



# Legal Assistance and Advice

Provided through Law and Mediation Centres



Security, Justice and Growth





## SJG supported improvement in the provision of legal services to the public through law and mediation centres in Lagos, Ekiti, Enugu and Jigawa States

**DFID Nigeria's Security, Justice and Growth (SJG) programme** worked to improve access to, and the quality of safety, security and justice for poor people and their livelihoods.

**Through the SJG programme**, the United Kingdom's Department for International Development (DFID) and Nigerian partners were working to realise the values, principles and goals contained in the United Nations Millennium Summit Declaration: peace, security, development, poverty eradication, human rights, democracy, good governance, protecting the vulnerable and meeting the special needs of Africa.

**The SJG programme was organised into three components:** security, access to justice and growth. It was rights based, working to enhance all rights, but especially equality rights (gender), and was supporting those combating corruption. It promoted inter-agency and state civil society co-operations and sector-wide activities.

# INTRODUCTION

## to Law and Mediation Centres

Poor and vulnerable Nigerians have enjoyed improved access to justice within the formal legal system through the availability of more acceptable alternative dispute resolution mechanisms provided through the law and mediation centres which SJG supported in Enugu, Jigawa, Lagos and Ekiti States (and new centres initiated in Kano). Poor and vulnerable people now enjoy better access to justice through the option of less acrimonious, cheaper and faster dispute resolution within or connected to the formal justice system. In most of these states, there has been rapid expansion of service points. In Lagos, there are currently 5 CMC offices, with plans to expand by establishing more centres. Jigawa, which started with two has now opened five more centres. In Ekiti, new offices have been opened in the Local Government Areas (LGAs).

The initiative's aim was to:

**'Address the notorious problem of the cost of accessing legal services and the unbearable case load congestion in the courts, which caused delays in the realisation of justice, re-**

**sulted in large number of persons awaiting trial in prison custody, and large numbers of unrepresented defendants in criminal trials before the courts, all of which had undermined the integrity of the formal justice system especially in the eyes of poor and vulnerable people.'**

There was also widespread negative perceptions of the formal and adversarial justice system among poor and vulnerable persons, and a general preference for non-adversarial methods of dispute resolution as demonstrated for example by the large number of people who patronised the traditional institutions that offered mediation services to the public. Although the need for these centres arose from a common background of dismal access to justice in the country, the initiatives that SJG supported to address this need all provide different models and exhibit significant differences in their features, such as the variety of legal services they provide and their structures and management arrangements.

**AIM:** The aim was to address the costs of accessing legal services and case load congestion in the courts through providing low cost and speedy dispute resolution services accessible by the poor and vulnerable.



## Objectives of the Centres

The objectives for setting up the law and mediation centres included:

- Improving access to justice for the indigent, less privileged and vulnerable members of the society who had difficulties in accessing the courts
- Provision of free legal advice, legal representation, mediation, and information on the workings of the justice system to the general public
- Speedier dispensation of justice
- Promotion of peace and security in the society through amicable settlement of disputes

The outcomes expected from setting up these centres were therefore improved access to free legal services for the poor and disadvantaged members of society, increased knowledge and understanding of legal rights and the workings of the justice system among the citizens, and more efficient delivery of legal services by justice institutions through improved cooperation.

# Citizen's Mediation Centre Lagos

The Citizens' Mediation Centre (CMC) was created in 1999 as an administrative unit of the newly formed Directorate of Citizens' Rights (DCR) of the Lagos State Ministry of Justice (MoJ). It provided mediation services to the indigent residents of Lagos State free of charge. It is an exclusively ADR centre, and unlike the centres in some of the other states it does not combine mediation with the provision of other types of legal services. Opened in the Ministry of Justice building at the State Government Secretariat, Alausa, in 2000, the centre proved very successful as demand for its services grew rapidly, leading to the opening of additional offices in four other locations in the state, namely: Allen (Ikeja), Yaba, Lagos Island and Ikorodu. The CMC office located at Alausa Secretariat functions as the Head Office. The institutional existence of the CMC is backed by the Citizens' Mediation Centre Law, 2007, which created the Centre as an autonomous institution with its Governing Council as opposed to being an administrative department or unit of the Ministry of Justice.



SJG support started in 2005 when the programme commenced work in the state. Since then, SJG has provided limited assistance to the 5 CMC offices in the areas of infrastructural refurbishment, capacity building for monitoring and evaluation (M&E) and strengthening the role of the Governing Council to oversee the implementation of the CMC Strategic Plan. These interventions, agreed with the MoJ, aim at enhancing service delivery in the existing 5 CMC offices in the state.



# Ekiti Justice Centre

The Ekiti Justice Centre (EJC) was established to respond to the dire need to improve access to justice. This need arose from acute shortage of legal services, compounded by poor distribution of these services between rural and urban areas. The population of approximately two million people was serviced by approximately seventy lawyers, almost two-thirds of whom were in the employ of the state's Ministry of Justice. Of the lawyers in private practice, more than two-thirds were located in Ado-Ekiti the capital town of the state which had a population of between 200,000 and 300,000 residents; thus compounding the problem of access to justice for the vast majority of people living outside the town. Although some of the lawyers in private practice provided *pro bono* legal services, there was no formal institutional arrangement for providing this other than through the state office of the Legal Aid Council (LAC). But the LAC was severely understaffed (only one lawyer) and grossly underfunded, and had limitations around its mandate that made its services available to only some categories of accused persons.

The Ekiti Justice Centre was established as a partnership between three agencies in Ekiti that would deliver free legal services under one roof, in a location that was accessible to people who could not afford private legal services. These agencies were Ministry of Justice, Legal Aid Council and Legal Resources Consortium. The aim was to provide a one-stop justice centre by domiciling the three partner institutions under one-roof to ensure easier referrals and provide ADR options to clients as part of the formal legal system to meet their aspirations for a more culturally responsive justice system. Unlike the Lagos CMC SJG was involved with the EJC from inception and, in fact, played a major role through its Ekiti State Office in designing and establishing the centre.

The centre was run by a Management Committee made up of representatives of the partner organisations, with the State Justice Adviser of SJG as an observer. Although all partners contributed to the financial costs of running the Centre either directly or indirectly, SJG bore the biggest costs. The Ministry of Justice provided most of the staff and their salaries. Aside from costs, the weak institutional capacity of the partnership was bolstered by the close involvement of SJG in the running of the EJC.

# Citizen's Rights and Mediation Centre Enugu

In response to the parlous state of legal services in Enugu state, the reform team established for the purpose of working with SJG when it arrived in the state in 2002, identified the setting up of a Citizens' Centre as a critical reform strategy. An Advisory Group from the team consisting of representatives of LAC, the International Federation of Women Lawyers (FIDA), NBA, and the Ministry of Justice travelled to Lagos to observe the work of its Directorate of Citizens' rights (DCR). The group recommended establishing the citizens rights centre in form of a government-private partnership following the model of the Ekiti Justice Centre (EJC), by bringing together such providers as FIDA, NBA, Ministry of Justice, Legal Aid Council, Ministry of Women Affairs and the Nigerian Law School, Enugu jointly to offer legal services to the poor. However, when the Enugu State House of Assembly enacted the legislation establishing the Centre in 2004 as a forum for alternative dispute resolution, it created the Centre as a government agency; staffed exclusively by government employees and effectively placed its management in the hands of the state government through an 8-person Governing Council



headed by the Attorney-General as Chairman while the Director of the Centre who is a director of the MoJ is the Secretary. Other staff of the centre are drawn from the ministry. The Centre took off effectively in August 2005. The Enugu CR&MC is the only one of all the centres supported by SJG to introduce fees. In 2006, it introduced the registration fee of N250.00 only as a means of demonstrating commitment by clients.



# Jigawa State Community Law Centres

The Jigawa State Justice Consultative Forum, which was held in July 2002, at the commencement of A2J support in the state, identified lack of access to legal advice and assistance as one of the major problems that poor people in the state faced. Following the Jigawa Justice Consultative Forum in which it participated, the Law Faculty of Bayero University Kano submitted a proposal to SJG (formerly A2J) through the newly established Justice Sector Reform Committee (JSRC) of the State, for establishing Community Law Centres that would offer free legal consultation to the public as well as carry out public enlightenment campaign on legal and human rights issues. A2J accepted the proposal and assisted the JSRC to establish two (2) pilot Community Law Centres; one in an urban settlement (Dutse) and the other in a rural settlement (Sule Tankarkar) in order to enhance access to justice by the poor as a pilot initiative for 12 months (December 2004-November 2005).

On evaluation of the project at the end of the pilot period, it was found successful in terms of its impact although it was considered that it had not provided optimal yield on the investment. This was largely because of the costs related to bringing in the legal team of staff and students from the university in neighbouring Kano. As such the model of using the law faculty was dropped for a model which uses legal officers of the Ministry of Justice employed by the state.

The Community Law Centres in Jigawa were distinctive models of multi-agency collaboration. In the initial period, the Centres enabled the collaboration of the Ministry of Justice, the Ministry of Women Affairs, the Jigawa Branch of the Nigerian Bar Association and the Law

Faculty of Bayero University Kano (BUK) in direct legal services delivery, while the State Justice Reform Committee performed the role of a supervisor, thereby enabling the participation of other institutions such as the Police, the Jigawa Women's Network for Access to Justice (JIWNAJ) and the Emirate Council.

Special measures were introduced in the Jigawa CLCs to make the participation of women easier, by making women mediators and advisers available to attend to women clients who so wished, and by the involvement of JIWNAJ (a women's rights NGO) in awareness raising and public education, targeting especially women. The result is shown in the significant continuing increase of patronage by women over the years.

# Results and Achievements

## Summary of Achievements:

- Improved access to justice for the poor
- Formal recognition and inclusion of legal services to the poor as part of basic social services provided by government
- Formalisation and institutionalisation of ADR as a legal service
- Improved governmental commitment to providing legal services
- Decongestion in police cells, prisons and court case load
- Effectiveness and sustainability ensured through enabling legislation
- Public-private partnership
- Improved institutional collaboration between governmental agencies
- Legal education and human rights awareness

### Improved access to justice for the poor

The increasing number of visitors and clients at the centres shows improved public access to the justice system and growing acceptance of ADR services rendered by formal justice institutions. Patronage of services by poor people is demonstrated by the increasing numbers of cases in the centre, which rose over the period between 2005 and 2008 from 15 per month to 35 per month in both Jigawa and Enugu centres. The five Lagos centres have been receiving an average of over 2000 complaints per month and disposing of 80% of them. Remarkable also is the increasing patronage by women in Jigawa State. The proportion of women bringing their cases to the centres in Jigawa rose from 10% in 2005 to 38% in 2008. The significant increase in women participation has no doubt been achieved due to special measures taken for that purpose.

### Formal recognition and inclusion of legal services to the poor as part of basic social services provided by government

The establishment of the ADR centres with the goal of providing legal services to the poor and other vulnerable groups paved the way for political affirmation of legal services to the

poor and vulnerable members of the community as a basic service that government is obliged to provide in furtherance of good governance within a democratic state.

### Formalisation and institutionalisation of ADR as a legal service

The establishment of the ADR centres paved way for the formal recognition and institutionalisation of mediation as an authentic form of legal service that can be provided by legal professionals. The enabling statutes of all the centres in the states make the memorandum of understanding that parties voluntarily accede to after reaching agreement binding and enforceable in the courts, thus integrating mediation services through the centres into the formal legal system.

### Improved governmental commitment to providing legal services

In all the states, there is evident governmental commitment to the idea of improving access to justice especially for the poor and vulnerable, which augurs well for sustainability. Even in Ekiti State where significant changes took place within the political leadership at the lev-

els of the MoJ and the government, governmental commitment has been consistent. In all the states, the governments bear the major responsibility for the running of the centres.

### **Decongestion in of police cells, prisons and court case load**

In Ekiti, Enugu and Jigawa states, there is evidence that establishment of the law centres have contributed to decongestion of police and prisons cells of remand detainees. The EJC specifically undertook a survey to demonstrate the direct impact of the legal services provided by the law centres on case load in the courts and prisons.

In Lagos too it is obvious that the CMC has assisted in decongesting the civil courts by reducing the number of cases taken to court since it takes up a large number of cases which could ordinarily have gone to court and in respect of which the courts would have spent months or years before a conclusion is reached.

### **Effectiveness and sustainability ensured through enabling legislation**

In all the states, there is agreement regarding the imperative of providing legislative backing for law centres. All the states have enacted legislation to give legal backing to the law centres albeit with slight variations. In Lagos and Enugu, the CMC and the CR&MC have been created as autonomous of the Ministry of Justice although the organogram in all the states still makes the institutions directly responsible to the Attorney-General. In all the states the Memorandum of Understanding (MoU) to which the parties agree are binding and enforceable in court. This way, mediation has be-

come formalised and integrated into the formal legal system.

### **Public-private partnership**

The EJC and CR&MC as initially conceptualised were experiments at public-private partnerships. The EJC initiative did, in fact, take off and was successful in showing that there can be much greater returns on investment where service providers with similar goals are able collaborate in a public-private partnership. The CR&MC model did not however take-off at all. Although the EJC initiative lasted for sometime, this was possible largely because of the role of the programme in mediating the tensions occasioned by mutual distrust. It is therefore unsurprising that the partnership broke up when the programme withdrew from the state. The failure of the two models shows that public-private partnerships are, as yet, unsustainable because of mutual distrust.

### **Improved institutional collaboration between governmental agencies**

The Jigawa State CLCs present a good example of institutional collaboration between government agencies in the delivery of justice. In the Jigawa model, the Ministry of Women Affairs and Social Welfare provides office accommodation for the law centres in both Dutse and Sule Tankarkar and social workers on secondment from the Ministry of Social Welfare serve as paralegals. This collaboration fosters efficient use of resources and enhances service delivery.

The Ekiti State Directorate of Citizen's Rights (DCR) initiative which succeeded the EJC provides a model of intergovernmental collaboration for efficiency and sustainability. The local

governments have been brought on board. They provide offices within the local government secretariat. Two Local Government (LG) staff are trained as paralegals and the LG also assigns a lawyer on National Youth Service Corp (NYSC) to the Legal Aid Centre. MoJ lawyers are also assigned to the Legal Aid Centres on a rota basis.

In Lagos State as well, there is growing inter-governmental collaboration as exemplified by the willingness of the Ikorodu Local Government to host the CMC Office in Ikorodu within the premises of the secretariat. We are informed that the other Local Governments are already working out similar arrangements.

### **Legal education and human rights Awareness**

In all the states, there is now the conceptualisation of legal services to include legal and human rights education and all the law centres engage in the provision of legal education albeit to different degrees. In Enugu and Jigawa States, outreach and media programmes are integral to the legal services currently provided. In all the states, the outreach and education programmes serve the dual purpose of educating the people and also providing awareness regarding the availability of free legal services including mediation and legal representation in court.



# Lessons Learned

- 1** Integrating ADR options into the formal legal system is desirable and achievable.
- 2** Mediation is a widely preferred method of dispute resolution for small claims and minor criminal matters, because it is less acrimonious, cheaper and faster.
- 3** Law and mediation centres are viable justice institutions that can be integrated into the formal legal system.
- 4** Governmental support can be mobilised for innovative interventions within the justice sector where good models are presented.
- 5** Providing legal backing for law centres ensures governmental ownership which is essential for sustainability. Appropriating specific funds from the government budget for the law centres is easier to achieve when the institutions are governmental interventions.
- 6** Institutional collaboration is workable and can go a long way in enabling strengthening institutional capacity and facilitating efficient use of limited resources as shown by the Ekiti experience. However, collaboration between governmental institutions is more sustainable as exemplified by the Jigawa model (bringing MoJ and the Ministry of Women Affairs together) and EJC model (bringing the DCR and LAC together). The current climate of competition and mutual distrust between CSOs and the government makes public-private partnership difficult to achieve.
- 7** Legal and human rights education are critical aspects of legal services and should be included in the design of law and mediation centres.
- 8** Support from development partners, such as DFID, helps effective take-off of law centres pending the time when governmental confidence is gained for the interventions. Similarly development partners providing technical assistance is critical for strengthening the processes and building systems to support the ADR interventions.

# Case Snapshots

## Case of Abdulmani and 8 Others

The complainants are heirs to their father's estate, and the respondent, Sale, was their father's business partner. The respondent owed their father the sum of N 80,000, before his death. For the past eight years all effort to recover the money had proved abortive. Early in 2008 the Community Law Centre was established in Hadijia. The complainants lodged their complaint at the centre and the money was recovered through mediation in one week.

## Case of Laraba and Dije

The complainants were the wives of the late Idris, who died and left behind 2 wives and 5 children, and an estate worth two million Naira. The complainants are not literate and so they did not even know how to go about seeking their inheritance. They were left at the mercy of the respondent, Yakubu, who is an elder brother to their late husband. The respondent connived with some others to deprive the complainants of their late husband's estate and in addition took away their children to a village in another Local Government Area of the state, hereby preventing them from going to school.

The complainants heard about the Community Law Centre, and lodged their complaint. An action for distribution of estate was filed by a lawyer from the centre on their behalf at a Shari'ah court. The court accepted the case and distributed the estate to them and their children. The court also restored custody of the children to them. They have now bought a house in Hadejia and can send the children to school.

## Case of Mr. Okeke

Mr. Okeke of Ngwo Uno in Enugu North Local Government Area of Enugu State was believed to have committed suicide by eating food mixed with rat poison. He had complained to his junior brother that he was tired of life, that nothing was moving for him and that life was becoming unbearable for him.

At his demise, the family members accused the wife and children of being responsible for his death. As a result, the wife and children were locked up in a police cell, accused of murder and refused bail. Meanwhile the man's corpse was kept in a mortuary. Relations of the woman lodged a petition at the Enugu Citizens' Rights and Mediation Centre over the detention of the woman and her children. As a first step the centre secured bail for the woman and children pending the determination of the case. The centre also informed the Attorney General, who called for the case file for Ministry of Justice advice.

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While on bail the woman and her children were banished from her husband's village. The CR&MC, after several meetings with the *Umunnas* (extended family members) of the deceased, was able to invite all the parties involved for mediation. It took several sessions that spanned over six months but eventually the case was amicably resolved with the assistance of the *umunnas*. The corpse of Mr. Okeke could not be buried until the case was amicably resolved seven months after his death.

Mrs. Okeke and the children, were recalled from exile and the family house handed back to them. They were now allowed to bury Mr. Okeke. The woman and children have now been integrated back into the family with all their property and land given back to them.

### **Case of the detention of a woman**

A woman was detained at the New Haven Police Station in Enugu, at the instigation of her husband to prevent her from carrying out a threat to run away with the children. Both the woman and husband are Nigerians who reside in Ireland. The woman had accused her husband of infidelity and abandonment of marital duties. She had expressed fear that he might contract another marriage in Ireland. While on holidays in Nigeria with the husband, the man had locked her in the house and given the security guards instructions not to allow her outside the house until his return in a month's time, assuring them that there was enough food for her and the children in the house. When the woman protested, and wanted to leave the house, the security guard called the husband on the phone who then arranged for the police to detain her at the police station.

A complaint was lodged in the centre for the woman by her lawyer. The centre secured her release on bail. The centre also applied to the police to mediate the case as a matrimonial problem, not a criminal case. The husband, who was away in Ireland, was invited. He came back to Nigeria, and accepted the offer of mediation. The case was resolved amicably, with the husband committing to not mistreat his wife again. The couple is now living together happily with the children.



# Impact

Poor and vulnerable Nigerians have enjoyed improved access to justice within the formal legal system through the availability of more acceptable alternative dispute resolution mechanisms provided through the Law and Mediation Centres, which SJG supported.

The outcomes achieved from setting up these centres were therefore:

- Improved access to free legal services for the poor and disadvantaged members of society;
- Increased knowledge and understanding of legal rights and the workings of the justice system among the citizens; and
- More efficient delivery of legal services by justice institutions through improved cooperation.

## Examples of Success

- In all the states except Enugu State, there is rapid expansion of service points
- In Lagos, there are currently five CMC offices
- In Jigawa, five centres have been opened in addition to the two
- In Ekiti, new offices have been opened in all the Local Government Areas (LGAs)

## OUTCOME:

Poor and vulnerable people now enjoy better access to justice through the option of less acrimonious, cheaper and faster dispute resolution within or connected to the formal justice system.



**CIBIYAR SASANTA AL'UMMA  
KABUGA  
(COMMUNITY MEDIATION CENTRE)  
JUSTICE SECTOR REFORM TEAM  
KANO STATE.**

Launched in 2002, the SJG programme aimed to contribute to the achievement of the Millennium Development Goals:

- By promoting strong partnerships among governments, civil society organisations and the private sector in pursuit of security, justice, the rule of law, development and poverty eradication
- By promoting gender equality and the empowerment of women as effective ways to combat poverty and hunger
- By promoting a legal and regulatory framework that encouraged non-oil economic growth to give young people a real chance to find decent and productive work rather than become lost in a life of crime

The SJG programme, supported by DFID Nigeria and implemented by the British Council, successfully came to a close in 2010.

