

RULE OF LAW AND ANTI-CORRUPTION IN NIGERIA

The Rule of Law and Anti-Corruption (RoLAC) programme is working to enhance good governance by strengthening the rule of law and curbing corruption. Our main objective is to back the government's justice and anti-corruption agenda through supporting the adoption and implementation of relevant legislation, policies and strategies in the sector.

We work at the federal level and in Lagos, Kano, Anambra, Edo, and Adamawa states.

Our work focuses on the following areas:

- Reforming the criminal justice system
- Ensuring women, children and people with disabilities have access to justice
- Improving the performance of anti-corruption agencies and how they work together
- Enhancing the voice of Nigerians in justice sector reforms and curbing corruption

The five-year programme (2017-22) is funded by the European Union and implemented by the British Council.



The co-chair of the FJSRCC with participants at the validation of the National Legislative Drafting Guide. Source: RoLAC

KEY ACTIVITIES

This newsletter highlights activities undertaken between July to September 2021.

Summary of key activities:

Criminal justice system:

- Plea bargain process unveiled in Anambra state
- More divisional police officers comply with the ACJA
- Validation of the National Legislative Drafting Guide
- Nigerian Bar Association launches the first police duty solicitor scheme in Edo state

Access to justice:

- Adamawa joins states with the VAPP law
- Adamawa establishes Child Protection Network Committees in four local government areas
- Child Protection Network builds capacity of members in Lagos state

Curbing corruption:

- Proactive disclosure protocol to improve transparency and accountability in public service

CRIMINAL JUSTICE SYSTEM

Anambra State Plea Bargain Process Unveiled

Anambra state has launched a plea bargain manual for criminal justice practitioners. Plea bargains save time and the expense of a lengthy trial for the defence, prosecution, and the courts. It improves the efficiency and speed of dispensing criminal justice.

Section 167 of the Administration of Criminal Justice Law (ACJL) of Anambra state allows defendants or defence counsels and prosecutors in criminal trials reach plea deals mutually agreed by both parties.

The new guide aims to enable the plea bargain process in criminal trials. As a result, ten plea bargain applications had been received at the end of September.

Prior to RoLAC's intervention, there was no coordinated system or guidelines in place to implement this provision. RoLAC strengthened the capacity of the state Judiciary and Ministry of Justice, supported the development of a plea bargain manual, and sensitised private lawyers and judicial correspondents.

A nine-member Plea Bargain Committee headed by the Director of Public Prosecutions carried out six media engagements between July and August 2021. The committee also visited three state correctional centres to raise awareness with inmates who are the first level beneficiaries in the plea bargain process.

As part of the sensitisation drive, a Plea Bargain Week was held week in September. Key stakeholders from across the justice sector and the media were in attendance, including: the state Attorney General, a High Court Judge, members of the State Executive Council, the Controller of the State Correctional Services, a representative of the Commissioner of Police, law professors from Nnamdi Azikiwe Federal University, representatives from the eight branches of the Nigerian Bar Association, ministry prosecutors, and members of the press.

Lawyers expressed optimism that the plea bargain process will serve as a cost efficient and timely way to dispose of criminal justice cases. It is also expected to contribute to a reduction in the judicial caseload and help reduce prison decongestion in Anambra state.

“There is no way the Ministry of Justice, Public Prosecution Department, can prosecute all criminal matters. But the plea bargain will help the speedy dispensation of justice. RoLAC has been an immense help in reawakening the reform of the justice sector in Anambra state.”

Ndirika Onyekwelu, Director of Public Prosecutions, Anambra State

“We are in the era of alternative sanctions; this means that people don't have to be sent to prisons for every offence or crime. For this to be applied in the state shows that we are doing things according to global standards. We are glad that RoLAC has supported this innovation.”

Pat Chukwuemeka, Controller of Correctional Services, Anambra State Command

Divisional Police Officers in FCT Comply With the ACJA

The Divisional Police Officers in the FCT are now complying with certain provisions of the Administration of Criminal Justice Act (ACJA), 2015. Section 33 of the Act requires an officer in charge of a police station to authorise an arrest and report the cases of all suspects arrested without warrant to the nearest Magistrate - whether the suspects have been admitted to bail or not. Section 34 permits Magistrates to inspect any place of detention to verify / check who is in custody. These provisions enable Magistrates to provide judicial oversight to the actions of law enforcement agencies and to curtail abuse of human rights of suspects.

The implementation of the ACJA had been affected by COVID-19, the #EndSARs protests, and recently, the strike by the Judiciary Staff Union of Nigeria. Reports from the Administration of Criminal Justice Monitoring Committee revealed that between August and September 2021, 17 of 30 divisional police stations, who were part of the mentoring programme, submitted their reports to the committee.

The committee is currently mentoring an additional five divisional police units on writing and submitting reports. It is hoped that with the increase in the level of compliance with the law, the discharge of oversight visits by Magistrates will also improve.

Heads of Justice Sector Institutions approve National Legislative Drafting Guide

The National Legislative Drafting Guide was successfully validated by the heads of institutions in the justice sector on 20 August 2021. The guide will be used to train drafters in relevant federal institutions, including the Federal Ministry of Justice, the National Law Reform Commission, and the National Assembly.

The need to develop a national guide was identified by the Federal Justice Sector Reform Coordinating Committee (FJSRCC), the national coordinating body for justice reform. The committee believes the guide will address the increasing cases of defects in drafting bills considered by the National Assembly and presented for assent by the President.

The committee collaborated with RoLAC, the Nigerian Institute of Advanced and Legal Studies (NIALS) and the National Institute of Legal and Democratic Studies (NILDS) to review an associated manual which was produced for the same purpose. At the adoption of the manual in March 2021, the FJSRCC constituted a sub-committee made up of representatives from partnering institutions to improve the manual and develop a guide.

“The national legislative drafting guide set a standard format and style for drafting bills, motions and other legislative outputs. This will enhance the quality and efficient legislative drafting and assist with the rigorous task of drafting bills on a daily basis. The manual will also improve the training of practitioners.”

Dr James Bathnna, Deputy Chairman, National Legislative Drafting Manual Committee

Nigeria Bar Association Launches First Police Duty Solicitor Scheme in Edo State

The Benin Branch of the Nigeria Bar Association (NBA) - also known as the Lion Bar - has established the first Police Duty Solicitor Scheme (PDSS) in Edo state. The objective of the scheme is to provide a coordinated approach to the delivery of *pro bono* legal services to suspects detained in police stations across Benin City.

The scheme - established in partnership with RoLAC in July 2021 - follows on from an earlier training and lesson sharing workshop held for all the Edo State branches of the NBA in June 2021.

At the workshop, RoLAC invited the (then) Chair of the NBA - Ikorodu Branch (Lagos state) to explain the structure of the PDSS in Lagos, share experiences, and provide guidance on how interested branches may go about establishing schemes in their locations.

Having undertaken a planning meeting and advocacy visits to the Chief Judge of Edo state and the Commissioner of Police in August and September 2021, the public has already begun to feel the impact of the scheme in Benin City. On 24 September 2021, a team of registered PDSS lawyers visited the Human

Trafficking Unit of the State Criminal Investigation Department of the Edo State Command, Nigeria Police Force. During this visit, the team supported a female suspect who was alleged to have been involved in human trafficking. With the intervention of the team, it was uncovered that the allegations were unfounded and that the suspect's arrest was an attempt to intimidate and compel the suspect into forfeiting the rent she recently paid for a property owned by the nominal complainant. Following further investigations by the police, the suspect was released from custody. The PDSS lawyers were also able to secure a commitment from the complainant that all monies owed to the suspect would be returned.

One of the innovations of the Administration of Criminal Justice Law of Edo state is the repositioning of the rights of the suspect as an important consideration in the dispensation of criminal justice under Section 1(1) which reads:

“The purpose of this law is to ensure that the system of procedure and administration of criminal justice in Edo state promotes ... protection of the rights and interests of the suspect, the defendant, and the victim.”

The new Benin PDSS will ensure that suspects, especially indigents, can access quality legal service that are monitored by the NBA. Since its inauguration, 48 lawyers have registered to the scheme and there are plans to set up PDSS desks in all police stations in Benin, starting with the SCID.

“The Police Duty Solicitor Scheme is a welcome development in our judicial activities and the cases recorded by the team are outstanding...I will urge the team to extend their activities to other detention facilities and ensure that they follow deserving cases up to criminal courts for proper representation of suspects.”

Honourable Justice J.I Acha, Acting Chief Judge of Edo state (at the ROLAC sponsored advocacy visit by the PDSS Steering Group to his office on 23 September 2021)

ACCESS TO JUSTICE

Adamawa State Signs VAPP Law

Adamawa state has adopted the Violence Against Persons Prohibition Law following the signing of the VAPP Law 2021 by the State Governor. The law which was drafted, validated, and presented to the House of Assembly by the Federation of International Female Lawyers, the Adamawa state chapter in collaboration with other civil society organisations and the Ministry of Women Affairs, with support from RoLAC. It was sponsored by Honourable Kate Mamuno, member representing Demsa constituency in the House.

At a press conference to present the new law to the public, the Attorney-General and Commissioner for Justice confirmed that the state governor made a commitment on the effective implementation of the law. He called on citizens to use the law by monitoring and reporting cases of violence to the appropriate authorities.

The VAPP law was passed by the Adamawa State House of Assembly in March 2021. It seeks to eliminate violence in private and public life, prohibit all forms of violence against persons, provide the maximum protection for victims, and stiffer punishment for offenders. The law is expected to address the

increase in violence due to the insurgency in the northeast, which has been compounded by the COVID-19 pandemic.

“Now that we have the VAPP Law in place, I am assuring the people of Adamawa that justice will be served for the victim, while the perpetrators will not only be convicted but also publicly named and shamed.”

Hon. Attorney General and Commissioner for Justice, A.K.Jingi

Adamawa State Child Protection Network Committees Established in Four Local Governments Areas

The Child Protection Network (CPN), in collaboration with the Ministry of Women Affairs and Social Development, has established new committees in four local government areas (LGAs): Mubi, Numan, Yola-North and Yola-South.

The committees are responsible for promoting the rights and welfare of children and reporting cases of child abuse to the appropriate authorities. Each committee is under the direct supervision of the Ministry of Women Affairs and Social Development and has 15 members from government institutions, faith-based organisations, community-based organisations, civil society organisations.

To date, the impact of the CPN has been limited since it existed only in the state capital and three of 21 LGAs of the state. Furthermore, the absence of the Child Right's Law in Adamawa has exposed children to abuse, exploitation and lack of adequate protection from the relevant authorities.

This initiative draws on lessons learned from similar committees in Anambra and Lagos states.

Strengthening the Capacity of the Child Protection Network in Lagos State

It is reported that issues of child abuse and molestation have increased in Lagos in recent times. To address these issues and ensure that members of the Child Protection Network (CPN) have the capacity and skills required to respond, a training programme was rolled out for CPN committees. The committees are present in all states across Nigeria and in 20 local government areas in Lagos state.

The training focused on issues of child protection, abuse, and the referral pathway at the community level. Over 135 representatives participated in the training, including members of the CPN, the Community Development Committee, market leaders and women, councillors, religious leaders, community leaders, the National Orientation Agency, youth, the Lagos Neighbourhood Safety Corps, and civil society organisations. Training sessions were held in Ojo, Badagry, Agege, Ifako-Ijaiye, Kosofe, Ajeromi- Ifelodun, Apapa, Ibeju Lekki, Eti-Osa, and Ikeja LGAs.

The initiative is expected to improve the capacity of CPN members in advocating to state government, local governments, and other stakeholders for the effective implementation of the Child Rights Law in Lagos state.

CURBING CORRUPTION

Protocol on Freedom of Information Act to Improve Transparency and Accountability in Public Service

In August 2021, a protocol for government ministries, departments and agencies (MDAs) was developed by the Freedom of Information (FoI) unit at the Federal Ministry of Justice (FMOJ) - with support from RoLAC. The unit is responsible for the implementation and sanction of non-compliant public institutions with the FOI Act 2011.

The protocol provides clear guidelines and steps for the dissemination of information by all public institutions to citizens, and steps for accessing public services provided by MDAs. It was developed in recognition of the provisions of section 2 of the FOI Act 2011, which makes it mandatory for public institutions to proactively disclose certain information. It is expected to address the low level of compliance with the law by public institutions.

The document - endorsed by the federal ministry - provides nine steps/procedures, including the identification of frequently asked information, the determination of suitable outlets/platforms for disclosure, and the annual reporting of proactively disclosed records. Other sections provide for training and retraining of staff and a list of suggested outlets for dissemination of information.

Categories of information required to be disclosed proactively include those that border on the mandate, responsibilities, and services provided by each institution and how these can be accessed. Others include records of activities and interventions, manuals used by staff in carrying out activities, documents containing final opinions in the adjudication of cases, statement and interpretation of policies, information on receipt of funds and expenditure, financial policy, materials containing information relating to any grant or contract made by or between the institutions and other private organisations, names and number of all staff.

One hundred civil society organisations, media representatives and information desk officers of various MDAs validated the protocol. RoLAC then provided training on the protocol for 45 CSOs/media representatives, and 40 MDAs in September 2021. In the coming months, RoLAC will undertake an assessment of the level of use of the protocol/compliance with the FOI proactive disclosure.



Gowon Ichibor, Director of the FoI Unit, Federal Ministry of Justice at the workshop to develop the proactive disclosure protocol for MDAs. Source: RoLAC

FACTS & FIGURES:

Number of direct beneficiaries
(Jul 2017-June 2021)

Justice reforms

24,095

Access to justice

29,175

Curbing corruption

13,583

CSO & media

77,717

OTHER ACTIVITIES COMPLETED WITHIN THE PERIOD

- Stakeholder consultation on the development of a leadership training manual for child parliamentarians in the FCT
- High-level consultations on the establishment of SGBV courts in the FCT and other states
- CSO/media peer review roundtable on the use of FOI in Kano state
- Roundtable on the Adamawa state anti-corruption strategy baseline assessment data
- Launch of anti-torture handbook for law enforcement agencies
- Validation five-year workplan by the project steering and technical committee

UPCOMING ACTIVITIES

- Advocacy visits to traditional rulers in the Abaji Administrative Council by the Federal Justice Sector Reform Coordinating Committee Subcommittee on the Police Desk Solicitor Scheme
- Stakeholder engagement on the development of the case management system for Edo state Ministry of Justice and the Judiciary
- Technical workshop on the review of the Edo state Child Rights Law
- Consultation meeting with justice sector institutions and service providers in the FCT on capacity building for sign language Interpreters
- Inauguration of the state steering committee of the Adamawa state Anti-Corruption Strategy
- Freedom of information roundtable review for desk officers in Edo state
- Training of Adamawa state Child Protection Committee members on their roles, monitoring and evaluation, and development of first quarter workplan
- Engagement meeting with media groups in Kano state on RoLAC's proposed policy dialogue on the role of journalists in criminal justice and anti-corruption reform

Find out more

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