



Norwegian Embassy



RULE OF LAW AND EMPOWERMENT INITIATIVE
also known as PARTNERS WEST AFRICA NIGERIA



ASSESSMENT OF GENDER IN THE JUDICIAL SECTOR OF NIGERIA

(FEDERAL LEVEL, BAUCHI &
BENUE STATES)

ABRIDGED VERSION



EXECUTIVE SUMMARY

This study examines the levels and quality of gender awareness, representation and participation, the extent of gender sensitivity, responsiveness and mainstreaming, as well as the existence of internal mechanisms to prevent, detect and address gender discrimination in the recruitment, performance and advancement of women in the judicial sector.

This study therefore seeks to unearth the representation of women in the judiciaries at the federal level, the Federal Capital Territory, as well as Bauchi and Benue states. Beyond the numbers, the inquiry extends to interrogating the awareness of the UNSC Resolution 1325 and the National Action Plan (NAP);



Major findings include the almost-total lack of knowledge on the part of the judicial officers and judicial staff of the existence and normative provisions of the UNSC Resolution 1325 and the NAP for its implementation in Nigeria.



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BACKGROUND & CONTEXT



Despite the gendered impact of violent conflict, there has been a decline in women's participation in conflict management and peace processes around the world; women are too often omitted from the peace processes and have remained largely excluded from negotiating peace, and excluded from leadership positions, especially in conflict zones. This necessitated the adoption of Resolution 1325 on women, peace and security by the United Nations Security Council at its 4213th Meeting on the 31st of October, 2000.



Resolution 1325 urges all actors to increase the participation of women and incorporate gender perspectives in all United Nations peace and security efforts. It also calls on all parties to conflict to take special measures to protect women and girls from gender-based violence, particularly rape and other forms of sexual abuse, in situations of armed conflict.

BACKGROUND & CONTEXT



Nigeria developed its National Action Plan in 2013 in order to effectively implement UNSCR 1325, to promote the participation and representation of women in all peacekeeping, peace negotiations, peace building and post-conflict activities as well as in the decision-making processes.



Since the judiciary is recognised as the bulwark of the rule of law and human rights, it is imperative that women are adequately represented and also participate actively in judicial bodies. The presence of women in the judicial process tends to generate positive perceptions in the minds of the public. This has led Justice Vanessa Ruiz¹ to observe as follows:

By their mere presence, women judges enhance the legitimacy of the courts, sending a powerful signal that they are open and accessible to those who seek recourse to justice.

¹ Senior Judge for the Court of Appeals in Columbia District, USA.

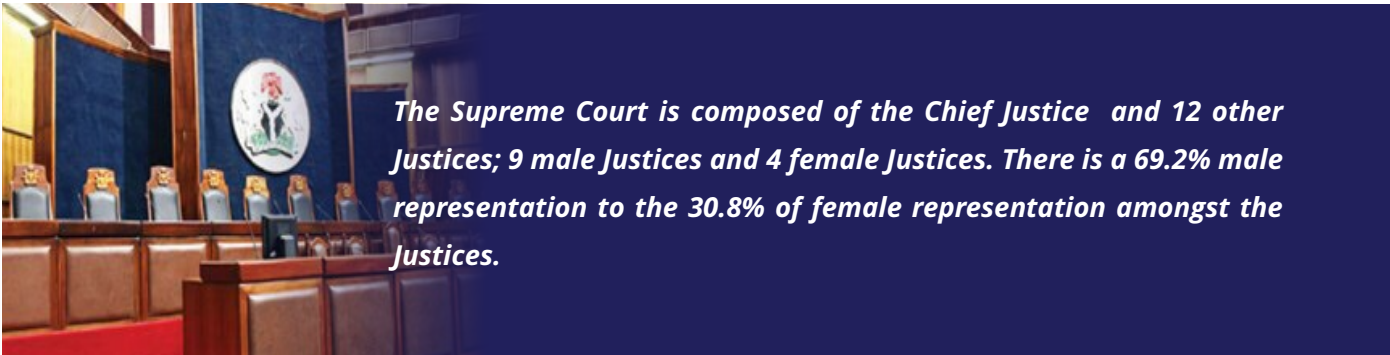
METHODOLOGY

This study employed purposive and snowballing sampling research model using direct qualitative interview, Key Informant interviews (KIIs) and Focused Group Discussions (FGDs) as tool for gathering field data. Simple analytic method of percentages, descriptive and trends were used to analyse the obtained data from questionnaires and discussions during the FGDs. The overall methodological research framework for this research is field survey. Triangulation was also used to generate primary and secondary data for analysis.



FINDINGS FROM THE JUDICIARY

THE NIGERIAN COURTS



The Supreme Court is composed of the Chief Justice and 12 other Justices; 9 male Justices and 4 female Justices. There is a 69.2% male representation to the 30.8% of female representation amongst the Justices.



The Acting President of the Court of Appeal Justice Monica Dogban- Mesem is a female, however there is a higher percentage of male Justices than female Justices. The Chief Registrar of the Court is male and over the past 24 years this position has been occupied by men.

THE NIGERIAN COURTS



The High Court is headed by a male Chief Judge and has 78 other Judges; with 68.1% of the Judges being male and a mere 32.9% being female.



FCT High Court has 35 Judges

60% Male, 40% Female

National Industrial Court of Nigeria has 32 Judges

59.4% Male, 40.6% Female

Magistrate Court

47.3% Male, 53.3% Female



The Sharia Court of Appeal was first established by the colonial authorities on the eve of their departure in 1960, and it replaced the Moslem Court of Appeal.

The Customary Court of Appeal has been classified by section 6 (3) of the Constitution as one of six superior courts of record in Nigeria.

FINDINGS FROM OTHER CRIMINAL JUSTICE AGENCIES

MINISTRY OF JUSTICE



The Position of the Attorney General of the Federation and Minister of Justice has been occupied by only Men for the past 60 years.

The Ministry's functions are discharged through core departments in the Ministry who act as representatives of the Attorney General of the Federation who heads the Ministry, within their respective organizations and the liaison offices located in the six geo-political zones of the country.³⁴

The Attorney General of the Federation and Minister of Justice is a man and this position has been occupied by only men for the past 60 years. A woman has never been appointed as Attorney General of the Federation.³⁵

THE NIGERIAN BAR ASSOCIATION

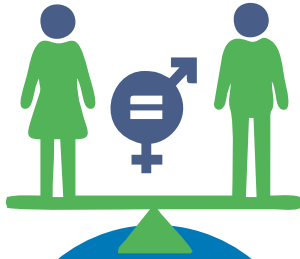


The NBA renews its leadership every two years when it elects a new President and other officials. The tenure of elected officials of the NBA runs for two years and is non-renewable.³¹ ***The current President of the NBA is a man and the only female to have headed it was Chief (Mrs) Priscilla Kuye from 1991-1992. The 1st Vice President and General Secretary position is occupied by a man and the 2nd Vice President position is occupied by a woman Also the management team positions of the NBA is occupied by more men than women while the Heads of Departments positons are occupied by women.***

International Federation of Women Lawyers (FIDA)

The Federation of Women Lawyers FIDA Nigeria was established in May 1982 to promote, protect, and preserve the rights, interests, and well-being of women and children by providing legal aid, legal literacy and education programs, and through advocacy, law reform, research and publication.

BAUCHI STATE



The gender sensitivity strategy implemented in the Bauchi State Judiciary appears to be that of equality. Both men and women are given equal opportunity for career growth.



The head of the Judiciary, the Chief Judge of the State is a female. Prior to 2007, there were three 3 female High Court Judges. By 2008, the number of female judges had reduced to one.



The Sharia Courts on the whole records more cases of sexual gender-based violence (SGBV) than the Magistrate or High Courts.

BENUE STATE



At the senior staff cadre, females constitute just 24.2%; while no female is part of the junior staff cadre. However, the percentage of males versus females during the last employment exercise stood at 50:50.




The Benue State Judiciary has been very strong in encouraging women and has appointed directors, deputy directors, deputy chief registrars and chief registrars.


“NO FEMALE IN THE LEGAL PROFESSION”


The ancient practice of “there is no female in the legal profession” might account for the neglect to create a gender policy or action plan and the judiciary does orient its staff on the commitment to gender equality, sexual harassment or gender-related policies and procedures.


KEY FINDINGS


- Limited knowledge of gender concepts, issues and pervasive stereotyping



- Non-implementation of the National Gender Policy



- Low level of awareness of the UNSC Resolution 1325 and the NAP



- Inadequate representation of women in judicial institutions



- Lack of institutional gender policies and mechanisms for dealing with SGBV and SEA


- Limited access to justice for women and girls


- Absence of collaborative frameworks with other gender-focused institutions


- Lack of gender-friendly work environment


- Lack of gender-disaggregated data collection and warehousing



KEY RECOMMENDATIONS

- **Gender capacity building and awareness creation on UNSCR 1325 and NAP**

If the staff of the institutions saddled with the responsibility of ensuring the participation of women in the prevention, management and resolution of conflicts are oblivious of the extant legal and policy framework, how then can vulnerable women and girls advocate for themselves? The required capacity building can be undertaken at two different levels: one way is to mainstream gender issues into the training curriculum of the National Judicial Institute (NJI) that has statutory responsibility for the training of judicial officers; the other, is to engage in the conduct of robust refresher and in-service training for both judicial officers and staff of judicial institutions.

- **Increased participation of women through quotas and at leadership positions**

Participation is one of the key elements of women's involvement in the peace process, at the decision-making level and otherwise. The findings of this study reveal that the number of female judicial officers and staff of judicial institutions leaves much to be desired as it falls below the 35% being advocated. One strategy for achieving this is the adoption of the affirmative action principle to improve representation for underrepresented groups.

- **Develop institutional gender policies, SOPs, operational guidelines and infrastructure**

The gender sensitivity or responsiveness of an institution may well depend on the development and implementation of gender compliant policies. Without such gender policies, staff of the organisation tend to exhibit gender perceptions developed and ingrained over years of socialisation in a patriarchal society like ours. Sexist conduct in the workplace may often be tolerated in the absence of such policies. Beyond the integration of values of gender equity, regard must be had to the recognition of special needs of women.

- **Establish institutional mechanisms for dealing with SGBV complaints**

The existence of a confidential means of filing complaints without fear of prejudicial consequences will encourage victims to come forward, thereby breaking the culture of silence that characterises SGBV. Respondents at the various interviews and FGDs denied knowledge of any incidences of SGBV within their respective institutions, but acknowledged the absence of any institutional mechanism for handling such complaints. Developing such systems will act as a deterrent to perpetrators while building confidence of victims to report cases when they occur.

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