

# 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.



Social media content from RoLAC's 'Break the Bias' campaign. Source: HerStoryOurStory

## KEY ACTIVITIES

This newsletter highlights activities undertaken between January to March 2022.

Summary of key activities:

#### Criminal justice system:

- Enhancing the capacity of judges and magistrates in sentencing guidelines and plea bargain processes
- Criminal case filtering commences in Anambra state
- Establishing structures to implement the Nigerian Correctional Services Act 2019
- Building the capacity of mediators and the police
- Sensitising traditional justice institutions on the practice of restorative justice

#### Access to justice:

- International Women's Day 2022: A focus on access to justice for women with disabilities
- Adamawa state launches sexual offender database

#### Curbing corruption:

- 2020 Extractives Industry Audit Report presented

## CRIMINAL JUSTICE SYSTEM

Enhancing the capacity of judges and magistrates in sentencing guidelines and plea bargain processes

From 2019 to 2022, the Rule of Law and Anti-Corruption (RoLAC) has partnered with judiciaries in the programme's six focal states (Adamawa, Anambra, Edo, Kano, and Lagos States) and in the FCT to deliver reforms that target improvements in the timeliness and efficiency of administering criminal justice. A key reform relates to increasing awareness and expertise in using sentencing guidelines and plea bargain processes.

Plea bargain and sentencing guidelines address delays in disposing criminal cases and the congestion in correctional facilities with detainees awaiting trial. In plea bargains, there is no full trial of criminal cases in court, thus reducing time spent to dispose of cases and the number of cases in the dockets of the courts. Sentencing guidelines provide for non-custodial (e.g. community service) measures as an alternative to imprisonment, thereby reducing prison population.

To support the reforms, Sentencing Guidelines and Plea Bargain Manuals were adopted in the FCT, Anambra and Edo states. In Adamawa and Kano states, RoLAC support ensured the development of sentencing guidelines and plea bargain manuals, yet the formal issuance of the instruments by the relevant authorities is anticipated. Nevertheless, prosecutors have been trained on the use of these guidelines and manuals.

In Lagos state, RoLAC supported capacity development on pre-existing sentencing guidelines, as well as the development of a plea bargain manual. As a result of these interventions, sentencing guidelines are now being utilised in Lagos, Anambra and Edo states.

Recent feedback observed gaps in utilising the instruments. Therefore, RoLAC provided further training on these instruments for 145 judges and 410 magistrates across focal states. This has increased the uptake of the instruments. For instance, in 2021, 203 plea bargain applications were received in Lagos state, and 150 approved. In Anambra state, 17 plea bargain applications are currently being reviewed.

The aim is that increased and effective use of these instruments will lead to a decrease in arbitrary punishments, uniformity in punishments, utilisation of alternatives to imprisonment, a decrease in population of detainees awaiting trial (which currently stands at 72% of total prison population); and result in a more manageable court caseload, which will contribute to the overall efficiency and timeliness of the criminal justice system.

A reduction in the prison population will demonstrate a good example of effective agency collaboration between the Judiciary and the Nigerian Correctional Services. Scarce resources that would have been used in full trials or keeping more detainees will be diverted to more fundamental areas of need.

**“The awareness created by this training on the sentencing guidelines and plea bargain processes will certainly encourage the FCT judiciary to consider alternatives to prison sentences. This will help in decongesting our prisons.”**

Justice S. C Orij, Judge, High Court of the FCT



FCT Magistrates at the training on sentencing guidelines and plea bargain. Source: RoLAC

## Criminal case filtering commences in Anambra state

Anambra state is set to commence the ‘case filtering’ system in its criminal justice system. This followed a study tour for Directors of Public Prosecution (DPP) from RoLAC lead states (Adamawa, Anambra, Edo and Kano states) to the Lagos state Ministry of Justice with a view to observe and replicate measures that the state has put in place which are contributing immensely to reduction in court caseload and decongestion of correctional centres in the state. These measures include plea bargain, case filtering, and trial advocacy.

Prior to the study tour, a major challenge to criminal justice delivery in Anambra State is the high number of civil cases brought before the courts as criminal cases, thus clogging the criminal case dockets and increasing the workload of the judges and magistrates. This informed the interest of the DPP of Anambra State to replicate the case filtering reform observed in Lagos during the study tour.

The case filtering entails the posting of Law Officers/State Counsel to the Magistrate Courts with the responsibility of scrutinizing case files/charges brought by police investigators before it is filed in court. The scrutiny ensures that there is an element of criminality in any case/charge brought for filing by an Investigating Police Officer.

In Lagos state, case filtering has led to the improvement in criminal justice delivery. This was evidenced by a recent report published by the DPP. As of September 2021, a total of 4,230 cases of various categories were received by eight District Prosecutors’ Offices. Of which 4,016 were charges approved and 214 were charges declined.

For the successful take-off of the case filtering in Anambra state, training was delivered by the DPP of Lagos state to 46 key actors including 28 prosecutors from the Ministry of Justice, 10 police prosecutors/investigators and eight magistrates. Furthermore, through advocacy, the commitment of the Chief Judge has been secured that only case files or charges bearing the stamp of assent of the State Counsel (District Prosecutor) posted to the Magistrate court will be attended to by magistrates. The Deputy Commissioner of Police in the State Criminal Investigation Department has directed heads of the police formations involved in investigation of crimes and filing of charges in court to submit such charges to the scrutiny of the District Prosecutor.

This reform has the potential to improve criminal prosecutions, reduce the workload of the magistrates, decongest correctional centres, and reduce the cost of criminal prosecutions. The project is awaiting space for the District Prosecutors to be fully deployed.

**“The case filtering process is packed with benefits for all criminal justice stakeholders. It decongests the correctional centres; decongests the courts dockets; reduces the workload of state prosecutors; streamlines the art of investigation of criminal cases by the police; and saves the scarce resources of the state.”**

Nkiru Nwankwo, Director of Public Prosecutions, Anambra State

## Structures established for the effective implementation of the Nigerian Correctional Service Act

The Rule of Law and Anti-Corruption (RoLAC) Programme has been collaborating with the Nigerian Correctional Service (NCoS) and Prisoners Rehabilitation and Welfare Action (PRAWA) to build capacity to implement the Nigerian Correctional Service Act (NCSA) 2019.

The objectives of the NCSA are to ensure compliance with international human rights standards and good correctional practices, and to provide enabling platform for implementation of non-custodial measures. However, paucity of funds, lack of capacity, inadequate knowledge and awareness, and outdated organisational structures, have made it difficult for the NCoS to immediately kick start implementation of the Act.

RoLAC has provided a grant to PRAWA to improve the administration of criminal justice through increased utilization of the provisions on non-custodial measures in the Administration of Criminal Justice Act (2015), the NCSA and other related laws. Support has been provided for the development and publishing of key training and practice resource materials for the correctional services. Non-custodial forms and reporting templates for supervising non-custodial measures have also been developed. A total of 3,111 participants have benefited from physical and/or virtual trainings, and workshops. A total of 30 virtual trainings for correctional officers were delivered during the COVID-19 lockdown, including the training of all Deputy Controllers of Corrections (DCCs) in charge of non-custodial measures in all the states, and 384 directing staff (trainers) of the six correctional institutions in Nigeria.

Stakeholders outside the correctional service were also engaged through sensitisation workshops, including CSOs, CBOs, FBOs, the media, government agencies, and other stakeholders across the country on the effective implementation of non-custodial measures; and judges and magistrates in the FCT.

This support has led to the establishment of structures for the effective implementation of non-custodial measures within the NCoS, including the establishment of the Directorate of Non-Custodial Measures; the appointment of Deputy Controller General (DCGs) in charge of non-custodial measures, and Assistant Controller General (ACGs) in charge of various non-custodial measures; the appointment of 37 DCCs to oversee implementation of the measures in all the states and the FCT; and the designation of cluster supervisors at the NCoS national headquarters.

Further, the enhanced capacity of correctional officers has led to the successful supervision of over 35,000 offenders (with over 21,000 offenders in the FCT during the covid lockdown) on non-custodial sentencing.

At a lessons learned workshop on non-custodial measures hosted by the NCoS Headquarters on March 23, it was agreed that going forward, further sensitisation workshops for criminal justice institutions was imperative. At the event, RoLAC presented over 8,000 copies of resource materials with the management of the NCoS for future cascading efforts.

## Building the capacity of mediators, the police and traditional justice institutions on restorative justice

RoLAC is supporting Lagos state to improve on the practice of restorative justice in the state criminal justice system. Restorative justice is an approach to justice that seeks to repair

harm by providing an opportunity for those harmed and those who take responsibility for the harm to communicate about and address their needs in the aftermath of a crime. It focuses on the rehabilitation of offenders through reconciliation with victims and the community at large.

Restorative justice increases the efficiency of the criminal justice system, as full trials and their technicalities are avoided. It also restores confidence in the system as victims, families and communities may be involved in resolving the situation.

RoLAC delivered a 5-day training for stakeholders in Lagos state including 100 mediators from the Multi-door Court and the Citizens Mediation Centre; 23 police officers from five pilot police divisions in Lagos (Bariga, Denton, Shomolu, Pedro, and Mushin), and 24 traditional rulers. The training introduced the participants to restorative justice approaches to crime and justice, especially in the context of ongoing reforms in criminal justice administration.

This initiative complements and strengthens recent action taken by the Chief Judge of Lagos state (Justice Kazeem O. Alogba) to approve an additional “door” to the Lagos Multi-door Court House (LMDCH). The LMDC is a court-affiliated alternative dispute resolution (ADR) centre that provides options to litigants that have civil or commercial disputes in the high courts and magistrates in Lagos. The approval by the Chief Judge expands the LMDC’s scope of operations to include criminal matters.

Therefore, RoLAC provided training to the mediators at the LMDC, and the police officers who handle criminal cases on behalf of the state; and sensitised the traditional rulers from whose communities these offences may be reported from. The beneficiaries now have a better understanding and knowledge of restorative justice history, concepts, and a change in psyche from a retributive (which emphasises punishment) to a restorative justice perspective. This has increased the number of restorative justice facilitators (by 122) who can deliver restorative justice outcomes.

The aim is to reduce the number of criminal complaints that are filed in the courts, and a consequential reduction in the size of judicial caseload, improving time management and case turnover in the Lagos state judiciary over time, as an increasing number of cases become diverted from the formal criminal justice system.

**“Restorative justice as the name implies restores the parties to their positions. It is soothing and healing for all the parties. It is the most efficient and positively impactful justice system ever.”**

Mandy Asagba, LMDC Mediator/ President Africa Women Lawyers

**“This training has given the Lagos Citizens Mediation Centre a springboard from which to effectively incorporate criminal justice with the use of victim-offender mediation and circles. This will contribute immensely to the decongestion of the courts and enhance peacebuilding in the community.”**

Biola Oseni, Director, Citizens Mediation Centre, Lagos state



Traditional rulers at restorative justice training in Lagos.  
Source: RoLAC

## ACCESS TO JUSTICE

### International Women's Day 2022: A focus on access to justice for women with disabilities

In commemoration of International Women's Day on 8 March 2022, RoLAC, Managing Conflict in Nigeria (MCN) and the Agents for Citizens Transformation (ACT) programmes - in collaboration with the National Commission for Persons with Disabilities, and persons with disabilities organisations led by women with disabilities (Cedar Seed Foundation, Voice of Disability Initiative, Disability Rights Advocacy Centre, Inclusive Friends, Advocacy for Women with Disabilities Initiative, Deaf Women Aloud Initiative) - organised a conference in Abuja. The aim was to discuss the barriers that hinder women with disabilities from accessing justice, identify strategies for addressing them, and get relevant agencies to commit to implement them.

The event was attended by representatives of government ministries, department and agencies including the General Manager of the Lagos State Office for Disability Affairs; the Deputy Head Delegation of the European Union to Nigeria and ECOWAS; the Representative of the National Commission for Persons with Disabilities; the Joint National Association of Persons with Disabilities; civil society organisations, etc.

Highlights included a parade by different women disability clusters; and panel discussions. Commitments were made by the National Agency for the Prohibition of Trafficking in Persons (NAPTIP); the Ministry of Justice and the police to support persons with disabilities, especially women, in accessing justice services. The disability community on their part pledged to engage with relevant government agencies to implement the commitments and actions towards making their services inclusive.

In commemoration of International Women's Day, the Federal Ministry of Women Affairs held a press briefing to highlight their activities. The event was attended by top government dignitaries, representatives of the European Union, UN agencies, international and local NGOs.

**“Creating an enabling environment for women with disabilities is the right step to ending stereotypes and discrimination against women; There is nothing about us without us.”**

Nike Akinbola, Head, Women and Gender Unit, National Commission for Persons with Disabilities

**“We should concentrate on reorientation of Nigerians on Persons with Disabilities (PWD) issues. Beyond seeking rights for PWDs, we should explore the economics and standardisation of PWD communities.”**

Dare Daro, General Manager, Lagos State Office for Disability Affairs



Panelists at 2022 International Women's Day. Source: RoLAC

### Adamawa state launches sexual offender database

The Adamawa state government has launched a Sexual Offender Database (SOD). This is the second state in the North to establish a database after Kwara state. The database was launched on 1 March 2022 by the Commissioner for Justice, Barr Afraimu K Jingi. It contains 15 reported cases of rape and defilement.

The SOD is a digital dashboard of both the sexual offender register and the service provider register. The sexual offender register contains the data of reported, arraigned and convicted sexual offenders; while the service provider register provides information on organisations that provide support services to victims of sexual violence across different sectors.

The establishment of the SOD is a significant milestone towards complying with sections 3(4) and 42(1) of the Adamawa State Violence Against Prohibition Law 2018, which requires a SOD to be maintained and accessible to the public. The objective is to protect the rights and interest of survivors by ensuring that perpetrators of sexual offences are named and shamed, deter others from committing sexual offences, track and monitor cases of sexual offences from reporting to conclusion and link survivors to help they may need. This will bring about prosecution of more sexual offences and access to various services by the survivors.

According to the Attorney General, the SOD responds to concerns regarding lack of data of alleged or convicted sexual offenders. The state Chief Judge assured the Commissioner that the Judiciary will support the process by providing and updating data of convicted sexual offenders to the database.

Prior to the launch, a dedicated team of human resources (drawn from relevant government ministries, known as the High Level Multi-Agency Team, was formed and trained to manage, process, give feedback, analyse and update the content of the database; while the Service Providers Accountability Resource Committee who basically provide different services ranging from medical, psychosocial, provision of shelter was also formed to assist in providing data for the database and needed services to survivors.

**“These are all major pluses: the VAPP Law is passed, four High Courts have been designated to handle SGBV cases, and today the launch of the Sexual Offender Database! I am optimistic that with these initiatives, survivors will have real access to justice.”**

Yusuf Amos Sunday, Adamawa State Coordinator, Clearview Integrity Foundation, and Chairman of SPARC



Participants at the launch of the sexual offender database in Adamawa state. Source: RoLAC

## **CURBING CORRUPTION**

### **NEITI presents 2020 Extractives Industry Audit Report**

The Nigeria Extractive Industries Transparency Initiative (NEITI) has published and presented its 2020 audit report on oil, gas and solid minerals. The reports indicated that 51 companies operating in the oil and gas sector owe a whopping sum of N1.32 trillion naira, while 2,119 mining firms owe N2.76 billion naira, a combined total of about 1.36 trillion naira to be remitted to the Federal Government of Nigeria. The oil and gas report also indicate reduction in unremitted revenue from 2.6 trillion in 2019 showing about 50% decrease in the volume of outstanding remittances

NEITI is the Nigerian government agency mandated to ensure transparency, accountability, and efficiency of the extractives sector, through in-depth studies and reporting. The annual report is a tool for public disclosure of remittances made or owed to government thus ensuring transparency in the sector. The report puts pressure on defaulting companies to make their remittances, while relevant government institutions - like the anti-corruption agencies and the National Assembly Committees on petroleum resources - are expected to act on the recommendations therein, seek legal means of compelling uncooperative companies to pay up their outstanding levies. Some of the named firms have taken steps to pay their debts.

RoLAC supported NEITI to review and analyse data collected during its 2020 audit exercise. This included support for roundtables for the review of recommendations of past reports and the level of implementation; roundtables to engage with defaulting companies and entities to review records of their remittances; and NEITI board member meetings to deliberate on the 2020 audit process and reporting cycle. These engagements were necessary steps towards finalising and publishing the 2020 audit reports.

**“NEITI’s disclosure seeks to draw attention of the oil and gas companies to their obligations to remit all revenues owed to the government, especially at this time when the government is in dire need of revenue to rebuild infrastructure and improve the investment climate.”**

Dr Orji Ogbonnaya Orji, Executive Secretary, NEITI

RoLAC is also working with NEITI to organise engagements with the extractive units in anti-corruption agencies. The aim is to ensure that cases of fraud in the extractives industry are prosecuted.

**“It is of interest to NEITI that every kobo counts to reduce financial burden on government. Our reports will continue to provide useful information and data on who owes what in the oil, gas and mining sectors.”**

Dr Orji Ogbonnaya Orji, Executive Secretary, NEITI



Participants at the presentation of the EITI audit report. Source: NEITI

## FACTS & FIGURES:

Number of direct beneficiaries  
(Jul 2017- Sept 2021)

Justice reforms

29,804

Access to justice

35,065

Curbing corruption

16,763

CSO & media

53,493

## OTHER ACTIVITIES COMPLETED WITHIN THE PERIOD

- Development and deployment of the e-archive for the Economic and Financial Crimes Commission
- Finalisation and publication of the Freedom of Information Proactive Disclosure Protocol for the Federal Ministry of Justice
- Inauguration of the Justice Sector Reform Team for Gombe state

## UPCOMING ACTIVITIES

- Development of adjudication guidelines for courts for handling cases of children in conflict with the law in Edo state
- Development of Practice direction/Guidelines for Protection Orders for Sexual and Gender-based Violence cases under the Violence Against Persons Prohibition Laws
- Development of guidelines for the prosecution of SGBV cases in Edo state
- Launch of the Sexual Offenders Database/Register in Kano state
- Capacity building on restorative justice for formal and informal institutions in Edo state

### Find out more

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