

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.



Stakeholders at the launch of the annual report on the implementation the VAPP. Source: RoLAC

KEY ACTIVITIES

This newsletter highlights activities undertaken between October to December 2021.

Summary of key activities:

Criminal justice system:

- RoLAC engages stakeholders on technological solutions to bail system in Nigeria
- Federal Justice Sector Reform Coordinating Committee develops Ministry of Justice Police Liaison Guide
- The Nigeria Corrections Service, Edo State Command complies with reporting obligations under Section 111 of the State Administration of Criminal Justice Law

Access to justice:

- Launch of the first annual report on the implementation of the Violence Against Persons Prohibition Act
- Adamawa designates four high courts to handle cases of sexual and gender based-violence in Adamawa State
- RoLAC supports the 7th Network of Sexual Assault Referral Centres Conference

Curbing corruption:

- Disciplinary procedure for lawyers reviewed for improved compliance with the rules of professional conduct
- Complaint mechanism deployed in Anambra judiciary
- RoLAC supports the Lagos State Public Procurement Agency to build capacity of Procurement Officers

CSO and media engagement:

- RoLAC FOI trained activist wins national award

CRIMINAL JUSTICE SYSTEM

RoLAC engages stakeholders on the use of technology for bail system in Nigeria

RoLAC has begun to promote inter-agency wide and cross-sectoral technical consultations on bail reform. The focus is on how technology could be used to incentivise courts to expand access to bail and deter defendants from jumping bail.

In December, consultations took place with representatives from key justice agencies as well as from financial and telecommunications sectors, including sector regulators like the Central Bank of Nigeria and the Nigerian Communications Commission, amongst others.

The need has arisen due to the disproportionately high number of inmates in the Nigerian Correctional Centre's whose trials have not commenced or have dragged on for a prolonged period. As of 6 December 2021, official data from the Nigerian Correctional Service cited a total of 71,383 inmates – made up of 19,865 convicted persons (28%) and 51,518 awaiting trial persons (72%).

Despite the statutory innovations to address bail in the Administration of Criminal Justice Act, many inmates continue to be denied access. A primary reason is the lingering apprehension of the inability to track and apprehend offenders who jump bail. Thus, courts habitually impose stringent bail conditions that ensure that most defendants remain in prison custody because they are unable to meet the conditions.

RoLAC is also inspired by the outbreak of COVID-19 to get bail reform right. Since the outbreak of the virus, various countries have taken measures to prevent outbreaks in correctional facilities by regulating the inflow of new inmates. For Nigeria, bail reform is a major step in that direction.

Though the consultations are still ongoing, the emerging consensus is that technology offers an expanding range of solutions that can be deployed to strengthen the efficiency of the criminal justice system. It can also provide courts with the guarantees they need that exercising discretion to release a defendant on bail would not ultimately impair the criminal trial process and putting the public at risk.

“Technology would positively impact our bail reform process in Nigeria.”

Lawrence Abang, Assistant Director, National Communications Commission

Federal Justice Sector Reform Coordinating Committee develops Ministry of Justice Police Liaison Guide

The Federal Justice Sector Reform Coordinating Committee (FJSRCC) has successfully developed the Ministry of Justice Police Liaison Office Guide. The formulation of this guide is intended to present a standard for the establishment, operation, and effective functioning of the Ministry of Justice (MoJ) – Police Liaison Offices in Nigeria.

The Liaison Office initiative is borne out of increasing cases of noticeable lapses or inadequacies arising from the poor synergy between the Ministry of Justice and the Police (e.g., transmission of case diaries from police to MoJ, transmission of legal advice from MoJ to the police, etc.), resulting in delays and loss of confidence in the administration of criminal justice.

This guide aims to address these gaps and lapses and make way for effective criminal justice delivery. The FJSRCC also intends to use the guide to promote the establishment and functioning of such liaison offices in states where they presently do not exist.

The guide was developed by a sub-committee of seasoned officers from the Nigerian Police Force, the Federal Ministry of Justice, and various states ministries of justice across the country, at a retreat held in Abuja in October 2021.

Following the development of the guide, the FJSRCC committee successfully conducted a training for officers in the liaison offices.

“The aim of the liaison office is to foster a cordial relationship between the Ministry of Justice, the Police, and between critical stakeholders in the justice sector by improving communication and removing bottlenecks with a view to ensuring effective and efficient criminal justice administration.”

Fabian Okeke Esq, FJSRCC Subcommittee Member, Ministry of Justice, Anambra State

ACCESS TO JUSTICE

Launch of annual report on the implementation of the Violence Against Persons Prohibition Act

The National Agency for the Prohibition of Trafficking in Persons (NAPTIP) has launched the first annual report on the implementation of the Violence Against Persons (Prohibition) VAPP Act.

Section 42 of the Act mandates NAPTIP, the implementing agency, to submit annual reports of implementation to the federal government. The 2020 annual report - the first of its kind since the passage of the VAPP Act in 2015 - was presented to the public on 4 December 2021. It provides a detailed analysis of milestones achieved since 2015, the challenges encountered during implementation, and recommendations on next steps in actualising the aspiration to eradicate all forms of violence against persons. The highlight of the event was the public presentation of the report by the Honourable Minister of the Federal Ministry of Women Affairs, Dame Pauline Tallen.

The event was attended by top government officials including the Honourable Minister of Women Affairs; Honourable Minister of Federal Ministry of Humanitarian Affairs, Disaster Management and Social Development (represented by the Permanent Secretary); the Director General of NAPTIP, Dr Fatima Waziri-Azi; the Executive Secretary of the National Human Rights Commission, Tony Ojukwu (SAN); the Deputy Head of European Union Delegation to Nigeria and ECOWAS, Alexandre Borges Gomes; representatives of the Nigeria Police Force, the Nigerian Correctional Services, the Nigeria Security and Civil Defence Corps, the National Bureau for Statistics; and civil society organisations. The VAPP annual report was developed in collaboration with various agencies and with the support of RoLAC.

“If we want the country to grow, we must address SGBV holistically. We must work together and collaborate.”

Dame Pauline Tallen, Honourable Minister of Federal Ministry of Women Affairs

The Nigeria Correctional Service in Edo State complies with reporting obligations of the State Administration of Criminal Justice Law

The Edo State Command of the Nigerian Correctional Service (NCoS) has commenced compiling monthly reports for the Hon. Attorney General and the Hon. Chief Judge of Edo State in compliance with the provisions of Section 111 of the Administration of Criminal Justice Law (ACJL) of Edo State 2018.

Section 111 of the ACJL states that the State Controller of the NCoS shall transmit to the Chief Judge and the Attorney General of the state a list of persons in custody of the NCoS for more than 180 days awaiting trial. The objective is to enable the Hon. Attorney General and the Hon. Chief Judge to analyse the reports and make policy decisions towards enhancing the speedy justice delivery and decongesting custodial centres by addressing the reasons criminal cases are not concluded within 180 days and reducing the number of awaiting trial persons.

Compliance by the NCoS is the result of a training and lesson sharing workshop held for senior officers of the NCoS in December 2021, supported by RoLAC in partnership with the Edo State Administration of Criminal Justice Monitoring Committee (ACJMC). At a subsequent advocacy visit by the ACJMC's subcommittee on Detention to the State Controller of Corrections, Mr Felix Lawrence, on 14 December 2021, the Controller presented the first compiled report to be sent to the Hon. Attorney General and the Hon. Chief Judge of the State in compliance with the law. Prior to now, such reports from the command were sent to the NCoS headquarters in Abuja.

Compliance with the provisions will ensure speedy justice delivery, reduced congestion of custodial centre as well as reduced congestion of criminal cases in court. Section 111 provides that upon receipt of the reports, the recipient shall take such steps as are necessary to address the issues raised in the return in furtherance of the objectives of this law.

“The advantage of frequently submitting reports to high-level justice sector stakeholders, like the Attorney General and the Chief Judge, is that key policy decisions can be taken to reduce the time defendants spend in custody awaiting trial.”

Ikechukwuka Nnodi, Head of Legal, Nigerian Correctional Service, Edo Command

High Courts designated to handle cases of sexual and gender based-violence in Adamawa State

The Adamawa State judiciary has designated four High Courts in the state to hear cases of sexual and gender based-violence (SGBV). Justice Nathan Musa, the State Chief Judge, made a declaration to that effect during the opening of the 2021-2022 legal year. According to the Chief Judge, the designation of the

courts became necessary as SGBV cases are sensitive cases that require trained judges and other personnel of the courts specially designated for that purpose. It is also important owing to the increase in cases of SGBV and lack of effective prosecution of the cases. For instance, about 400 cases of SGBV were reported to the Adamawa Hope Centre between 2018-2020, but with less than five convictions.

The designated High Courts are High Court No 1 of Yola Division, High Courts of Ganye, Gombi and Mubi Divisions respectively.

The Chief Judge also issued the Practice Direction for the Adjudication of SGBV Cases 2021. The Direction is to guide courts in handling SGBV cases and is to be applied with immediate effect.

“During my swearing in as Acting Chief Judge, I made a pledge to provide opportunities for all persons to access justice. Today we are putting all mechanisms in place to deal with issues of SGBV as a matter of priority, hence the designation of these special courts and issuance of the practice direction.”

Justice Nathan Musa, Acting Chief Judge, Adamawa State

RoLAC supports the 7th Network of Sexual Assault Referral Centres Conference

The Rule of Law and Anti-Corruption (RoLAC) Programme - in collaboration with the Federal Ministry of Justice, the Federal Ministry of Women Affairs, the FCT Judiciary and the National Agency for Prohibition of Trafficking in Persons (NAPTIP) - convened the 7th Network of Sexual Assault Referral Centres (SARCs) Conference in commemoration of the 16 Days of Activism 2021.

The theme of the conference was ‘The Imperative for Special Courts for SGBV Cases’. The aim was to stimulate stakeholders’ commitment for the designation of special courts for sexual and gender-based violence (SGBV) offences as a mechanism for addressing the slow trial and prosecution of these offences; and improving access to justice for victims of SGBV. Participants discussed opportunities, lessons learnt, best practices, and processes for the establishment and/or designation of special courts for SGBV cases.



Participants at the 7th Annual SARC Network Conference.
Source: RoLAC

The event was attended by top government officials, representatives of civil society organisations, and international organisations including the Honourable Minister of Women Affairs, Dame Pauline Tallen; representative of the Minister of Justice and Attorney General of the Federation, Director General of NAPTIP – Dr Fatima Waziri-Azi; representative of the Chief Justice of Nigeria, Chief Judge of Lagos – Honourable Justice Kazeem Alogba; Chief Judge of Adamawa State – Honourable Justice Nathan Musa; and the EU Ambassador to Nigeria and ECOWAS – Samuela Isopi. The highlight was the launch of the mock SGBV court trials by Nigeria's Chief Justice, Tanko Muhammad, who was represented by Justice Amina Augie of the Supreme Court.



Mock SGBV court trials. Source: RoLAC

CURBING CORRUPTION

Disciplinary procedure for lawyers reviewed for improved compliance with the rules of professional conduct

RoLAC - in collaboration with the Fight Against Corruption in the Judiciary (FIACIJ) and the participation of Nigeria Bar Association (NBA) branches in many states - is supporting the review of the disciplinary process for lawyers with the aim of improving the level of compliance with the Rules of Professional Conduct.

This process became necessary following recent comments from key stakeholders on the role of some lawyers in aiding and abetting corruption. One of such comments is that made by the President of the NBA, Mr Olumide Akpata, in his inaugural speech, said *“There is an unfortunate erosion of the ethical values and professionalism that once characterised our Noble Association. It appears that we have long paid lip service to the ethical values and disciplinary standards for which we were known. It is to our collective shame that we are on this sorry path, but this must stop.”*

To address these ethical issues, workshops were held in Lagos for NBA branch heads in southern states (attended by branches in Lagos, Osun, Oyo, Edo, Enugu, Akwa-Ibom & Imo states), and in Abuja for the northern states (attended by branches in FCT, Jigawa, Kaduna, Kano, Kwara, Adamawa, Benue, Plateau, Zamfara and Kogi).

At these regional workshops, participating lawyers, with some serving and retired judges in attendance, reviewed and made final adjustments to recommendations made during similar regional engagements held in 2020. Some of the

recommendations included the need to exclude political appointees as members of the Legal Practitioners Disciplinary Committee (LPDC); the decentralisation of the hearings of the committee to regional and zonal areas to encourage attendance of victims/witnesses; the provision of stipends to encourage members of the LPDC to sit regularly; and the timeline for concluding a disciplinary matter at not more than three months.

“With a proper disciplinary mechanism in place, the practice of law in Nigeria will be better regulated and productive enough to drive and sustain a strong justice sector reform agenda.”

Adebayo Akinlade Esq., National Convener, FIACIJ

Complaint mechanism deployed in Anambra judiciary

The Anambra State Justice Sector Reform Team (JSRT) has collaborated with the State Judiciary to strengthen its complaint mechanism. The purpose is to provide a framework for improving the quality and delivery of court services, receive and deal with complaints on such services or against court employees (Magistrates and court staff), and to strengthen accountability and transparency in justice delivery.

Prior to this, there was no distinct coordinated system defined to ensure that the judiciary consistently captures and records feedback (i.e. complaints, suggestions, and opinions), as part of ongoing effort to strengthen service delivery, performance, and accountability. This is especially necessary at the Magistrates' courts which are courts of summary jurisdiction and generally acknowledged to be handling about 90% of criminal cases and a reasonable majority of civil cases that come to courts in the state.

The system includes a Court Users' Guide and a complaint box to serve as transparency tools to enable understanding of court processes and a channel of complaint should there be deviation from those processes by the court staff.

RoLAC supported the JSRT in framing 84 of the Court Users' Guide and acquiring 34 complaint boxes that have been installed in all the judicial divisions of the state. Further, 40 court staff of the rank of Assistant Chief Registrars and 24 Defence Lawyers were trained on understanding the framework for the complaint system.

The training aims to ensure that the tools are understood by the staff and court users via their lawyers and a streamlined process of complaints is instituted at the judiciary. It is expected that it will position the judiciary to provide prompt, courteous and effective court user services to every person who comes to court, in line with the Code of Conduct for Court Employees.

“The complaint system affords an aggrieved person the opportunity of freely stating his grievances against any staff or judicial officer and putting them on guard knowing that their activities are being monitored and reports could be sent with speed using the complaint boxes.”

V.I.Udedike, Deputy Chief Registrar, Inspectorate, Anambra State

RoLAC supports the Lagos State Public Procurement Agency to build capacity

The Lagos State Public Procurement Agency - with support from RoLAC - is building the capacity of the state for improved effectiveness and transparency in public procurement. A two-day training was recently organised for 40 health professionals and a one-day training for two batches of 80 local government officials in the procurement sector.

The training was tailored towards improving their competence and skills in delivering better services in the procurement of goods, works and services. The training programme enriched their knowledge in recent developments in the procurement area post COVID-19. The officers were introduced to the use, benefits, and value addition of incorporating an e-procurement tool that is already being deployed in the Lagos State procurement process.

Feedback from participants indicated that the training helped them to share experience, bring to light challenging issues in the procurement process, and how to surmount them. At the end of the training key actions developed included the acceleration of the process of introducing the e-procurement system to the health sector, and uniformity in the process adopted by various departments/ units in the same procuring entity.

The follow-up activities include making available to all health sector procurement officers website addresses and portals where relevant information can be sourced to ensure best practices. Also, a one-day sensitisation programme is to be organised for all medical directors, and other relevant stakeholders to sensitise them on procurement processes. There will also be additional information to sanction those that do not comply with the processes.

“With this training we will now be able to add value to the system. RoLAC has equipped the officers to survive in the work environment and to deliver results.”

Fatai Onafowote, Director General, Lagos State Public Procurement Agency

second person that wrote the highest number of FOI requests in the country from 29 May 2015 to 31 October 2021. Ibrahim wrote FOI requests to various government ministries and agencies. He utilizes the courts to enforce his right to information where the requests are not responded to as in the case of his request to the Kano Internal Revenue Services (KIRS), The hearing in that case is fixed for 10th January 2022.

In addition to training civil society on the FOI, RoLAC has also trained heads and desk officers of MDAs in Kano State.

“There is now an increased invocation of FOI to access information from MDAs in Kano State, particularly by civil society activists. We have recently begun to see the enforcement of this right for information by the courts in the state.”

Ibrahim Garba Maryam, award recipient

CSO AND MEDIA ENGAGEMENT

RoLAC trained activist wins national award

Ibrahim Garba Maryam - a beneficiary of RoLAC's capacity building programme on the Freedom of Information (FOI) Act for civil society organisations - has won a national award from the International Press Centre (IPC). The award ceremony took place on 10 December 2021 in Abuja and was organised by the IPC to celebrate the 10th anniversary of the signing into law of the FOI Act. The IPC is a leading media development and press freedom organisation in Nigeria dedicated to building capacity of the media for democracy and development.

The FOI Act was signed into law on 28 May 2011, as a veritable tool in the fight against corruption. It gives every Nigerian a legal right to access information, records, and documents held by government bodies and private bodies bound by the law.

Ibrahim - the Executive Director of the Gender and Social Inclusion Initiative - won the award with 65 letters. He was the

FACTS & FIGURES:

Number of direct beneficiaries
(Jul 2017- Sept 2021)

Justice reforms

24,213

Access to justice

29,560

Curbing corruption

14,786

CSO & media

77,855

OTHER ACTIVITIES COMPLETED WITHIN THE PERIOD

- Free counselling and legal services for SGBV survivors FCT to commemorate 16 days activism campaign against SGBV
- Mock SGBV court trials in the FCT to commemorate the 16 days of activism campaign
- Media round table on the effects of female genital mutilation and harmful traditional practices in Anambra state
- Development of glossary of basic legal terminologies and training of sign language interpreters in all RoLAC states
- Nigeria Financial Intelligence Unit led training of law enforcement officers on parallel financial crimes investigations, and the use of investigative techniques under the Anti-Money Laundering/Countering Finance of Terrorism regime

UPCOMING ACTIVITIES

- Development of e-archive for the EFCC
- Organisational assessment of the ICPC
- Establishment and launch of the sex offender register for Adamawa state
- Development of the bail information management system for Lagos state

Find out more

The Rule of Law and Anti-Corruption (RoLAC)
RoLAC@ng.britishcouncil.org
www.justice-security.ng

Key contacts:

National Programme Manager: Danladi Plang (Danladi.Plang@ng.britishcouncil.org)
Operations Manager: Sanjiv Malhotra (Sanjiv.Malhotra@ng.britishcouncil.org)

This publication has been produced with the assistance of the European Union. The contents are the sole responsibility of the programme and do not necessarily reflect the views of the European Union