

Proceedings

Expert Level Convening on Consolidating Legal Aid Approaches in Kano State

Preamble

Rule of Law and Empowerment Initiative also known as Partners West Africa Nigeria (PWAN) in collaboration with the Kano State Ministry of Justice organized a 2-day Expert Level Convening on Consolidating Legal Aid Approaches in Kano State held on Thursday 26th and Friday 27th of April, 2018 at Babale Suites, Kano. It drew participants from the justice and legal aid sectors in Kano, Lagos and Ondo states as well as delegates from Kenya, Tanzania and Rwanda who proffered varied strategies for approaching the consolidation of legal aid services in Kano state.

In attendance at the event were representatives of the Ministry of Justice, Kano; Nigerian Bar Association (NBA); Legal Aid Council of Nigeria (LACON); National Legal Aid Services, Kenya; Legal Aid Forum, Rwanda; Tanzania Network of Legal Aid Providers; and National Human Rights Commission (NHRC). Others were the Network of University Legal Aid Institutions (NULAI); Nigeria Prisons Service (NPS); Kano Emirate Council; Kano State Hisbah Board as well as civil society organisations providing legal aid services in Kano State.

Opening Session

Speakers at the opening session of the 2-day Expert Level Convening on Consolidating Legal Aid Approaches in Kano State unanimously agreed that the meeting was timely and couldn't have come at a better time than now when indigent people in Kano state were facing a lot of access to justice challenges to do with rape, marital disputes etc. They also affirmed the fact that everyone was equal before the law hence indigent people who are ignorant of their rights and could not represent themselves or even present their case before a court of law needed to be given the opportunity to access legal aid services. The speakers also commended the work of the Public Defender's Office (PDO) in helping indigent persons in Kano state including women and children, have access to legal aid services.

Plenary Session 1: Legal Aid within the Context of the Common Law Legal Framework in the Nigerian Constitution

Presenters and discussants at the first plenary session consistently agreed that the common law legal framework in Nigeria provides for legal aid since the Nigerian constitution itself

guarantees all citizens right to life, and right to fair hearing, amongst others. Therefore, they advocated for proper funding for the Legal Aid Council of Nigeria (LACON) as enshrined in the act establishing it arguing that the Council was now so handicapped that it lacks the capacity to provide effective legal representation and ensure access to justice for indigent persons in the state. They also avowed that consolidating legal aid approaches in Kano state will remain a mirage unless the human rights of indigent people is promoted and protected through raising awareness about human rights issues among them which could be achieved through greater collaboration between relevant agencies including the NHRC, LACON, PDO and other CSOs working in the area of access to justice.

Plenary Session 2: Legal Aid within the Traditional Justice System; Level of Effectiveness and Practicability

The presenter and discussants in this session asserted that the centuries old traditional legal system in Kano state also supports legal aid; it is not foreign to the traditional justice system, citing examples of some of its provisions dating back to the days of King of Kano Muhammadu Rumfa (1463- 1499). It was during Rumfa's reign that a committee of 9 persons of proven integrity called *Tara ta Kano* came into being; it was shouldered with the dual responsibility of guaranteeing the legal rights of the ruling class on one hand and that of the masses, on the other hand. Thus, they affirmed that, if reformed, made gender-sensitive and integrated with the formal legal system, the traditional justice system in Kano state still has the potency to offer indigent persons at the grassroots access to justice, at zero or minimal cost.

Plenary Session 3: Sharia System and Legal Aid Services; the Practicability and Effectiveness within Kano State

The presenter and discussants in this session also confirmed that the Sharia legal system have provisions for legal aid; legal aid is not alien to the Shariah legal system arguing that there were diverse authorities under the Sharia legal system that encourage mediation and arbitration, which extends to matrimonial or spousal disputes. They also observed that if the provisions of the Sharia will be faithfully abided by, most access to justice issues in Kano state will naturally be addressed adding that 70% of the Hisbah's work in Kano State – which is also based on the Sharia – is to do with mediation and arbitration hence what the Hisbah is doing, essentially, is providing legal aid services.

Plenary Session 4: Accessibility to Legal Aid - CSO's Experiences from the Field

While sharing their experiences providing legal aid services in the field the civil society actors asserted their critically-helpful role in ensuring access to legal aid services for indigent persons through the training of paralegals; human rights education; legal representation in courts; advocacy and raising awareness; legal clinics as well as ADR and mediation. They, however, decried the lack of legal recognition for paralegals and proffered that civil society and other organisations providing legal aid services in Kano state are organized under one umbrella, to strengthen them for effective collaborations and sharing of information as well as avoid duplication of responsibilities when it comes to handling of cases.

Plenary Session 5: Comparative Experience: Lessons from Lagos State, Kenya, Rwanda and Tanzania

While sharing their various experiences in providing legal aid services, representatives from Lagos, Kenya, Rwanda and Tanzania shared varied lessons on providing legal aid services in their respective realms which include the hosting of the annual Lagos Pro Bono Week that features awareness raising events, legal clinics and awards for outstanding pro bono lawyers, presented by the Governor of Lagos. Other experiences shared were the use of ICT to expedite legal aid service delivery, adoption of mixed-delivery model for legal aid services, improved inter-agency partnership and coordination, proper record keeping and documentation as well as the adoption of African traditional justice systems in providing legal aid services, such as Rwanda's Gacaca, a community-based justice system.

The participants resolved:

- Just like the existing healthcare trust fund in Kano State, having a legal aid trust fund is also desirable in the state; Kano should consider exploiting the opportunity provided by Zakat in Islam to finance the legal aid fund.
- There is need for multi-stakeholder approach to providing legal aid services in Kano state by ensuring inter-agency collaboration between Ministry of Justice, NBA, NHRC, LAC, NPS, Hisbah, PDO, PRAWA, IWEI etc
- Pro bono lawyers offering legal aid services should also be paid stipends as encouragement and also be compelled to handle court cases up to conclusion and not exploit unsuspecting indigent persons just to gain cheap media publicity and then abandon them.
- Kano State should domesticate the Administration of Criminal Justice Act (ACJA) which has the potency to improve access to justice for indigent persons in the state.

- It is important create a sense of mutual trust and confidence between prisoners and legal aid service providers in Kano state to avoid suspicion on the part of prisoners and encourage them to open up.

Way Forward

- Kano State should adopt the Lagos style justice sector reform with the Ministry of Justice leading the process; and working in collaboration with the network of CSOs offering legal aid services.
- To ensure access to justice for indigent persons, NYSC, graduate and students lawyers in Kano State should be posted to police stations, CSOs providing legal aid services and LAC and be paid stipends to provide legal aid services.
- All civil society and other organisations providing legal aid services in Kano State should be organized into a network to strengthen them for effective collaborations and sharing of information and to avoid duplication when it comes to handling of cases.
- In order to de-crowd the prisons in Kano State varied strategies need to be adopted including speeding up of trials of persons awaiting trial, training of inmates awaiting trial for self-representation as well as the training of prison waders to also work as paralegals.

Signed
The Conveners