (c) outreach to raise awareness of pro bono legal services; and (d) collaboration with national umbrella organizations of people living with HIV, sex workers, people who inject drugs and LGBTI communities to facilitate case referrals. In addition to its physical presence in 17 federal states, the Coalition of Lawyers for Human Rights works closely with other specialized organizations that provide free legal services, such as the International Federation of Women Lawyers (which focuses on gender-related rights violations).

“I was privileged to attend a workshop organized by UNAIDS, lawyers alert, advocacy for justice and equality Nigeria, and the coalition of lawyers for human rights” said Chris Ovie, participant to a human rights and legal literacy training (Oyo State, April 2016). “The training was an eye-opener to me regarding my safety and security. I was able to learn about human rights, human rights violations and how to have access to justice for free when my rights are violated—especially my right to privacy due to my sexual orientation.”

To strengthen the capacity of the Coalition of Lawyers for Human Rights to deliver services, UNAIDS provides technical support in documenting human rights violations affecting people living with HIV and members of key populations. It also mobilizes resources and ensures the structural sustainability of the entire network. A website—<https://colahr.org>—has been created to facilitate the reporting of abuse and rights violations, and to provide legal advice and education.

Expanding the reach and scope of the Coalition

The Coalition of Lawyers for Human Rights has expanded its geographical coverage across Nigeria by recruiting lawyers in strategic locations and is currently represented in 17 states across the Federal Republic of Nigeria. By April 2017, the Coalition had treated over 50 complaints involving 307 persons (4).

The Coalition aims to: (a) increase the number of people who benefit from human rights and legal literacy, either through direct contact or through the website of the Coalition of Lawyers for Human Rights; (b) expand the documentation of human rights violations related to HIV; and (c) continue providing free legal aid services whenever and wherever needed.

Ensuring equal access to HIV and other health services and accelerating progress towards ending the AIDS epidemic in Nigeria will require authorities to protect key populations from violence committed by state and nonstate actors. Progress against the epidemic will require further prevention in health-care settings of discrimination on the basis of sexual orientation and gender identity.

The 2014 adoption of the HIV and AIDS (Anti-Discrimination) Act provides an opportunity for advancing human rights in the HIV response. With the support of people living with HIV and UNAIDS, this legislation explicitly prohibits acts of discrimination based on the real or perceived HIV status of people. Looking forward, this important legislation will give critical space and authority to the efforts of the Coalition of Lawyers for Human Rights to advance justice in the HIV response.

References

1. Human Rights Watch. Tell me where I can be safe: the impact of Nigeria's Same-Sex Prohibition Act. New York.
2. Schwartz SR, Nowak RG, Orazulike I, Keshinro B, Ake J, Kennedy S et al. The immediate effect of the Same-Sex Marriage Prohibition Act on stigma, discrimination, and engagement on HIV prevention and treatment services in men who have sex with men in Nigeria: analysis of prospective data from the TRUST cohort. *Lancet HIV*. 2015;2(7):e299–306.
3. The Coalition Of Lawyers For Human Rights (Colahr). A Human Rights Initiative To Protect Key Populations Established By The Joint United Nations Programme On Hiv/Aids (Unaids) In The Federal Republic Of Nigeria; August 2016.
4. The Coalition Of Lawyers For Human Rights (Colahr). Coalition Of Lawyers For Human Rights And Lawyers Alert – Some Litigation Stories; April 2017.

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