



PARTNERSWEST AFRICA NIGERIA

Rule of Law and Empowerment Initiative

PRESENTATION ON THE FINDINGS OF THE COURT OBSERVATION AND COURT USER SATISFACTION SURVEY (OCTOBER – NOVEMBER 2016)

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Introduction

The Judicial Integrity Project is an 8-month project being implemented by the Rule of Law and Empowerment Initiative (also known as Partners West Africa – Nigeria)* with support from the US Department of State Bureau International Narcotics and Law Enforcement Affairs (INL). Partners West Africa – Nigeria also worked closely with the Nigeria Bar Association Abuja (Unit, Bwari and Gwagwalada Branches), Kano branch, FCT and Kano State High Courts.

The major objective of this project is to increase civil society's access to government information as a tool to fight judicial corruption, increase citizens' access to justice and expand citizens' engagement with the government. We realize that this can only be achieved by firstly increasing the capacity of civil society to access this information on the judicial process. We aim to achieve this by promoting social accountability in the judicial sector.

Methodology

Partners West Africa – Nigeria adapted 4 strategies to the observation process, namely:

- i. Desk review on Judicial Reforms in Nigeria 1999 till date
- ii. Court Observation
- iii. Case Monitoring
- iv. Court User Satisfaction Survey

Background of the Observation Process:

A total of 77 observers were deployed across the Federal Capital Territory, Abuja and Kano State.

* We are a nongovernmental organization registered in Nigeria with the Corporate Affairs Commission. We are part of a global network that promotes good governance, in particular accountability, transparency and improved service delivery by expanding opportunities for citizens to engage. Contact details: www.partnersnigeria.org ,

We worked with the Chief Judges and Supervising Judges of the courts that were open to collaboration, approved access for the observers to be placed in their courts.

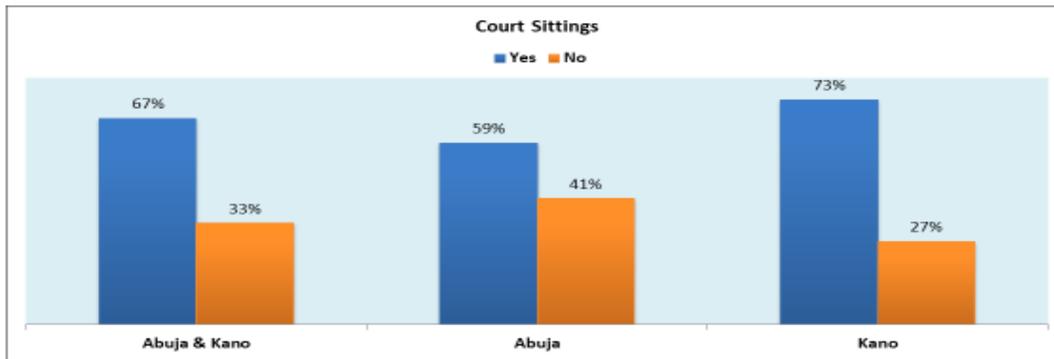
- In Kano, a total of 46 observers were deployed across (number of courts) (State, Magistrate, Sharia, Sharia Court of Appeal, Federal High Court and Industrial Court).
- In Abuja, there were 30 observers who were placed at 15 courts (FCT High and Magistrate Courts). The designated courts were in Maitama, Wuse, Kubwa and Zuba

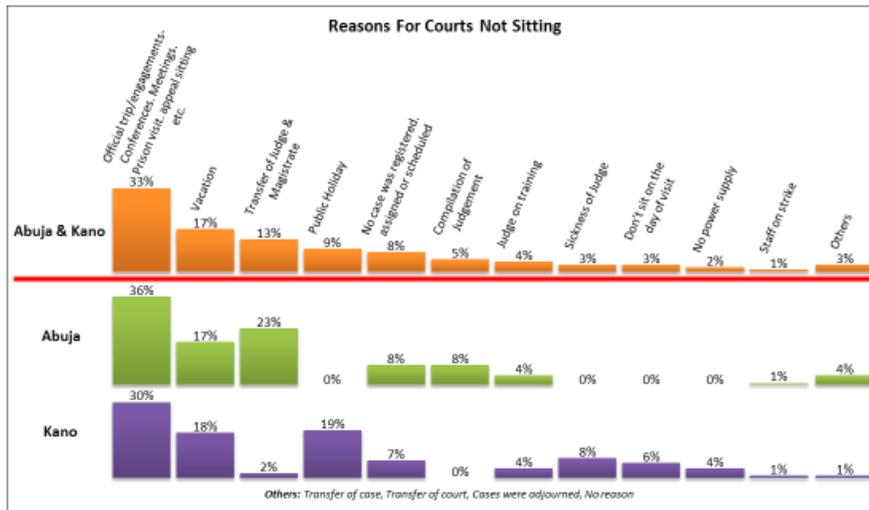
Presentation of findings

Court Observation

Court Observation was commenced from the 4th October 2016. The data being presented today is for October and November 2016. The observers were in court Mondays to Wednesdays every week from the date of commencement of the observation process. This means each observer was in court at least for 14 days within this period.

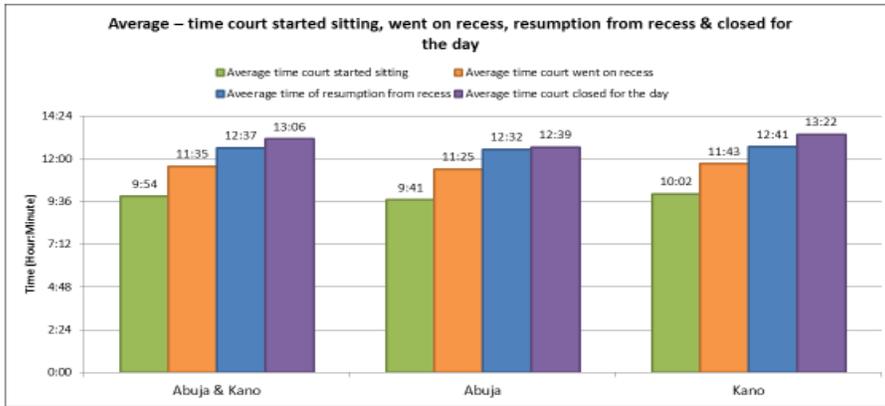
1. Court Sittings:



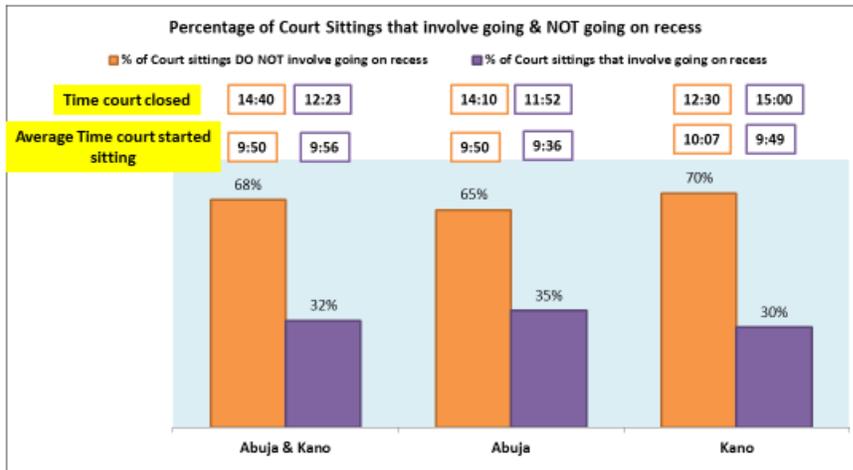


51% of the time when the observers were in court in Abuja, the court sat as compared to 73% in Kano State. 41% of the time the observers were in court in Abuja, the courts did not sit and in Kano it was 27%. The top three reasons given for courts not sitting ranged from Administrative Assignments such as official trips / engagements, conferences, meetings, prisons visit etc - 30% in Kano, public holidays 19% and vacation (18%).

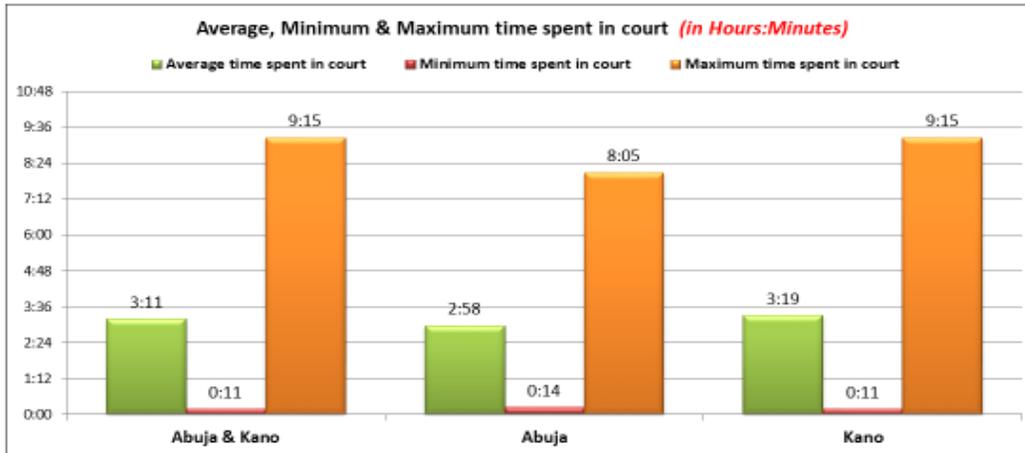
2. Average Time of Court Sittings



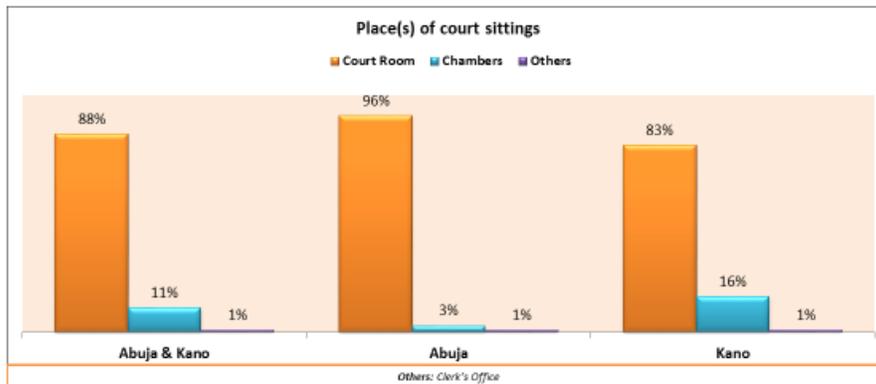
In Kano, the average time when the courts observed commenced sitting was 10:02am. They went on recess at 11:43am, resumed from recess by 12:41pm, and closed by 1:20pm.



The graph above shows the average time of court sittings by judges / magistrates that go on recess and those that do not go on recess. It shows that for those that do not go on recess, they sit by 10:07am and close by 12:30pm while those that go on recess sit by 9:49am and close by 3:00pm. Overall from the slide below, on average courts are sitting for about 3 hours 19 minutes and the maximum time being spent in court was 9 hours 15mins.



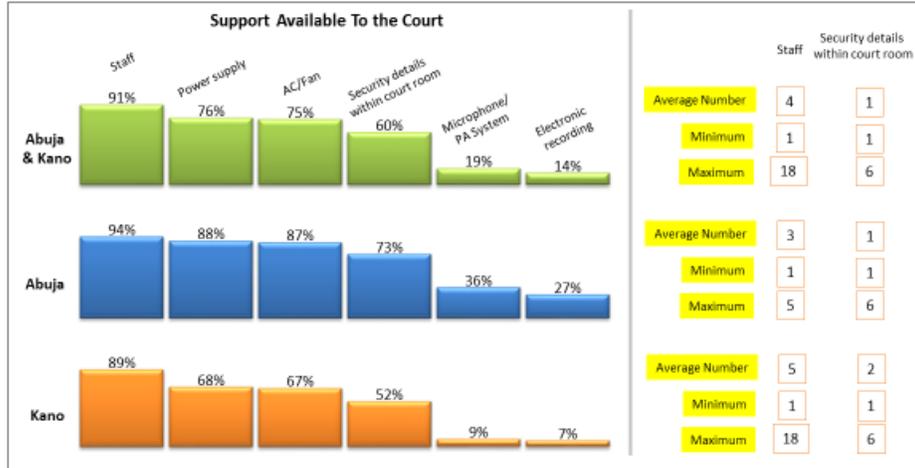
3. Locations of Court Sittings



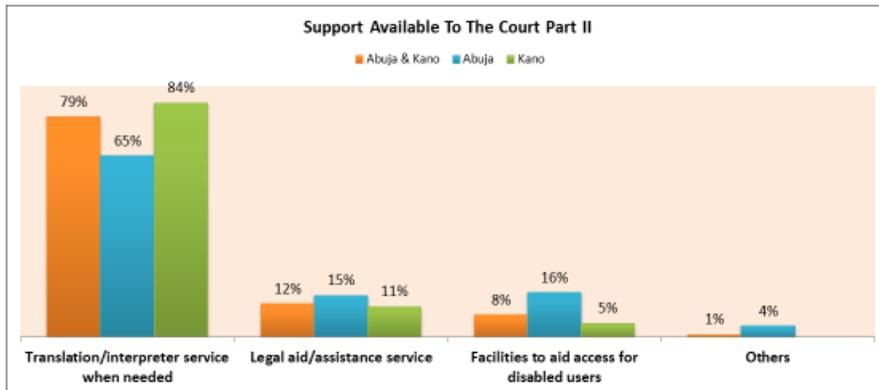
83% of the time that the observers were in court in Kano, the judges sat in open courts, 16% in the chambers of the judge, and 1% in the office of the clerk. This shows that the courts are largely in

compliance with the provisions for free and fair trial as stated in Section 36 of the Constitution of the Federal Republic of Nigeria, which states that all trials must be held in public.

4. Supports Available to the Courts

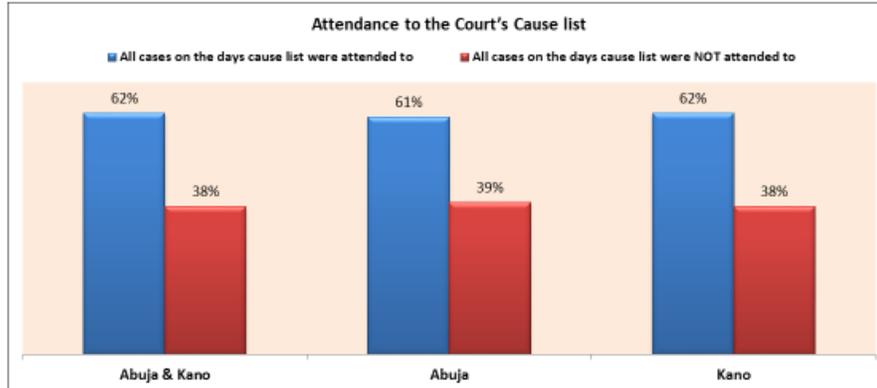


From the slide above, we look at the support(s) that are available in the courts to make the job of the judges more efficient. In Kano, 89% of the support was manpower; that is staff in the courts; electricity (68%), A/C / Fan (67%), Security Officials (52%) and at the lower end we have microphones / Public Address systems and electronic recordings at 9% and 7% respectively.

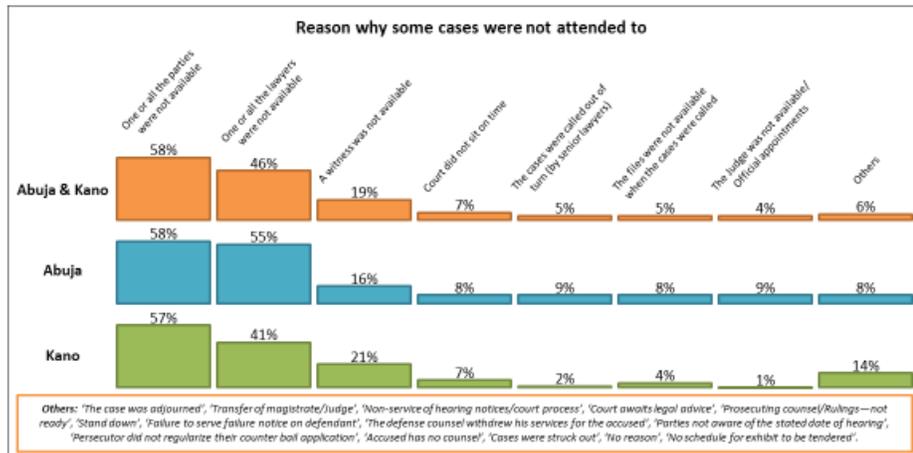


Some of the key principles for free and fair trial as stated in the Constitution of the Federal Republic of Nigeria 1999 includes interpretation and translation services (84% in Kano). The findings from the observation shows that legal aid services / assistances are poor in the courts (11% in Kano), and facilities to aid access for persons with disabilities is 5%.

5. Attendance to Cause list



The findings show that 62% of the cases on the cause list were covered during the period of the observation however 38% of the cases on the cause list were not covered. The reasons for cases not being attended to range from one or more parties not in court (57%), one or all the lawyers not in court (41%), and witnesses not in court (21%).



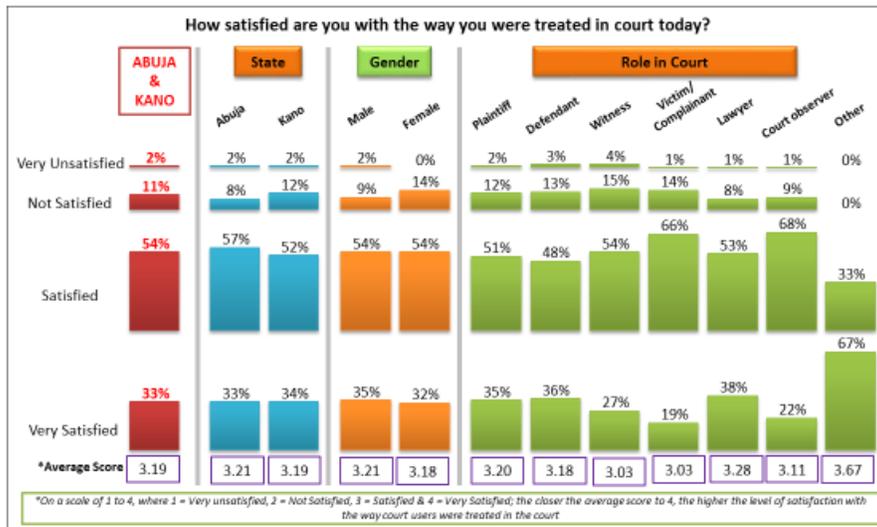
Recommendation

1. **Time Frame for which courts should be sitting:** The State Judicial Council / Chief Judge should come up with a standard time frame for the courts. For example, time for sitting, recess and closing. This should not be left to the discretion of individual judges or magistrates and there must be a way of enforcing the directive.
2. The judiciary should improve on the management of transfer or judges, magistrates, and engagement in out of court assignment. The current approach tends to stall cases in courts.
3. **Provision of Legal Aid Services:** There is need to monitor the Legal Aid Council so as to find out how its mandate is being utilized. The criminal justice system is too important and crucial in the fabric of a democratic state to have agencies that are inefficient and they are not being held accountable. (Partners West Africa – Nigeria is proposing to work with the Kano State Government and other Stakeholders to set up the Public Defenders’ Office for residents of Kano State).
4. **Inclusiveness within the judicial system:** The judiciary should ensure that facilities are provided to cater to all including persons with disability. This may include sliding ramps for access into court premises, sign language provision to aid interpretation.
5. **Commendation and Recognition of Hardworking Judges / Magistrates etc:** There are judges / magistrates that are doing good work, they work tirelessly to ensure that cases on cause list are attended to. These judges / magistrates should be acknowledged and encouraged.
6. **Discharge of duties by prosecutorial agencies:** All relevant agencies with prosecutorial responsibilities should be made to adhere to their mandates by diligently prosecuting their cases.
7. **Assignment of Cases:** Where possible, the judiciary should proportionally assign cases to judges to ensure that the work load is not over-burdening and improve speedy trial of cases.

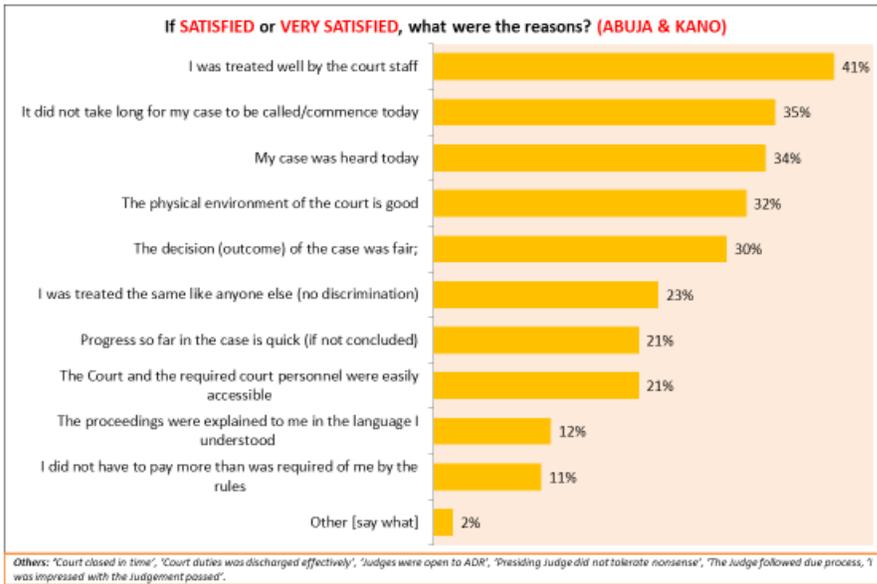
Presentation of Findings of the Court User Satisfaction Survey

A total of 863 persons were interviewed over a period of two weeks across the courts being observed in the FCT and Kano. Twenty-Nine (29%) of the persons interviewed were women while seventy-one (71%) were men across FCT and Kano. However, in Kano thirty (30%) were women while seventy (70%) were men. Forty – Three (43%) of the court users that participated in the survey in Kano were between the ages of 30 – 39 years, Twenty-Nine (29%) between the ages of 20 – 29 years and Twenty-Two (22%) between the ages of 20 – 29 years. Forty - Six (46%) have a college or university educational background and twenty-seven (27%) of them are lawyers.

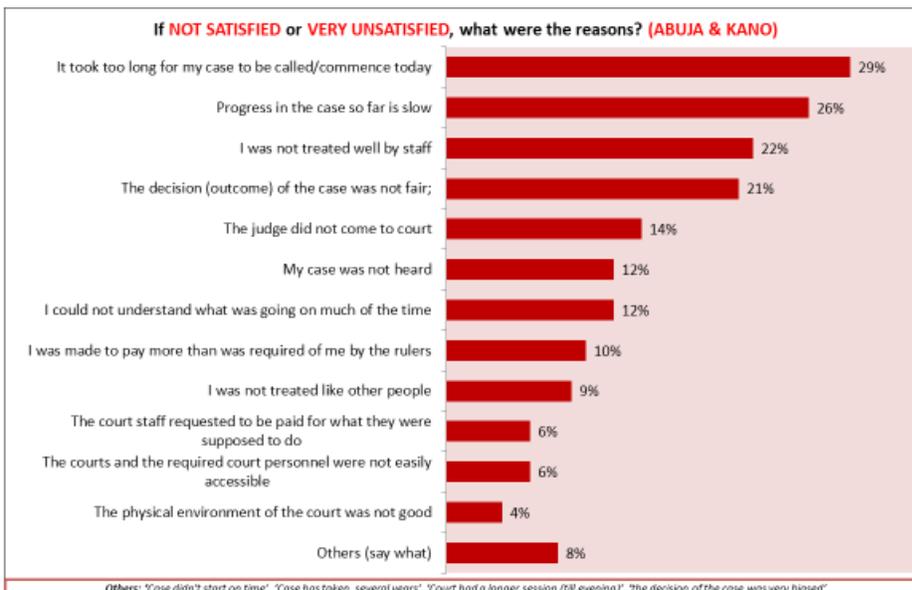
1. Satisfaction with the Courts



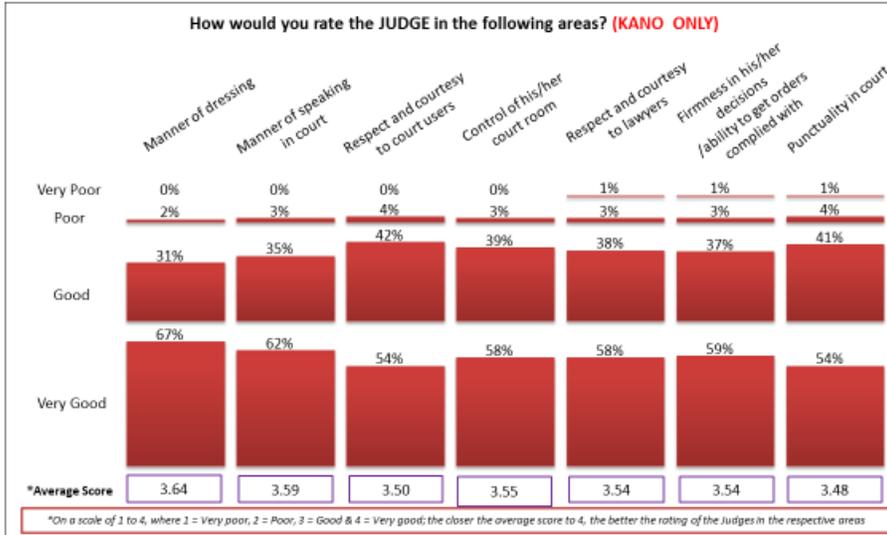
Fifty – Two (52%) were satisfied and Thirty – Four (34%) were very satisfied with the way they were treated in court. The slide below show the reasons given for being satisfied the top three were being well treated by the courts (41%), cases were taken on time (35%), case was heard (34%).



The graph below show the reasons for 'Not being satisfied'. The top four reasons for not being satisfied are: it took too long for cases to be called / commenced (29%), progress in the case so far is slow (26%), bad treatment by the staff of the court (22%) and the outcome / decision of the court was seen as being unfair (21%).

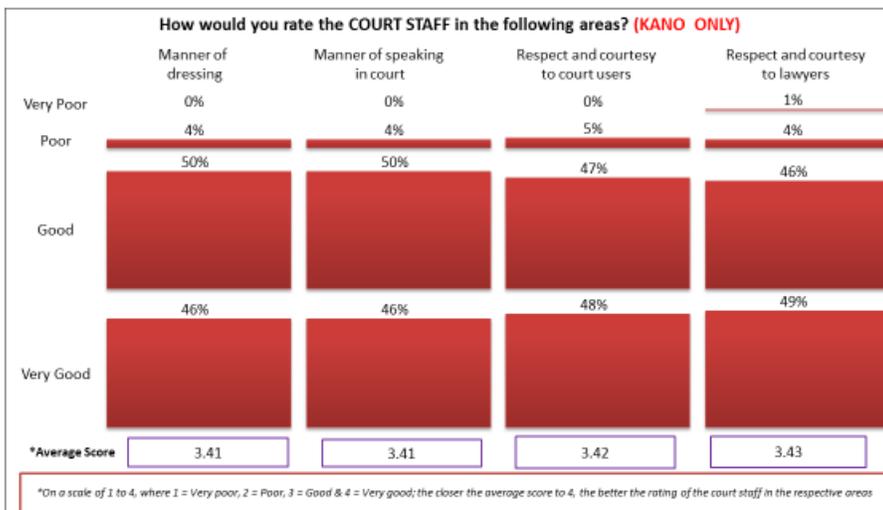


2. Assessment of the Judges



The graph above shows that the judges (this includes the magistrates and other heads of courts that were observed) were rated high in the manner of dressing, addressing or speaking in court, respect and courtesy to lawyers, court users, control of their courts to mention a few.

3. Assessment of the Court Staff



The court staff also received good assessment in similar areas as the judges / magistrates as illustrated in the graph above.

Finally, from the graph below, most of the court users that participated in the survey are in court very often / regularly (and they were 66% lawyers) for the victims (56%) and witnesses (53%) they have been to court about 2 – 3 times.

