

# **Prostitution: A Legit Business and the Reflection of the Demarcating Lines of Legality and Illegality in Nigeria**

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Did you know that â€œOloshoâ€, â€œAshawoâ€, â€œpublic toiletâ€ as innocent and â€œvirgin-Nigeriansâ€ angrily call them are actually not breaking any law in Nigeria? Donâ€™t be shocked if I reiterate that prostitution is a legit business in Nigeria. Prostitution is condoned and tolerated in various forms and manners. Paying for sex in cash or in kind is part of day-to-day social relationships.

Religious critics, law and policymakers might be prone to argue that such a law violates the religious and cultural values of the people. However, this disposition says very little in terms of what goes on in real life. While they see the religious side of it, they should at least see it reflected in terms of the legal and everyday experiences of people.

A crime or an offence is never created by morals but by law. So, an act can be a SIN but not a crime and you cannot arrest any person for committing a SIN in any part of Nigeria. The punishment for sin is judged by God but that of crime is earthly and punishment is awarded by man to man. As a result, prostitute are sinning against God not the government and if punished will be a rape of the ordinary law of the land.

No particular part of the Constitution prohibits prostitution in Nigeria.

However, sections 223 of the Criminal Code states that: â€œAny person who procures a girl or woman who is under the age of eighteen years to have unlawful carnal connection with any other person or persons, either in Nigeria or elsewhere;

â€œOr procures a woman or girl to become a common prostitute, either in Nigeria, or elsewhere;

â€œOr procures a woman or girl to leave Nigeria with intent that she may become an inmate of a brothel elsewhere;

â€œOr procures a woman or girl to leave her usual place of abode in Nigeria, with intent that she may, for the purposes of prostitution, become an inmate of a brothel, either in Nigeria or elsewhere; is guilty of a misdemeanour, and is liable to imprisonment for two years.

â€œA person cannot be convicted of any of the offences defined in this section upon the uncorroborated testimony of one witness.â€

The offender may be arrested without a warrant.

FCT Penal Code Act criminalises prostitution, solicitation

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

â€œAn â€˜Idle personâ€™ shall include a common prostitute behaving in a disorderly or indecent manner in a public place or persistently importuning or soliciting persons for the purpose of prostitution.

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

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

However, a careful perusal of the stated statutes shows that there is no Federal or Nationally enacted law against PROSTITUTION in Nigeria. Although, owing to Sharia Law in Northern states in Nigeria, prostitution is illegal and therefore prohibited in all Northern states that practiced Islamic Penal Code. As accordingly imprinted under Chapter 532 of the Penal Code Act, Federal Capital of Abuja, 1990. But however, the Penal Code that penalises people meeting with prostitutes or prostitutes meeting with other people might fail if tested in the court,â€ on the ground that the Right to Freedom of Association (as contained in the constitution) of the person has been breached. And If we are to follow this Constitution, that means; as a Nigerian, you are free to meet with whoever you want to meet with. Though, this might turn out to be flooded!

Interestingly, in all the Western, Eastern and Southern states of Nigeria, prostitution is not a crime. Hence the police CANNOT arrest prostitutes in such states. In Southern Nigeria, the activities of pimps or madams, underage prostitution and the operation or ownership of brothels are penalized under sections 223, 224, and 225 of the Nigerian Criminal Code. Even though Nigerian law does not legalize commercial sex work, it is vague if such work is performed by an independent individual who operates on his or her own accord without the use of pimps or a brothel.

Although the operation of brothels is prohibited in Nigeria, the truth is it still exists. There seems not exists a clear demarcation lines between an hotel and a brotel. Many places officially called hotels today, are actually brothels hiding under the guise of an hotel operating fulltime commercial sex with a string of workers. People on the streets in Lagos, Ibadan, Owerri, Port Harcourt or Calabar, in Abuja or Lokoja identified which hotels in these places were brothels or quasi-brothels.

Also, the Nigeria criminal system prohibits national and trans-national trafficking of women for commercial sex or forced labour. Nigeria is a signatory to the 2000 United Nation Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children. Therefore, owning/running a brothel, being a pimp, trafficking persons for

prostitution, use of children as sex slaves and other similar acts are criminal in all parts of Nigeria.

Sex workers have been facing severe human rights abuses and multiple forms of discrimination in Nigeria. According to the Nigerian Constitution, sex work is not specifically criminalised, rather the people that “benefit from the proceeds of sex work”<sup>™</sup>. Sex workers can be punished when caught negotiating sex “aggressively”<sup>™</sup> with a client.

In conclusion, there is a huge gap between what is allowed or not allowed or what transpires in everyday life under the various law in different countries. To this end, prostitution is a complex issue and its complexity is made manifest in the way it is regulated and practiced in societies across the world. This complexities and contradictions needs being untangled in order to come up with an effective, practical and more scientific means of addressing the issue of the sex trade in Nigeria, Africa, and the world.

## About the Author

Samuel Olomu a Law Student at the Lagos State University. He is a writer, a right activist, a socio-political commentator, and a political analyst.

His articles and commentaries on national and political issue has made regular Publications in leading Nigerian Newspapers and Online News Medias including Punch Newspaper, Sahara Reporters, Cable News, Tribune Newspaper,Â Ripples Nigeria, Opinion Nigeria, Eagle Online, Maravi Post and a host of other Nigerian Dailies.