

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 four-year programme (2017-21) is funded by the European Union and implemented by the British Council.



RoLAC presents PPE to the National Agency for the Prohibition of Trafficking in Persons. Source: RoLAC

KEY ACTIVITIES

This newsletter highlights activities undertaken between April to June 2020.

Summary of key activities:

Criminal justice system:

- Adoption of non-custodial measures in the criminal justice sector

Access to justice:

- Responding to rising cases of sexual and gender-based violence
- Family support unit launches in the Ihalia Police Division

Curbing corruption:

- Steps toward developing a public health emergency law

CSO and media engagement:

- Supporting CSO action against sexual and gender-based violence
- Promoting inclusive responses to COVID-19

CRIMINAL JUSTICE SYSTEM

Supporting the adoption of non-custodial measures in the criminal justice sector

The Rule of Law and Anti-Corruption (RoLAC) Programme is supporting the reform of correctional services in Nigeria. The programme supported the passage of the Nigerian Correctional Service Act 2019 (NCSA 2019), which came into force in August 2019. The bill, passed by the National Assembly, aims to improve prison management and facilitate decongestion across prisons in Nigeria.

The Act, among others, empowers the Nigerian Correctional Service (NCS), formerly the Nigerian Prisons Service, to implement non-custodial measures (including community service and probation) in the treatment of offenders. This aligns with the provisions of the Administration of Criminal Justice Act (2015).

Following the passage of the law, RoLAC partnered with the Prisoners Rehabilitation and Welfare Action (PRAWA) and the NCS to build capacity to implement the new measures.

The sense of urgency that underpins the partnership hinges on the need to end the reliance on custodial sentencing for both serious and petty offences, which is a major cause of overcrowding in custodial centres.

The outbreak of the COVID-19 pandemic has impacted the implementation of non-custodial measures. Judicial authorities, law enforcement agencies and correctional authorities have all begun to encourage non-custodial sentences. This is borne out of concern that sentencing offenders to prison terms could exacerbate the spread of the virus in custodial centres, which could place a further burden on the public healthcare system.

The partnership with PRAWA includes a sustained advocacy with the leadership of the NCS. This led to the designation of key posts to drive the implementation of the new measures: a Deputy Controller General in-charge of non-custodial measures at the national headquarters; Deputy Controllers in all the states of the federation and the Federal Capital Territory (F.C.T); and NCS officers at the federal, zone and state levels.

The partnership also includes a revision of the extant prison standing orders, the development of a manual for Non-Custodial Correctional Officers on the supervision of offenders during the COVID-19 lockdown, and the training of correctional officers on the manual. Magistrates in the FCT have also been trained.

At the start of the pandemic, 30 correctional officers were designated to pilot the implementation of non-custodial sentencing in the FCT. These officers have commenced supervising offenders who were sentenced to community service for COVID-19 and other criminal infractions during the lockdown. In April, 1736 offenders were sentenced to different forms of community service in the F.C.T.

In Lagos, RoLAC supported the Community Service Unit of the Ministry of Justice with personal protective equipment (PPE) to better deliver the sentencing of community service by the courts in the state. The PPE distributed to the unit includes gloves, hand sanitizers and re-usable face masks. The support also covered the provision of work implements such as hoes, brooms, cutlasses, rakes, wheelbarrows and office consumables, such as A4 papers and printer inks. Between April and May 2020, the unit supervised 730 offenders sentenced to community service by the courts in Lagos.

‘We are thankful to RoLAC for providing us with tools to combat COVID-19.’

Shakirat Karimu, Director, Community Sentencing Unit, Lagos State Ministry of Justice



RoLAC presents equipment to the Lagos state Ministry of Justice to facilitate the implementation of non-custodial measures for offenders. Source: RoLAC

ACCESS TO JUSTICE

Responding to an increase in cases of SGBV

The Rule of Law and Anti-Corruption (RoLAC) Programme has prioritised support to addressing sexual and gender-based violence (SGBV) during the COVID-19 lockdown, following an increase in reports of sexual assault cases on women and girls across the country. These reports confirm that gender inequalities and violence against women and other vulnerable groups tend to increase during any type of crisis or emergency, such as the COVID-19 pandemic.

The lockdown order in many states, which has enforced the restriction of movements, triggered an increase in reports of sexual violence because many victims were locked up with abusive partners. Movement restrictions also meant that women and children who were victims in these situations had limited access to support services.

RoLAC’s twin-track strategy is to enhance the capacity of responders to deal with SGBV, whilst also increasing advocacy to decision makers.

During the reporting period, RoLAC provided PPE to 16 Sexual Assault Referral Centres (SARCs) in 11 states, including Adamawa, Akwa Ibom, Anambra, Enugu, Jigawa, Kaduna, Kano, Lagos, Niger, Sokoto and Yobe. The SARCs were established to provide medical assistance, counselling and initial legal assistance to victims of sexual assault but were struggling to provide these services due to lack of PPE like hand sanitizers, face masks and gloves.

Other service providers working in the area of SGBV, including selected Family Support Units (FSU) in police stations, the police clinic in Abuja, the National Agency for the Prohibition of Trafficking in Persons (NAPTIP), and the Sexual and Gender-Based Violence Response Teams also benefitted from RoLAC support.

The lockdown and restriction of movements affected the mobility of service providers. RoLAC worked with partners in government to secure “permits and passes” for some CSOs to enable them to move around during the lockdown to provide services to victims.

Family Support Unit launches in the Ihiala Police Division

Records from the Sexual Assault Referral Centre (SARC) and other platforms, such as the VAAP Implementation Committee, Child’s Rights Implementation Committee and the Sexual Gender Based Violence Response Team, demonstrate that cases of violence against women and children are on the increase in Anambra state. However, the rate of convictions remains low.

The improvement in the prosecution and conviction of these cases largely depend on the competence of police officers to investigate cases involving women and children. The Rule of Law and Anti-Corruption (RoLAC) Programme provided training to police officers and officers from other law enforcement agencies to build their capacity in handling cases of abuse on women and children; and also, to improve the understanding of their role in implementing key provisions of the VAPP Law and Child’s Rights Law.

Building on the training, RoLAC supported the Nigeria Police Force - Anambra State Command - to establish a Family Support Unit at the Ihiala Police Division. The unit was launched by the Commissioner of Police, who was represented by the Area Commander. Also present at the launch were

representatives of the Chief Judge of the State; the Attorney General/Commissioner for Justice; the Anambra State Child's Rights Implementation Committee; the VAPP Law Implementation Committee; the traditional ruler of the community; Police Officers; and CSOs.

'The family support unit will help prosecutions. Victims will be provided crucial support and open up more with their statements.'

Ndirika Onyekwelu, Director of Public Prosecutions, Ministry of Justice, Anambra state

CURBING CORRUPTION

Steps towards developing a public health emergency law

In response to the impact of the COVID-19 pandemic in Nigeria, the National Assembly (NASS) considered a revision of the Quarantine Act of 1926. The Act provided little legal guidance on how to deal with infectious diseases, such as COVID-19.

NASS presented a Public Health Emergency Bill in the Senate and the Control of Infectious Diseases Bill in the House of Representatives. However, both bills were greeted with scepticism by citizens due to the seemingly enormous powers and control the bills gave the Nigeria Centre for Disease Control (NCDC). Many also raised concerns about disregarding the rights of citizens with some aspects of the bill.

RoLAC, in collaboration with the Federal Ministry of Justice and the Senate Committee on Primary Health Care and Communicable Diseases, organised a stakeholder roundtable to review and revise the Senate version of the bill. This addressed the contentious aspects, including testing, vaccination, shut down or lock down of buildings, communities, cities and the entire country. For example, citizens were concerned about the protocol for shutting down areas perceived or identified as high risk or having high level of infected persons.

The new version of the bill, when passed into law, will provide a human rights complaint system; a robust and detailed framework for quarantine, isolation, testing and identification of infected persons; the treatment of infected persons and their care givers where necessary; the restriction of movements; the use of certain buildings for housing infected persons; the development of vaccines or treatment drugs; and the administration of a vaccine, where one exists.

RoLAC played a role in ensuring that the process of reviewing the Senate bill was more inclusive. The review was held in three parts: a virtual meeting with key stakeholders, two physical clause-by-clause deliberations with a wider number of stakeholders, and a vetting process to ensure that a clean copy of the bill was submitted to the Senate.

Stakeholders involved in the review process included representatives from the Senate, the House of Representatives, the Nigeria Medical Association, the Nigeria Centre for Disease Control, the Federal Ministry of Justice, the Nigeria Police, and non-state actors such as Yiaga Africa, the Centre for Social Justice (CSJ), and the Nigerian Union of Journalists.

It is expected that the revised bill, now known as the Public Health Emergency Bill, will be presented on the floor of the Senate before the end of June 2020.

'Revising this piece of legislation will produce a more robust and viable law that will address key issues of public health, especially when there is an emergency like COVID-19.'

Senator Chukwuka Utazi, Chairman, Senate Committee on Primary Healthcare and Communicable Diseases



The Speaker of the House of Representatives meeting with gender-focused CSOs. Source: Office of the Speaker, House of Representatives

CSO AND MEDIA ENGAGEMENT

Supporting CSO action to tackle rising sexual and gender-based violence

Recent reports of sexual and gender-based violence (SGBV) are reminders that girls and women in Nigeria are at risk. The rape and murder of a 22-year-old in Benin; the shooting to death of a 17-year-old in Lagos state; the rape of a 12-year-old girl in Jigawa state by 11 men; and the gang rape and stabbing to death of an 18-year-old in Ibadan are some recent examples.

In the days following these reports, the Rule of Law and Anti-Corruption (RoLAC) Programme supported civil society organisations (CSOs) to advocate to decision makers, including justice institutions, on the rise in SGBV cases. CSOs requested that decisive action be taken to tackle the problem, including more diligent investigation, arrest and prosecution of suspects and to protect victims and uphold women's rights in Nigeria.

RoLAC supported a protest march in front of the Nigerian Police Force Headquarters in Abuja; an advocacy visit to the Speaker, House of Representatives; and a memo to the Nigerian Governors' Forum, calling for a declaration of state of emergency on SGBV; and persistent social media campaigns against rape.

These CSO actions have grown into a series of positive outcomes. Firstly, the House of Representatives declared that the Speaker of the Bauchi State House of Assembly (who is also the Chairman of the North-East States' Speakers) should lead in soliciting the commitment of other states in the North to emulate his actions in reviewing the Violence Against Persons Prohibition Act and the Child's Rights Act and domesticating both them.

The House of Representatives and other government agencies will provide technical support to state legislatures to domesticate the laws to suit local circumstances and ensure their timely consideration.

Secondly, the Nigerian Governors Forum meeting in June tabled SGBV on its agenda, following which a state of emergency on rape was declared. The Forum called on all states to set up sex offenders registers and to domesticate the two federal laws, which punish rape and violence against women and children.

Thirdly, the Inspector General of Police following a meeting with the National Human Rights Commission and NAPTIP said the force was examining its gender response unit to speed up investigations into the earlier-mentioned cases, including deploying more detectives to its gender desk. The Attorney General of the Federation outlined the strategy of the Federal Ministry of Justice to deal with issues of SGBV, including setting up an inter-ministerial committee.



RoLAC presents PPE to the FCT Sexual and Gender Based Violence Response Team. Source: RoLAC

Promoting inclusive responses to Covid-19

The Rule of Law and Anti-Corruption (RoLAC) Programme is working with relevant agencies to promote inclusive responses to COVID-19. The work has received positive responses from key government agencies, particularly to the benefit of persons with disabilities.

In Adamawa state, RoLAC supported advocacy for the deployment of sign language interpreters for communication with persons with hearing impairments. As a result, the State COVID-19 Containment Committee engaged the services of four sign language interpreters to render services at testing and isolation centres.

The Chairman of the Committee highlighted the all-inclusive approach of the government that considers all citizens, irrespective of their health or physical status. He also noted that the importance of sign language interpreters cannot be over-emphasized, especially during COVID-19 when information is key to the prevention and treatment of the virus.

In Anambra state, the Joint National Association of Persons with Disabilities (JONAPWD) was supported to carry out inspection visits to COVID-19 isolation centres to ensure that they are disability-friendly. The visits, a subsequent press release and recommendations resulted in the appointment of a Disability Committee to be part of the COVID-19 Advisory Committee in the state.

‘Each and every person with a disability is equally entitled to all information and services targeted at the citizens of the state. We are employing the services of sign language interpreters to ensure that every person with hearing impairments is well informed about this

virus and can access services at the testing and isolation centres without communication barriers.’

Chairman, Adamawa State, COVID-19 Containment Committee

‘During lockdown, we had over 40 reported cases, including a four-year old raped by her father. We need to take the National Sexual Offenders Register to the public to serve as a deterrent to sexual assault.’

Dame Julie Okah-Donli, Director General, National Agency for the Prohibition of Trafficking in Persons (NAPTIP)

FACTS & FIGURES:

Number of direct beneficiaries (Jul17-Mar 20)

Justice reforms

9,662

Access to justice

17,532

Curbing corruption

7,914

CSO & media

2,961

COURT CASES AND SENTENCES DURING THE COVID-19 LOCKDOWN IN SOME STATES:

(April 2020)

State	Tried	Adjourned	Convicted	Outcome	Minors
Lagos	2,185		2,060	2 hrs – 6 months of community service and fines between N10,000-100,000	125 (They were warned and released)
FCT	1,909	28	1,736	7 days of community service and fines between N7,000-50,000	Not indicated
Kano	535		535	Community service (sweeping selected areas) and fines from N200 and above	Not indicated
Delta	7		7	Bail with the option of community service (sensitizing the community and its environs to lockdown rule until the expiration of the lockdown)	Not indicated
TOTAL	4,636	28	4,338		

Data source: Prisoners Rehabilitation and Welfare Action (PRAWA)

OTHER ACTIVITIES COMPLETED DURING THE REPORTING PERIOD

- Impact assessment of community sentencing
- Zoom meeting with the Nigeria Association of Psychiatrists on support to persons with mental illness during the COVID-19 pandemic
- Planning meeting on the establishment of a sexual offenders register in Edo state
- Dialogue with the Bureau for Public Procurement on emergency procurement guidelines for COVID-19
- Meeting with leaders of the PWD Cluster (Deaf) on COVID-19 in Kano state

UPCOMING ACTIVITIES

- Webinar for the Anambra Correctional Service Officers on non-custodial services
- Meeting with Attorney-General of the Federation (alongside the National Committee on Torture) to present revised draft rules for the Anti-Torture Act
- Validation meeting for the results of the needs assessment for the protection of children with disabilities
- Commissioning of the National Child Rights Implementation Committee secretariat
- Engagement with the House of Representatives on the Control of Infectious Diseases Bill
- Second FMOJ/Senate Committee roundtable to integrate the Nigeria Centre for Disease Control's submission into the Infectious Diseases Bill
- Training of the community-based Protection Committee in Kuje, FCT
- Radio session on WAZOBIA FM to discuss the response to sexual abuse and rape of children

Find out more

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