



**PRESENTATION ON THE FINDINGS OF THE COURT OBSERVATION AND COURT USER SATISFACTION
SURVEY (DECEMBER 2016 – FEBRUARY 2017)**

**BY MS. BARBARA MAIGARI, PROGRAM MANAGER, RULE OF LAW AND EMPOWERMENT INITIATIVE
(ALSO KNOWN AS PARTNERS WEST AFRICA – NIGERIA)**

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 (Unity, 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 74 observers were deployed across the Federal Capital Territory, Abuja and Kano State.

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 Abuja, there were 27 observers who were placed at 15 courts (FCT High and Magistrate Courts). The designated courts were in Maitama, Wuse, Kubwa and Zuba.
- In Kano, a total of 47 observers were deployed across (number of courts) (State, Magistrate, Sharia, Sharia Court of Appeal, Federal High Court and Industrial Court).

* 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

- Federal High Court in Abuja was not part of the observation process because the Chief Judge did not agree to meet with us.

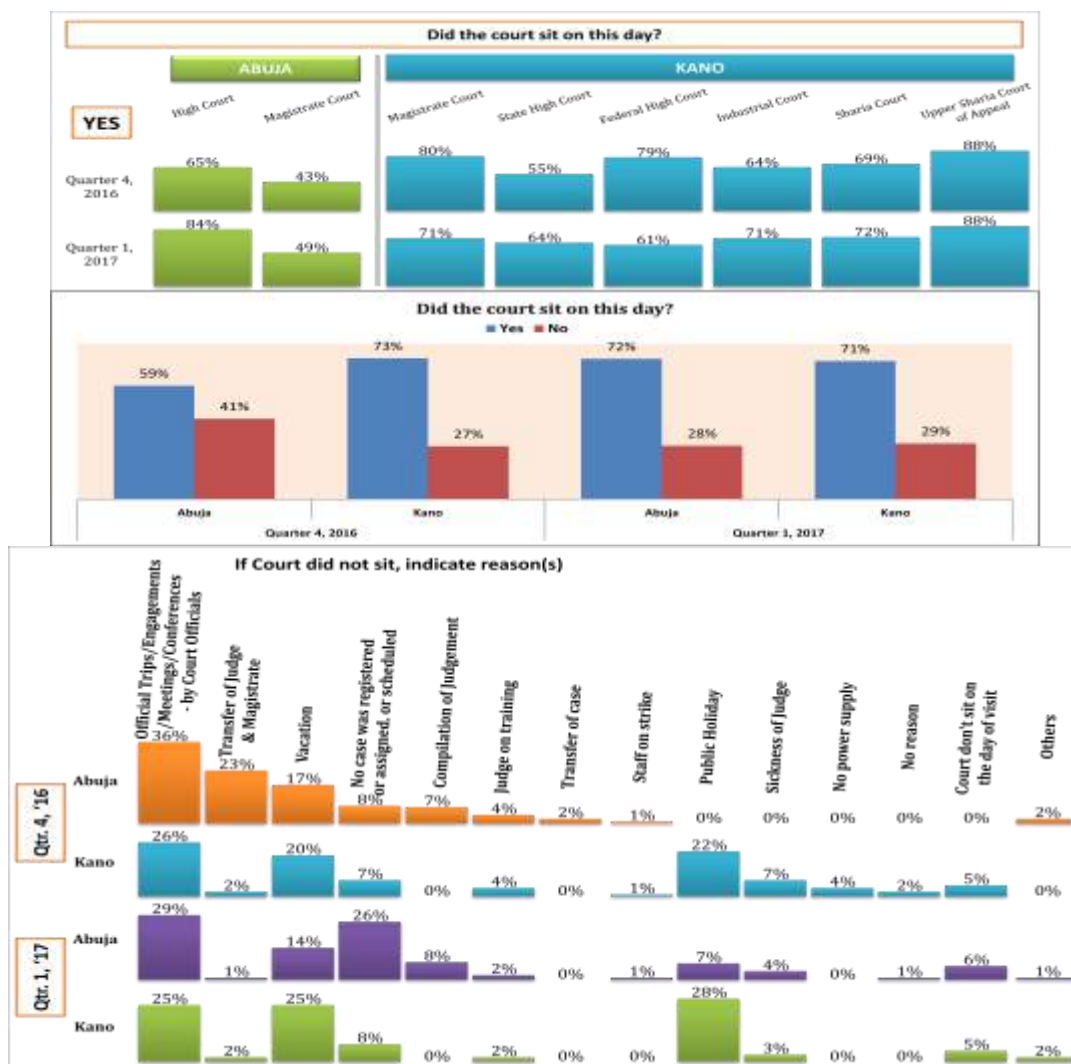
The project's first quarter release of findings in 2016 reveals that 59% of the time, the courts observed in Abuja sat, with 61% cases on the cause list attended to. However the findings notably observed that constitutional guarantees such as legal aid services / assistances were poor in the courts (15% in Abuja) and facilities to aid access with disabilities is 16%.

Presentation of findings

Court observation

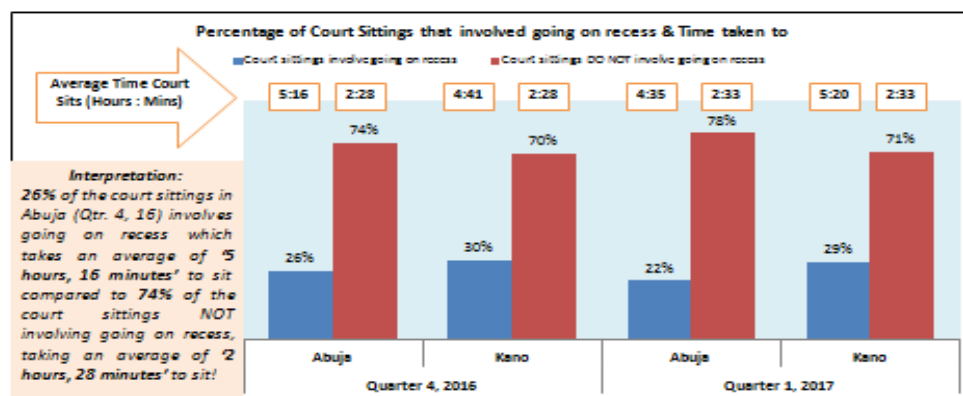
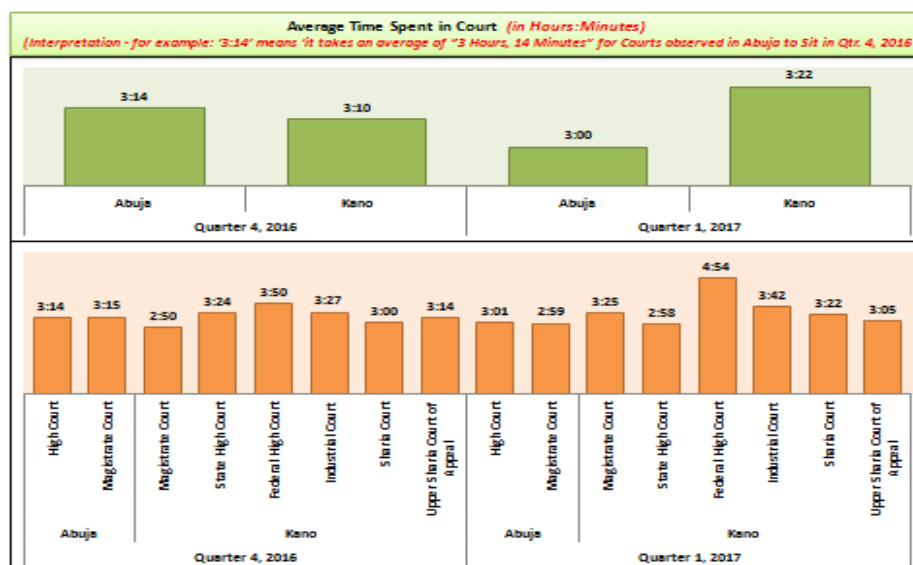
The data being presented here is for observation held from December 2016 – February 2017. The observers were in court Mondays to Wednesday every week from dates above stated. This means each observer was in court for at least 30 days within this period. Data for Quarter 1 (Q1) 2016 and Quarter 2 (Q2) 2017 is also compared here.

1. Court sitting



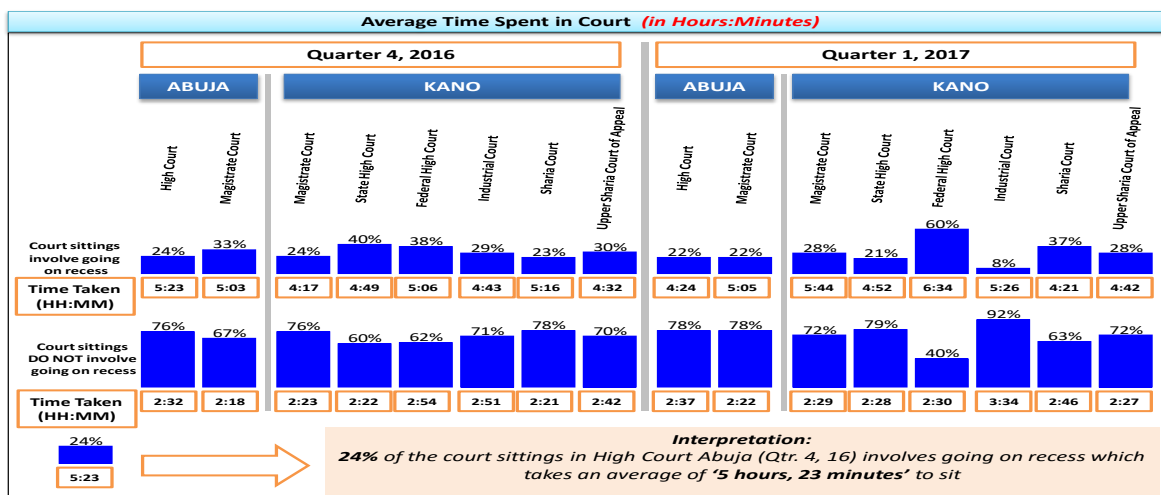
84% of the time observers were at the High Court, the court sat as compared to the Magistrate Court which sat 49% of the time observed in Abuja. The courts being observed did not sit 28% of the time and reason for not sitting include official trips/engagement, no case was registered/assigned, vacation etc. Q2 indicates an increase in court sitting where in 72% of the time the court sat, whereas in Q1 the court sat 59% of the time. In Abuja, official trips/engagement decreased (29%) as a reason for courts not sitting, non-registration/assignment of cases increased (26%) in Q2.

2. Average time of court sitting



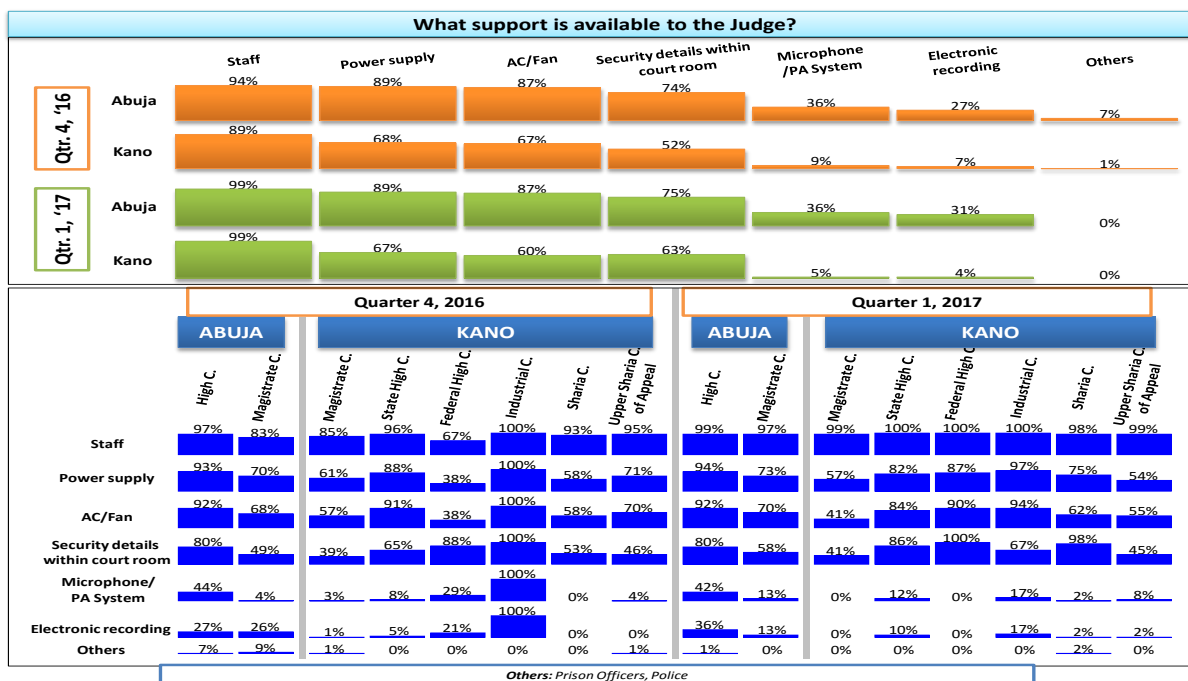
In Abuja the courts observed, sat for an average of 3hours in Q2. High Courts sat for 3hours 1second and Magistrate courts for 2hours 59mins. 22% of court sittings involved going on recess which takes an

average of 4hours 35mins to sit compared to 78% of court sitting that do not involve going on recess taking 2hours 33mins to sit. However the data reveals that the courts that go on recess spend more time during their sitting.

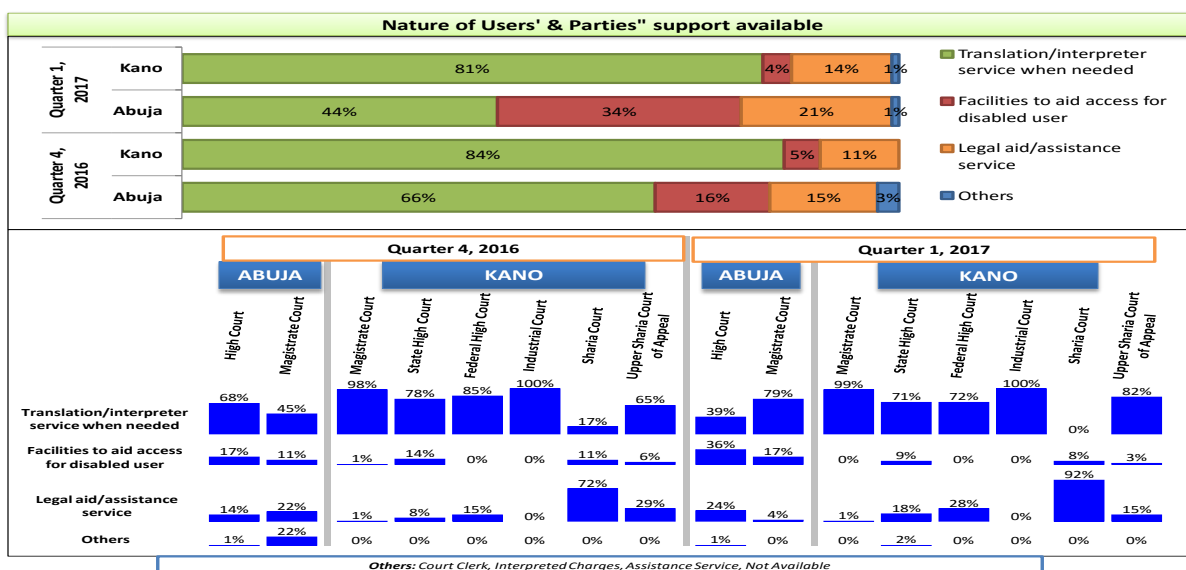


3. Support available to the Courts

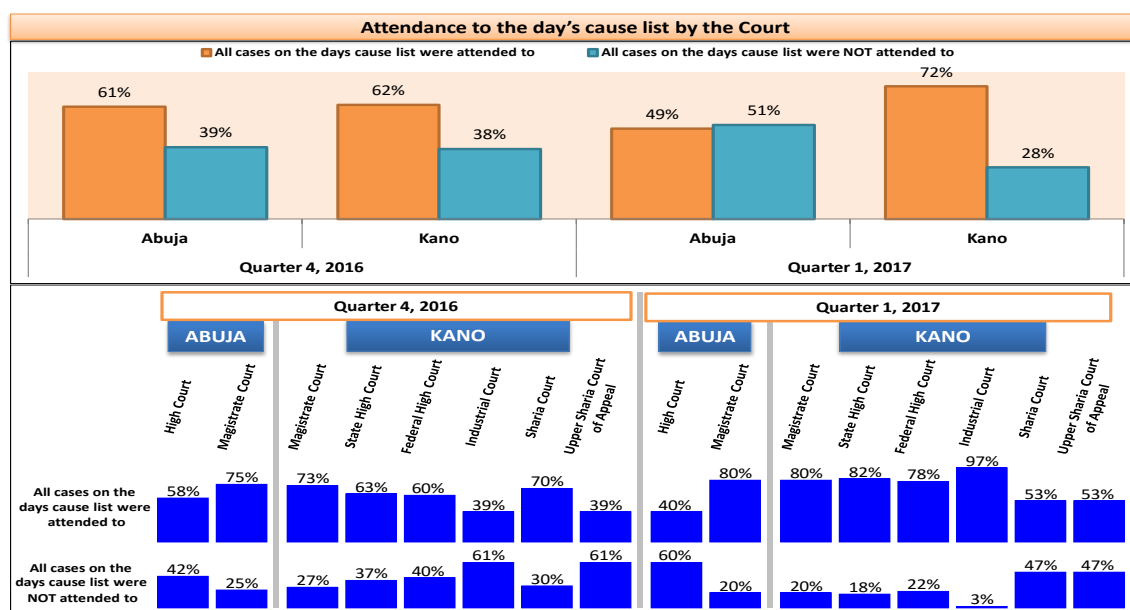
The Judges and Magistrate observed are noted to have 99% and 97% staff support. Also available is power supply, AC and Fans. Microphone and Electronic recording system are available but below average with 13% for both at the Magistrate court, while the High Court has 42% and 36% respectively. Comparism of Q1 & Q2 reveals a general down review of these facilities. This therefore indicates that most judges and magistrates are still recording their proceedings manually.



A comparison of Q1 & Q2 reveals a visible increase in the availability of translation/interpretation services in the Abuja courts being observed. However there is a downward availability/access to legal aid/assistance from 22% to 4% at the Magistrate courts. This further limits the guaranteed rights of citizens to legal aid services.

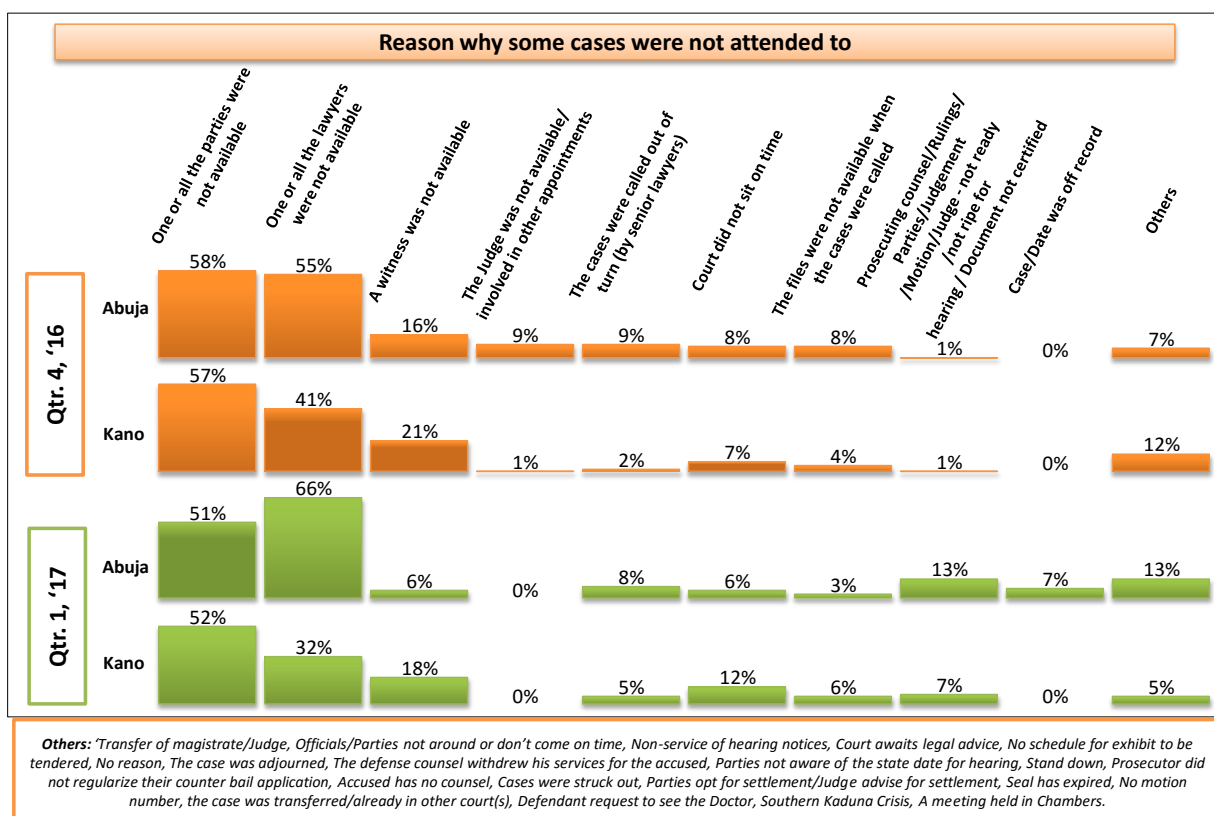


4. Attendance to Cause list



40% of cases on day's cause list were attended to by High Courts in Abuja as compared to 80% attended to by Magistrate Courts. In relation to Q1, Q2 shows are less attendance to cases on cause list by High courts with an increase from Magistrates this quarter.

Based on the diagram below, the reasons for not attending to cases on cause list include: one or all parties not available (51%), one or all lawyers not available (66%), documents not certified/judgment not ready/prosecuting counsel not ready (13%) etc.



Recommendations

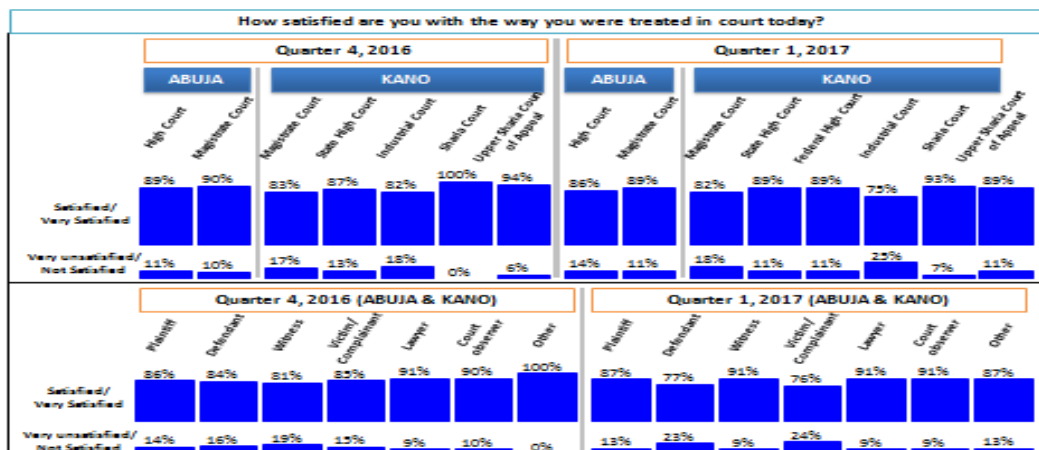
1. The Federal government should provide electronic recording facilities to the courts to ensure effective record taking by judges/magistrates and improve efficiency.
2. Time Frame for which courts should be sitting. The National Judicial Council / Chief Judge should come up with a standard time frame for the courts. For example, time for sitting, recess and closing. This should not be left to the discretion of individual judges or magistrates.
3. Provision of Legal Aid Services. There is an urgent need to critically review the legal aid system in Nigeria including the Legal Aid Council 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.

4. 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 encouraged.
5. Discharge of duties by prosecutorial agencies: All relevant agencies with prosecutorial should adhere to their mandates by diligently prosecuting their cases.
6. The Nigerian Bar Association should draw the attention of lawyers to an urgent need for diligence in representing parties in courts. The current trend is contrary to professional ethics.
7. Where possible, the judiciary should proportionally assign cases to judges to ensure that the work load is not over-burdening and improve speedily trial of cases.

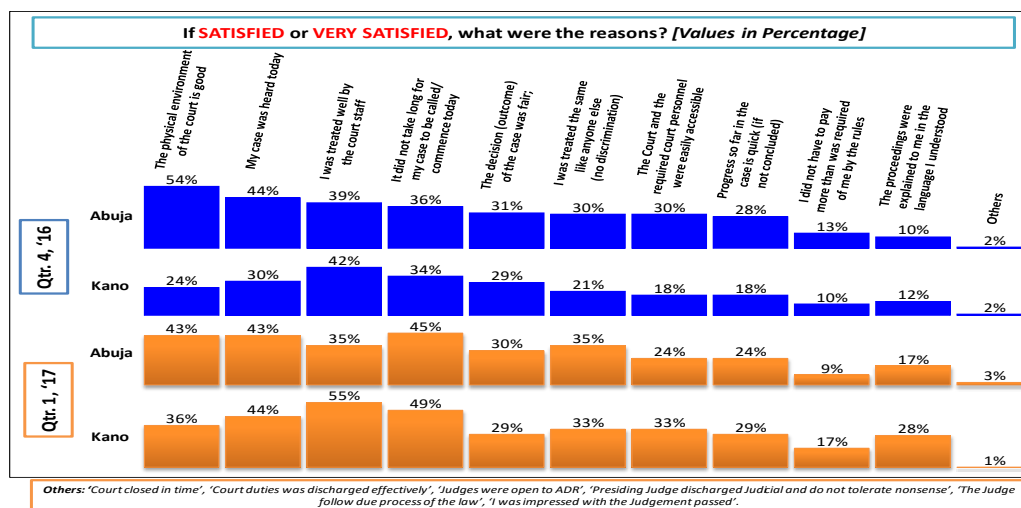
Presentation of Findings of the Court User Satisfaction Survey

A total of 4,187 persons were interviewed over a period of two weeks across the courts being observed in the FCT and Kano. In Abuja, Thirty-One (31%) of the persons interviewed were women while sixty-Nine (69%) were men across FCT. Forty-One (41%) of the court users that participated in the survey in Abuja were between the ages of 30 – 39 years, Twenty-Eight (28%) between the ages of 40 – 49 years and Twenty-One (21%) between the ages of 20 – 29 years. Fifty-Six (56%) have a college or university educational background and Twenty-Nine (29%) of them are lawyers.

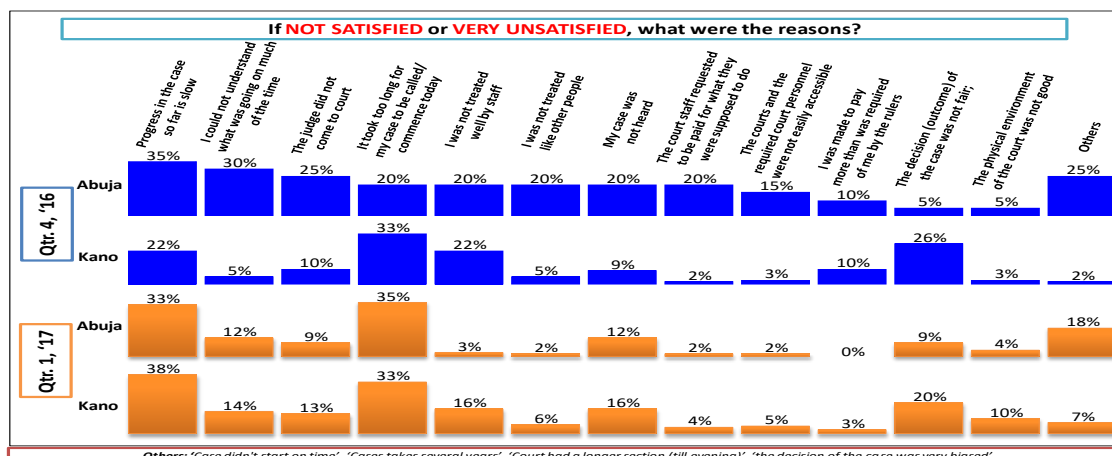
1. Satisfaction with the courts



89% and 86% of persons interviewed were satisfied with the way they were treated at the FCT Magistrate and High Courts on that day, respectively. The slide below indicates that the top three reasons for satisfaction are cases did not take time (45%), case was heard today (43%) & physical environment of court (43%).



The persons most unsatisfied with the courts in Abuja are defendants (23%), victims/complaints (24%). The diagram below shows that the top 3 reasons for dissatisfaction are length of time it took for the case to be called (35%), progress in case so far is slow (33%), case takes several years/decision of the case was very biased (18%). Comparing Q1 & Q2 indicates a reduction on reasons for dissatisfaction.

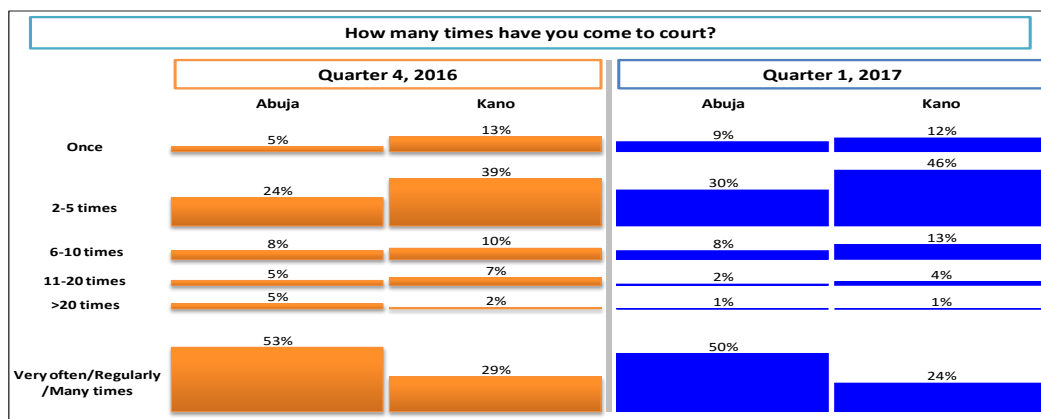


2. Assessment of Judges and court staff

Ratings of Judges and Court Staff [Values in Percentage]				
	Quarter 4, 2016		Quarter 1, 2017	
	Abuja	Kano	Abuja	Kano
Manner of dressing [Judges]				
Very poor/Poor	0	2	2	1
Good/Very good	100	98	98	99
Manner of speaking in court [Judges]				
Very poor/Poor	3	3	2	2
Good/Very good	97	97	98	98
Respect and courtesy to court users [Judges]				
Very poor/Poor	1	4	1	3
Good/Very good	99	96	99	97
Control of his/her court room [Judges]				
Very poor/Poor	1	3	2	2
Good/Very good	99	97	98	98
Respect and courtesy to lawyers [Judges]				
Very poor/Poor	1	4	2	2
Good/Very good	99	96	98	98
Firmness in his/her decisions/ability to get orders complied with [Judges]				
Very poor/Poor	1	4	3	2
Good/Very good	99	96	97	98
Punctuality in court [Judges]				
Very poor/Poor	13	5	10	6
Good/Very good	87	95	90	94
Manner of dressing [Court Staff]				
Very poor/Poor	16	4	7	6
Good/Very good	84	96	93	94
Manner of speaking in court [Court Staff]				
Very poor/Poor	8	4	7	5
Good/Very good	92	96	93	95
Respect and courtesy to court users [Court Staff]				
Very poor/Poor	7	5	6	6
Good/Very good	93	95	94	94
Respect and courtesy to lawyers [Court Staff]				
Very poor/Poor	14	5	6	4
Good/Very good	86	95	94	96

The diagram above shows that Abuja judges/magistrates were rated high in manner of dressing and speaking, respect & courtesy to court users/lawyers and firms in decision & control of court room. The court staff were rated similar to the judges/magistrates. Data for Q1 & Q2 ratings are about the same.

The last two diagrams below indicate that most of the court users in the survey exercise had come to court very often & regularly 50% who were mostly lawyers (65%). Other court users who make up (30%) of the survey participants came to court 2-5 times and are victims/complainants, defendants, witnesses, and plaintiffs. A comparison of Q1 & Q2 shows the same trend.



How many times have you come to court? [Values in Percentage]															
	Quarter 4, 2016							Quarter 1, 2017							
	Abuja		Kano					Abuja		Kano					
	High Court	Magistrate Court	Magistrate Court	State High Court	Industrial Court	Sharia Court	Upper Sharia Court of Appeal	High Court	Magistrate Court	Magistrate Court	State High Court	Federal High Court	Industrial Court	Sharia Court	Upper Sharia Court of Appeal
Once	6	0	15	9	3	15	19	9	2	14	6	17	10	13	15
2-5 times	26	13	45	30	47	33	38	31	21	44	39	32	48	60	56
6-10 times	8	4	13	8	25	0	3	9	6	14	14	8	19	15	9
11-20 times	4	13	7	4	25	2	16	2	3	4	5	2	9	3	1
>20 times	1	33	2	2	0	0	3	1	0	1	2	0	2	1	0
Less often	0	0	0	0	0	0	0	2	6	0	0	0	0	0	0
Very often	55	37	18	47	0	50	21	46	62	23	34	41	12	8	19

	Quarter 4, 2016							Quarter 1, 2017							
	Plaintiff	Defendant	Witness	Victim/Complainant	Lawyer	Court observer	Other	Plaintiff	Defendant	Witness	Victim/Complainant	Lawyer	Court observer	Other	
Once	10	9	29	10	2	12	12	11	9	30	10	2	14	15	
2-5 times	44	38	53	56	18	27	35	56	51	52	60	20	40	41	
6-10 times	10	12	10	7	5	15	12	15	16	8	15	9	14	8	
11-20 times	5	13	2	14	5	8	0	3	4	2	6	3	4	2	
>20 times	3	2	1	1	4	2	3	0	1	0	1	1	2	5	
Less often	0	0	0	0	0	0	0	0	1	0	0	0	1	1	
Very often	28	26	5	12	66	36	38	15	18	8	8	65	25	28	