

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.



Government dignitaries and Nobel Peace Laureate, Leymah Gbowee, at the launch of the Sexual Offender and Service Provider Register. Source: RoLAC

KEY ACTIVITIES

This newsletter highlights activities undertaken between October to December 2019.

Summary of key activities:

Criminal justice system:

- Sentencing guidelines adopted and implementation underway
- Magistrates visit SARS detention facility
- 17th network of JSRT conference hosted in Nasarawa state
- Training on the ACJ Law for the Nigeria Police Force

Access to justice:

- Launch of sexual offender and service provider register

Curbing corruption:

- Training on the Nigeria Open Contracting Portal
- Peer review roundtable for Anti-Corruption Transparency Units

CSO and media engagement:

- Campaign against violence on women and girls

CRIMINAL JUSTICE SYSTEM

Sentencing guidelines adopted and signed

Sentencing guidelines aim to enhance transparency and integrity in the criminal justice system. The guidelines establish a standard for all sentences passed under the Administration of the Criminal Justice Law and leave no room for courts to sentence convicts arbitrarily for the same offences under similar circumstances.

RoLAC's objective is to enhance good governance in its focal states by contributing to strengthening of the rule of law and curbing corruption. Legal certainty, as a fundamental principle of the rule of law, requires that laws and decisions must be 'definite and clear'.

While the criminal laws were codified prior to the adoption of the Sentencing Guidelines, decisions as to sentencing for offences under such laws were not. The lack of guidance to judicial officers in exercising their legal discretion and transparency in the process of sentencing naturally led to offenders of like crimes being given sometimes widely differing sentences.

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The guidelines set standards to ensure uniformity and fairness in sentencing of persons convicted by courts. Judicial officers are now required in sentencing hearings to inquire as to the impact of the crime as well as mitigating and aggravating factors.

The innovative guidelines are expected to entrench fairness and objectivity in sentencing. This development restricts the arbitrary exercise of power by subjecting sentencing to well-defined and established regulation and thereby serving the interest of justice and reform in the rule of law.

With RoLAC support, the guidelines were adopted in Edo state in October 2019. Officially named 'Sentencing Guidelines for Offences Against the State, Person, Public Order, Morality, Homicide, Property and Corruption Practice Direction 2019', the guidelines are now binding in all courts of criminal jurisdiction in the state.

The guidelines were developed by a technical committee with representatives across the sector, including the Chief Judge and 39 senior justice officials. They were then validated by all judges of the Edo State High Court's Criminal Division.

Following the adoption, training was delivered for magistrates and area court judges (90), prosecutors (46), lawyers from the Nigerian Bar Association (110), and 10 representatives from the media and civil society. The programme has also planned a training workshop for judges of the Edo State High Court.

In Anambra state, the implementation of the sentencing guidelines is also underway. The practice directions, officially named 'The Anambra State Courts Miscellaneous Offences Practice Directions 2019' were signed in August 2019. Magistrates and judges (24) from the state's high court were trained on their application.



Edo State Sentencing Guideline Practice Direction on display.
Source: ACJMC, Edo State

“The sentencing guidelines are a direct response to the haphazard approach in sentencing by the courts.”

Hon. Justice Acha, Head of the High Court Criminal Division and Chair of the Technical Committee on the Development of the Edo state Sentencing Guidelines

Magistrates visit special anti-robbery squad detention facility in Abuja

The RoLAC programmes focuses on the implementation of the Nigerian Criminal Justice Reform Agenda. The objective is to advance the timely, effective and transparent dispensation of criminal justice through support for the implementation of relevant provisions of the Administration of Criminal Justice (ACJ) Act at the Federal level and Laws (in states).

As part of efforts to advance the priorities of the ACJA, RoLAC is supporting the judiciary, and magistrates in the FCT to implement specific provisions of the Act.

Section 34 of the Act states that chief magistrates or other designated magistrates conduct inspections of police stations or other places of detention within their territorial jurisdiction other than the prison. The magistrate may: (a) call for, and inspect, the record of arrests; (b) direct the arraignment of a suspect; and (c) where bail has been refused, grant bail to any suspect where appropriate if the offence for which the suspect is held is within the jurisdiction of the Magistrate. The ACJA requires the magistrates to conduct the monthly visits.

Under this premise, a visit to the Special Anti-Robbery Squad (SARS) facility was held In November 2019. SARS is a branch of the Nigeria Police Force under the Force Criminal Investigation and Intelligence Department. The squad deals with violent crimes such as armed robbery, car snatching, kidnapping, cattle rustling, and other crimes associated to firearms. The detention facility is used to detain suspects who are alleged to have committed offences within the SARS mandate.

Twenty-five magistrates were called on by the Chief Judge of FCT to inspect the detention cells and speak with suspects, many of whom had been detained for lengthy periods without being formally indicted in court. This was the first of such visits and the outcome of evidenced based advocacy, which opened the facility to judicial oversight.

The magistrates discovered that the conditions in which the suspects were kept required urgent support from different government agencies. As a result, the Chief Magistrates in FCT ordered the movement of more than 200 detainees from the SARS detention facility in Abuja to various correctional centres in the FCT. Since then, the magistrates have continued to hold these reviews.

At the request of the Deputy Commissioner of Police in charge of the FCT Criminal Investigation Department, RoLAC is supporting capacity building workshops on the ACJA for SARS operatives and other specialised units, such as the Special Tactical Squad and Intelligence Response Unit - charged with tactical operations and statutory core police duties and the Intelligence Response Unit, charged with the fight against violent crimes in Nigeria.

RoLAC is also working with the Nigerian Bar Association in the FCT to ensure that suspects who are transferred to correctional centres on remand receive the necessary legal assistance required.

Nasarawa state hosts seventeenth network of JSRT conference

In December 2019, RoLAC, in collaboration with the Federal Justice Sector Reform Coordinating Committee (FJSRCC) and the Nasarawa state government, hosted the 17th network of Justice Sector Reform Teams (JSRTs) conference in Lafia, Nasarawa state.

The network began with only three states as members in 2003. It has rapidly grown to a membership of thirty states across Nigeria.

The JSRT network coordinates reforms in the justice sector and meets biannually for peer learning; disseminates national justice and law reform initiatives; and encourages non-members states to set up JSRTs.

The co-chairman of the Federal Justice Sector Reform Coordinating Committee, Prof. Mohammed Tabiu, attributed the speed and uniform adoption of the Administration of Criminal Justice law in the country partly to the network conferences, where there was a shared understanding and peer review of the justice sector.

Last year, the Committee commenced inspection visits to states to witness the initiatives presented by reform teams at the conference. In November 2019, the Committee visited Plateau state. The aim was to verify the state's prison decongestion initiative. It was observed that the number of lockups in the state was less than prison capacity; and there were more convicts in the prisons than awaiting trial prisoners (ATPs). This deviates significantly from the average Nigerian statistics where over 70% of prisoners are ATPs.

There are many reasons for the slow delivery of justice in Nigeria - challenges in investigation, prosecution, unnecessary adjournments etc. This has contributed to the large number of ATPs in Nigerian prisons.

Plateau state has demonstrated that good working relationships amongst justice sector actors can address obstacles to justice delivery.

Training for the Nigerian Police Force on the Administration of Criminal Justice law

The Administration of Criminal Justice law was passed in 2010 in Anambra state, and in 2018 in Adamawa state. RoLAC conducted trainings on the Law for Divisional Police Officers (DPOs) and Divisional Crime Officers in Kano, Anambra and Adamawa states.

The trainings focused on the Law's key innovations, including: rights of suspects, defendants, victims, and the society at large; and the obligations of the police and other actors.

In Adamawa state, some of those trained have commenced step down training to the officers within their divisions. In Kano, several officers have contacted the workshop facilitator for guidance on how to resolve practical issues on applying the Law.

One DPO reported how the case of an overnight break-in at a shop was resolved within 24 hours using the ACJ provisions and the knowledge and skills acquired from the training. The speed at which the case was resolved was a clear departure from past trends, where cases were closed in a minimum of six months on average.

These early actions are encouraging and signal a willingness amongst police officers to be guided by and to comply with the new law.

ACCESS TO JUSTICE

Register launched for sexual offenders and service providers

In November 2019, the National Agency for the Prohibition of Trafficking in Persons (NAPTIP) launched the sexual offender and service provider registers, with RoLAC support.

The **sexual offender register** is the first of its kind in Nigeria. It is a two-part digital platform which provides details on persons reported, arraigned and/or convicted of sexual offences, as defined under section 1(4) of the Violence Against Persons Prohibition (VAPP) Act 2015.

The **service provider register** provides contact details of government, non-government, faith based, voluntary and charitable associations/ institutions or individuals providing shelter, homes, counselling, legal, financial, vocational, educational, psycho-social, medical or other assistance to victims and survivors of all forms of domestic and sex-related violence, as captured in the VAPP Act.

The two registers are available on the same digital platform. The aim is that service providers can report cases of sexual violation and victims of abuse can find sources of support. This way, the digital platform becomes a unique resource for deterring sex offences and providing services where needed.



Stakeholders at the launch ceremony. Source: RoLAC

"The launch of the sexual offender register marks a historic time in the feminist calendar of the Federal Republic of Nigeria. Hopefully, it also marks the end of impunity in the fight against rape and gender-based sexual abuse."

Leymah Gbowee Nobel Peace Laureate

"The register will serve as a strategy to stop the humanitarian and security crisis in northeast Nigeria, which had seen a rise in cases of sexual abuse."

Sadiya Farouq, Minister for Humanitarian Affairs

"It is encouraging that the government is making efforts to bring to book those caught in violent acts against women and children."

Amina Mohammed, UN Deputy Secretary-General

CURBING CORRUPTION

Training on the Nigeria Open Contracting Portal

The Nigeria Open Contracting Portal (NOCOPO) is an online procurement portal that seeks to open up public procurement in Nigeria. Its aim is to increase the disclosure of procurement information to all stakeholders by improving transparency and accountability; preventing corruption; enhancing the active participation of citizens in procurement processes; and improving the ease of doing business in Nigeria.

The new portal enables government ministries, departments and agencies (MDAs) to conduct their procurement processes online. It replaces a manual and paper-based system.

As part of RoLAC's efforts to support stakeholders in curbing corruption in the public sector, the programme supported the Bureau of Public Procurement to train 1,080 procurement officers across 100 federal MDAs to use the portal.

The objective was to educate procurement officers in all public institutions on how to use the portal to ensure effective service delivery in line with section 5(r) of the Public Procurement Act (2007); and in accordance with the circulars issued by the Head of Service (July 10, 2018 and September 19, 2019).

The interactive training enabled participants to trial uploading procurement plans and records using computers and internet facilities at the Nigeria Open University.

At the end of the training, 10 MDAs successfully uploaded their procurement plans and records. Other MDAs are expected to complete their uploads before the end of the year, in readiness for implementation in 2020.

“.... participants must take this training seriously because the bureau has upgraded from the usual way of doing things and it is no longer business as usual.”

“It is expected that at the end of the workshop, participants will be well-equipped and can prepare and submit procurement plans and records in line with the provisions of the Public Procurement Act 2007.”

Mamman Ahmadu, Director General, Bureau of Public Procurement

Roundtable for anti-corruption and transparency units

RoLAC is working to support the Independent Corrupt Practices and Other Related Offences Commission (ICPC) to strengthen corruption prevention frameworks in government ministries, departments and agencies (MDAs).

The Anti-Corruption and Transparency Units (ACTUs) are mechanisms established by the ICPC to curb corrupt practices through system studies, risk assessments, and solutions that identify blockages, prevent waste and embezzlement in the public sector. The units are important corruption prevention mechanisms.

In December 2019, RoLAC supported a roundtable event with the leadership of 40 units. The aim was to share experiences and conduct advocacy for the improved transparency and efficiency in the MDAs they represent.

The Chairman of the ICPC, Professor Bolaji Owasanoye, emphasised the need for ACTUs to be committed and honest in delivering their responsibilities, especially when reporting to ICPC on infractions or vulnerabilities within their organisations.

Some of the issues raised during the session included management interference with ACTU functions; a lack of cooperation by CEOs who do not recognise the units; and the slow designation of appointed members. The participants jointly agreed on a way-forward with the leadership of the ICPC.

Following the event, it is expected that the actions agreed will improve the operations of the units, and strengthen the interaction between MDAs, the ACTUs and the ICPC.

“When we announced and set out to assess constituency projects, many people said we were targeting legislators. Today, many previously abandoned projects are being implemented. I receive photos and videos of these projects being completed.”

Professor Bolaji Owasanoye, Chairman, ICPC

CSO & MEDIA ENGAGEMENT

Campaign against sexual and gender-based violence

In November, RoLAC supported a series of events and activities to commemorate the 16 days of activism campaign against sexual and gender-based violence (SGBV).

The aim was to increase public awareness on SGBV; improve the understanding that SGBV is a human rights issue; and advocate to state governments to address incidents of sexual violence and put in place structures that provide assistance to victims.

The campaign included the following activities:

- Disseminating short campaign videos on TV, radio and social media requesting that the public take action against SGBV
- Launching the Sexual Offender Register
- Hosting the 5th Sexual Assault Referral Centre Network Conference
- Commemorating International Human Rights Day

The short videos featured established influencers that campaigned against SGBV and highlighted the availability of the sexual assault referral centres (SARCs) across the country. The influencers urged the public to share the information widely and use SARC services, while advocating for state governments to create and fund SARCs in their states.

These videos were disseminated on Twitter, Instagram and the Herstoryourstory website (www.HerstoryOurstory.ng). The campaign reached 10,228,128 persons on Twitter and 6,245,000 on Instagram. There were 2,500 petitions signed on the website calling for the establishment of more SARCs across the country.

The involvement of celebrities from Nollywood and influencers has helped to ensure that conversations on SGBV continued to trend even after the end of the campaign.

The campaign ended with the commemoration of the International Human Rights Day on 10 December 2019. The campaign influencers, civil society, the diplomatic community, and the media attended the event. There were panel discussions on 'Law enforcement, citizen liberties and the rule of law in Nigeria' and 'Sexual and gender-based violence in Nigeria'.



Panel discussion on the International Day of Human Rights.
Source: RoLAC

FACTS & FIGURES:

July 2017 -
December 2019

Justice reforms

7,713

Access to justice

13,579

Curbing corruption

5,773

CSO & media

2,689

OTHER ACTIVITIES COMPLETED DURING THE REPORTING PERIOD

- ACJ law amendment validation workshop in Anambra state
- Local Government Child Rights Implementation Committee Meeting
- Validation of baseline assessment on access to justice for persons with mental disabilities
- Ethics training for staff of anti-corruption agencies
- Training for police officers on priority provisions of the amended penal code and its implementation plan
- Training for High Court judges and magistrates on priority provisions of the amended penal code in Adamawa

UPCOMING ACTIVITIES

- Training for specialised units of the police (SARS, IRT and STS) on judicial oversight under the ACJA and on the Anti-Torture Act
- Commissioning of police statement taking room at the State CID, Yola
- Training of medical personnel and counsellors on SARC services
- Training of protection officers under the VAPP Law (Anambra and Lagos)
- Annual Management Retreat for the Presidential Advisory Committee Against Corruption
- Intermediate prosecution training for lawyers in Anambra state

Find out more

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