BUILDING CONNECTIONS FOR DRUG LAW REFORM
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PITCH - Partnership to Inspire, Transform and Connect the HIV response

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THE CHALLENGE

Introduction

Nigeria’s highly draconian drug laws require minimum jail sentences of 15 to 25 years for all drug-related offences. In recent years, judges have used their discretion to reduce sentences and shorten terms for drug offenders. Then, in 2016, a new bill was tabled in parliament to remove this leeway for leniency. PITCH partner YouthRISE Nigeria spearheaded a rapid advocacy campaign to block the bill.

According to the United Nations Office on Drugs and Crime’s (UNODC) Drug Use in Nigeria study, more than 14 million Nigerians had taken illicit drugs in the previous year – 14.4 per cent of the adult population, compared to a global average of 5.6 per cent.

While approximately 75% of illicit drug use concerns cannabis, other substances used illicitly are pharmaceutical grade opioids. Illicit drug use cuts across all socio-economic strata and all geopolitical areas of Nigeria. It is most common among people aged between 25 and 39. One in four drug users are women.

Public opinion leans heavily towards a tough stance on drugs, with most Nigerians believing severe punishments act as a deterrent and will eventually halt this growing ‘epidemic’.

But evidence shows that people in detention often have less access to harm reduction services to minimise the negative health impact of drug use and reduce HIV transmission. These include needle and syringe programmes and opioid substitution therapy, particularly for people who inject drugs.

A repressive approach to drugs with grave effects

The current National Drug Law Enforcement Agency (NDLEA) Act CAP N30 dictates a mandatory minimum jail term of between 15 and 25 years for all drug-related offences. But the highly punitive law has been open to interpretation, with some judges choosing to pass lighter sentences.

In October 2016, Senator Gbenga Ashafa sponsored a new bill in parliament seeking to amend the act to remove this discretion, claiming these judges were undermining the deterrent nature of the law and sending a ‘soft message’ on drugs.

Senator Ashafa’s bill would have reinforced and extended a repressive criminal justice approach to drugs with grave effects on the human rights, health and wellbeing of people who use drugs in Nigeria.

The new law would also expose the most marginalised among them to greater HIV risk, driving them further underground and denying them access to vital health services both inside and outside prison.

‘It (the bill) was an attempt to maintain the status quo and serve as a deterrent for others,’ says Adeolu Ogunrombi, who at the time was the executive director at YouthRISE Nigeria, an advocacy and service-providing organisation for young people including people who use drugs, and a PITCH partner.

‘There wasn’t a serious debate about this proposal in parliament – it rode on emotion: “it shows we are serious and tough”. There wasn’t really much resistance to the proposal. But we knew it would spell doom if we allowed it to stand.’

‘People who use drugs are viewed as criminals who don’t require compassion. We knew it would spell doom if we allowed this bill to stand.”

Adeolu Ogunrombi

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YouthRISE Nigeria was at the forefront of efforts to block the new bill, rapidly rallying civil society organisations – including Nigeria’s Drug Users’ Coalition Network and members of the Community Intervention Network on Drugs (CIND) – activating a targeted social media campaign and working closely with the West Africa Commission on Drugs (WACD), a group of eminent West Africans in the areas of politics, civil society, health, security, and the judiciary chaired by former Nigerian President, Olusegun Obasanjo.

Seyi Kehinde, YouthRISE Nigeria advocacy project manager, says: ‘This was a big challenge. If this bill had gone through, it would have caused more damage to our advocacy work on drug policy reform and alternatives to incarceration.

‘Consider the negative consequences of criminalisation: human rights abuses, the public health crisis for people who inject drugs, people with HIV, hepatitis B and C and other blood borne diseases. We had to swing and sprint into action – that was really critical.’

Adeolu adds: ‘We understood that this (the bill) is actually born out of ignorance. It is something that has never yielded positive results anywhere else – the tougher the sanction, the more dangerous it is to control the drug epidemic.’

YouthRISE Nigeria sent emails to many groups, networks and individuals with information about the bill and evidence of its potential consequences. They urged organisations to ask members of parliament not to support the amendment, suggesting they support public health responses, not more punitive laws.

‘Our message was: this is a wake-up call, this is happening, action needs to be taken. This bill is a retrogression in our response to drug control,’ Adeolu explains.

YouthRISE Nigeria also used social media to reach officials working on drug policies, including those at the National Drug Law Enforcement Agency. One official posted a copy of the proposed amendment on Twitter, allowing YouthRISE Nigeria to see the exact wording for the first time. This copy was shared with civil society organisations (CSOs) in the burgeoning coalition, further informing conversations that groups were having with their representatives. They even directly tweeted Senator Ashafa, the sponsor of the bill.

This was a wake-up call: action was needed
“There is increased awareness of the risks from sharing needles, but the reality is that clean needles, syringes and other harm reduction materials are not available, so people continue.”

“Adeolu Ogunrambi

High-level engagement and direct dialogue was pivotal

YouthRISE Nigeria also reached out to international partners, including UK-based drug law expert organisation Release, Open Society Foundations GDPP, and the International Drug Policy Consortium (IDPC), a global network of NGOs promoting objective, open debate on drug policy, which is also a PITCH partner.

YouthRISE Nigeria believed this high-level engagement strategy and direct dialogue with parliament and the presidency would be pivotal in redressing the proposed bill.

But by this stage, the bill was moving quickly. It had passed through two readings in parliament in just three weeks and was well on its way to the President for assent. It was close to becoming law.

‘We felt very pressured at that time,’ says Adeolu. ‘Amendments in parliament usually takes a lot of time for deliberation, but not in this case.’
A new wave of positive outcomes and optimism

YouthRISE Nigeria’s swift engagement tactics – all within three-months – their leadership and targeted interventions were critical to successfully blocking the removal of judges’ discretion.

It was a watershed moment. Policymakers and law enforcement agencies who were once reluctant, are now, some three years later, becoming more receptive to breaking down negative perceptions of people who use drugs. With dialogue spaces being created, there is new and robust engagement around the reform of drug control measures, with a greater focus on public health and human rights.

The law remains repressive and there are still hardliners. But there are calls to change the law, to reduce arrests and put in place more harm reduction and treatment options for people who use drugs and counselling for those who need it. In 2019, the Minister of Health, approved the implementation of comprehensive harm reduction in the country, starting with a Needle Syringe Programme pilot in three states across the country, while plans are being discussed to expand to more states.

The result

By the time the bill got to the presidency, the President had already been informed about issues and challenges. Assent was withheld. The bill was considered to be in need of further amendments and was sent back to parliament. Effectively, it had been stepped down and deprioritised, for now.

YouthRISE Nigeria and WACD believe the decision was influenced by all their advocacy actions, particularly the engagement of WACD.

“WACD’s role cannot be ignored. They wrote about removing judges’ discretion and explained why this would not work.” Adeolu Ogunrombi

“WACD’s role cannot be ignored. They wrote about removing judges’ discretion and explained why this would not work.” Adeolu Ogunrombi

“That played a major role. Their timely involvement in the process was very critical.’ Adeolu suggests. ‘Other things played out but that carries so much weight.” Adeolu Ogunrombi

“Adeolu Ogunrombi

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LESSONS LEARNT

Through a series of critical, timely and targeted advocacy interventions, aided by connections to key influencers in parliament and within WACD, YouthRISE Nigeria mobilised support from CSOs and networks, gathered evidence and engaged key stakeholders to launch a successful counter campaign to the proposed bill, back in 2016.

The campaign showed the power of collaboration in impactful advocacy, in line with PITCH’s strategy for change for Nigeria. It also demonstrates the capacity of PITCH partners to develop an advocacy agenda, map out stakeholders and opportunities and have an influence on its countries’ legislation.

“We leveraged on its network and were able to use its technical support to engage with other CSOs, amplify voices and bring the changes we wanted to see,” says Adeolu. ‘We had to focus on where the change could actually happen. But we have now formed an alliance with the judiciary. We’ve found some receptive judges who are reform-minded.

‘We know this law will be reviewed and revisited at some point in the future. When that happens, they can contribute and show their solidarity.’

Forging ties with the reform-minded judiciary

A learning point for YouthRISE Nigeria has been the need to strengthen engagement and capacity building with the judiciary and other key actors in Nigeria’s criminal justice system. ‘In 2016-17, we did not have any interaction with the judiciary,’ says Adeolu. ‘We had to focus on where the change could actually happen. But we have now formed an alliance with the judiciary. We’ve found some receptive judges who are reform-minded.

‘We know this law will be reviewed and revisited at some point in the future. When that happens, they can contribute and show their solidarity.’

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The Partnership to Inspire, Transform and Connect the HIV response (PITCH) strengthens community-based organisations’ capacity to uphold the rights of populations most affected by HIV by engaging in effective advocacy, generating robust evidence and developing meaningful policy solutions.

PITCH is a strategic partnership between Aidsfonds, Frontline AIDS and the Dutch Ministry of Foreign Affairs.

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