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This action is funded by the European Union

## ANNEX 2

of the Commission Decision on the Annual Action Programme 2016 in favour of the Federal Republic of Nigeria to be financed from the 11<sup>th</sup> European Development Fund

### Action Document for Support to Rule of Law and Anti-Corruption in Nigeria

1. Title/basic act/ CRIS number	Support to Rule of Law and Anti-Corruption in Nigeria (RoLAC) CRIS number: NG/FED/039-083 financed under 11 <sup>th</sup> European Development Fund (EDF)			
2. Zone benefiting from the action/ location	Federal Republic of Nigeria The action shall be carried out at the following location: Federal level and in selected States with project team based in Abuja.			
3. Programming document	National Indicative Programme between the European Union and Nigeria for the period 2014-2020			
4. Sector of concentration/ thematic area	Sector 3: Rule of Law, Governance and Democracy	DEV. Aid: YES <sup>1</sup>		
5. Amounts concerned	Total estimated cost: EUR 25 000 000 Total amount of EDF contribution EUR 25 000 000			
6. Aid modality and implementation modality	Project Modality Indirect management with a Member State agency (British Council)			
7. a) DAC code(s)	15130 - Legal and Judicial Development 15210 - Security system management and reform 15118 - Anti-corruption organisations and institutions.			
b) Main Delivery Channel	Public Sector Institutions - 10000			
8. Markers (from CRIS DAC form)	General policy objective	Not targeted	Significant objective	Main objective
	Participation development/good governance	<input type="checkbox"/>	<input type="checkbox"/>	X
	Aid to environment	X	<input type="checkbox"/>	<input type="checkbox"/>
	Gender equality (including Women In Development)	<input type="checkbox"/>	X	<input type="checkbox"/>
	Trade Development	X	<input type="checkbox"/>	<input type="checkbox"/>
	Reproductive, Maternal, New born and child health	X	<input type="checkbox"/>	<input type="checkbox"/>
	RIO Convention markers	Not targeted	Significant objective	Main objective
	Biological diversity	X	<input type="checkbox"/>	<input type="checkbox"/>
	Combat desertification	X	<input type="checkbox"/>	<input type="checkbox"/>
	Climate change mitigation	X	<input type="checkbox"/>	<input type="checkbox"/>
	Climate change adaptation	X	<input type="checkbox"/>	<input type="checkbox"/>

<sup>1</sup> Official Development Aid is administered with the promotion of the economic development and welfare of developing countries as its main objective.

<b>9. Global Public Goods and Challenges (GPGC) thematic flagships</b>	N/A
<b>10. Sustainable Development Goals (SDGs)</b>	SDG 16: Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels Goal 5: Achieve gender equality and empower all women and girls

#### **SUMMARY**

The Nigerian government has made the fight against corruption a top priority and has re-affirmed its commitment to reform the criminal justice system. In line with these aspirations, the overall objective of the 11<sup>th</sup> EDF Rule of Law and Anti-Corruption (RoLAC) project is to enhance good governance in Nigeria by contributing to strengthening the rule of law and curbing corruption.

The main expected outcomes are to: a) advance the timely, effective and transparent dispensation of criminal justice; b) strengthen access to justice for women, children and persons with disabilities at Federal and State levels; c) strengthen the fight against corruption by reinforcing prevention mechanisms and building the capacity of anti-corruption agencies to effectively address corruption in public procurement, the criminal justice system and the extractive sector; and d) to enhance civil society and public engagement in the fight against corruption and the criminal justice reform process.

The action corresponds to specific objective 2 of the third focal sector (rule of law, governance and democracy) of the 11<sup>th</sup> EDF EU-Nigeria National Indicative Programme (NIP), i.e. "To contribute to measures to improve economic governance, consolidate rule of law and enhance peace and security in Nigeria", and will contribute to achieving its three expected results: (1.1) "more independent, effective, responsive and transparent justice sector", (1.2) "improved accountability of and transparency in the financial management of government resources" and (1.3) "increased promotion and protection of human rights".

## **1 CONTEXT**

### **1.1 Sector/Country/Regional context/Thematic area**

With an estimated population of 177.5 million (World Bank 2015), Nigeria is the most populous country in Africa. It is a federation of 36 states and the Federal Capital Territory (FCT) Abuja serves as the seat of government. The country operates a presidential system of government, with executive, legislative and judicial branches, and has a President that serves as both head of state and head of government. The states form the second tier of government and are further sub-divided into 774 Local Government Areas (LGAs) which constitute the third tier of government. Each state is administered by an elected Governor.

Returning to civilian rule in 1999, Nigeria's young democratic system has had to deal with the consequences of almost three decades of autocratic military rule and its legacy of weak and fragile rule of law institutions, repressive and unaccountable security forces, deeply entrenched corruption and citizens alienated from government and public affairs. While several attempts have been made to reform the justice sector and to combat corruption - and have contributed to some degree of independence and professionalism - efforts have generally not been matched by the political commitment and resources required for comprehensive reform.

Corruption pervades all levels of government in Nigeria, causing a massive strain on public resources and eroding citizens' trust and confidence in the system. Successive governments have devised numerous ways of tackling this threat, particularly since the country's return to civilian rule, passing legislation and setting up anti-corruption agencies with a mandate to independently investigate, prosecute and prevent corruption. At international level, Nigeria has ratified and signed the United Nations Convention Against Corruption (UNCAC) and is a signatory to both the African Union

Convention on Preventing and Combating Corruption (AU Convention) and the Economic Community of West African States Protocol on the fight against Corruption (ECOWAS Protocol).

However, the fight against corruption in Nigeria has remained largely ineffective as existing laws are not adequately enforced, legal gaps still exist, and past governments have failed to root out corrupt practices and hold perpetrators to account. Transparency International's Corruption Perceptions Index (CPI) for the years 2012-2015 gave Nigeria scores of around 27 of 100 in terms of perceived levels of public sector corruption<sup>2</sup>.

Nigeria has over the years had to deal with problems of insecurity, particularly those brought on by *Boko Haram* which has been linked to ISIS and other terrorist organisations. Their activities are often facilitated and enabled by the absence of accountability and the rule of law which remain significant obstacles to political, economic, infrastructural and social development in Nigeria.

### **1.1.1 Public Policy Assessment and EU Policy Framework**

Assuming office in May 2015, President Muhammadu Buhari's administration has identified three main policy priorities: combating insecurity, tackling corruption and re-structuring the underperforming national economy. Furthermore, Buhari has repeatedly emphasised the need for judicial reforms that will strengthen the rule of law, assist his administration's war against corruption and strengthen democratic governance.

The government has reaffirmed that the Administration of Criminal Justice Act (ACJ) will be at the centre of its **criminal justice** reform efforts. Passed in 2015, after a legislative process of over 10 years, the ACJ marked a watershed in the reform process, setting out an agenda for comprehensive overhaul of the criminal justice administration. The ACJ has the stated purpose to "promote efficient management of criminal justice institutions, speedy dispensation of justice, protection of society from crime and protection of the suspect, defendant and victim". It contains provisions to update archaic criminal procedure systems, which were first introduced during the colonial era, and to promote a paradigmatic shift in a punishment-based criminal justice system to one of restorative justice addressing the needs of society and the human rights of victims and vulnerable persons. The Federal Ministry of Justice (FMOJ) is in the process of setting up a high-level "ACJ Monitoring Committee" which will guide the implementation of the ACJ<sup>3</sup>.

Nigeria's federal character means that the Act has to be domesticated by states in order to be applicable at state level. Given the delay in passing the bill at the Federal level, some states enacted the bill already before 2015 – including the selected focal states Lagos (2007) and Anambra (2011) – while others are in the process. State model laws have been developed under the 10<sup>th</sup> EDF "EU support to the Justice Sector" project to facilitate state domestication. If implemented, the ACJA could have a real impact on the effectiveness criminal justice system: a United Nations Office on Drugs and Crime (UNODC) study demonstrated that states where ACJ is already in force has reduced time from arrest to judgement to an average of 22 months, compared to the national average of 42 months.

FMOJ is also in the process of drafting and reviewing other legislation, notably the Prisons and Police Reform Bills, which if enacted would complement the ACJ reform efforts. In addition, specific legislation to address violence against women and girls - the Violence Against Persons (Prohibition) Act (VAPP) – was passed in 2015 and the Child Rights Act (CRA) has existed since 2003 for the protection of children and minors, including those in conflict with the law. Both laws have been enacted at federal level and require adoption at state level, with 24 states having passed the CRA. The Legal Aid Act (2011) provides the mandate and responsibilities of the Legal Aid Council, the agency tasked with providing free legal assistance to the poorest citizens.

While the government's policy and strategic direction on the **fight against corruption** is still under development, during the Anti-Corruption Summit in London (May 2016), President Buhari referred to

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<sup>2</sup>Transparency International [<http://www.transparency.org/cpi2015/>].

<sup>3</sup> For further information, see Appendix 5 "Factsheet on the Administration of Criminal Justice Act".

the development of a "national anti-corruption strategy document that will guide our policies in the next three years, and possibly beyond". A draft summary of the strategy was presented to the public on May 2016 - along with a commitment that it would be passed before the end of the year - which foresees five objectives relating to (i) addressing foundational gaps; (ii) an improved environment for transparency and accountability; (iii) strengthening key anti-corruption institutions and initiatives; (iv) improving anti-corruption incentives; and (v) recovering the proceeds of corruption<sup>4</sup>.

At federal level, the legal framework for anti-corruption in Nigeria is rooted in the Nigerian Constitution and a myriad of legislation targeted at preventing and combating corruption. Key anti-corruption legislation includes the Corrupt Practices and Other Related Offences Act (2000) and the Economic and Financial Crimes Commission Establishment Act (2004) – establishing the Independent Corrupt Practices and Other Related Offences Commission (ICPC) and the Economic and Financial Crimes Commission (EFCC) – the Public Procurement Act (2007), creating the Bureau of Public Procurement (BPP), and the Nigeria Extractive Industries Transparency Initiative Act (2007) which mandates the Nigeria Extractive Industries Transparency Initiative (NEITI) to promote transparency and accountability in the management of Nigeria's oil, gas and mining revenues.

This has resulted in the existence of multiple institutions with mandates to fight corruption – some twenty-one federal agencies as per the 2009 United Nations Convention against Corruption (UNCAC) process. While created to address different aspects of corruption, in practice this has created a situation of overlapping mandates, competition over limited funding and inadequate information sharing and coordination.

In terms of budgetary allocations, the Federal Ministry of Justice has a budget estimate of NGN 18 billion (EUR 80 million) for 2016. The total allocation for the Ministry of Interior, which includes police and prisons services, is over NGN 500 billion (EUR 2 billion) which is an increase from their budget allocations for 2014 and 2015. The Federal Government proposes to spend a total of about NGN 28 billion (EUR 124 million) in 2016 on Nigeria's anti-corruption agencies which represents a 3.1% increase to 2015. Out of this, 40%, or NGN 11 billion (EUR 49 million), is allocated to EFCC, NGN 1.4 billion (EUR 6 million) each to BPP and NEITI; ICPC NGN 4.6 billion (EUR 20 million), while the Code of Conduct Bureau (CCB) has been allocated about NGN 2 billion (EUR 9 million).

The 11<sup>th</sup> EDF Support to Rule of Law and Anti-Corruption Project (RoLAC) falls within the scope of the third focal sector of the EU-Nigeria NIP 2014 – 2020 which focuses on the "rule of law, governance and democracy" and specific objective 2 "to contribute to measures to improve economic governance, consolidate rule of law and enhance peace and security in Nigeria". The action should contribute to the achievement of the three expected results under this specific objective, namely: (1.1) "more independent, effective, responsive and transparent justice sector", (1.2) "improved accountability of and transparency in the financial management of government resources and (1.3) "increased promotion and protection of human rights". Furthermore the project aligns with the EU's development policy *Agenda for Change* (2011) and the policy priority on human rights, democracy and other key elements of good governance.

### **1.1.2 Stakeholder analysis**

Nigerian criminal justice and anti-corruption sectors are highly complex, with the three branches of government at both federal and state playing central, and sometimes parallel, roles in terms of policy-making, legislation, litigation and adjudication, and various federal and state institutions and agencies involved in law enforcement, implementation and service delivery. Civil society organisations (CSOs) are critical to the reform process, and exercise roles on both the supply side – e.g. providing legal aid – and the demand side – e.g. raising awareness among the general public of their rights and issues of general concern as well as a watchdog, advocating for better governance and holding government to account.

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<sup>4</sup> The Presidency / Inter Agency Task Team (IATT) *Draft National Strategy to Combat Corruption* (2016). The strategy builds on efforts supported under the 10<sup>th</sup> EDF.

## Key beneficiaries– Criminal Justice

Key institutions of the **criminal justice system** include the Ministry of Justice (federal and state level), the judiciary, the police, the prisons service and legal practitioners. The Ministry of Justice leads on policy making and prosecution of offences, the Nigerian Police Force (NPF) is tasked with investigation and prosecutes some cases (although this may change with implementation of ACJ), the judiciary is responsible for the trial and sentencing of indicted offenders, while the Nigerian Prisons Service (NPS) detains and provides correctional services to pre-trial detainees and sentenced offenders.

The **Federal Ministry of Justice** (FMOJ) is expected to drive coordinated reform of the justice sector. In 2008, the Federal Justice Sector Reform Coordination Committee (FJSRCC) was set up for this purpose, and the Minister of Justice/Attorney General of the Federation has committed to revitalise the structure so as to secure high level participation of key stakeholders. The FMOJ is also responsible for prosecution, through the Department of Public Prosecution (DPP), including training, as well as supervising specialised prosecution agencies but lacks adequate facilities and capacities. The FMOJ Legal Drafting Department drafts new legislation – it is currently reviewing and developing a number of bills to advance the reform agenda - but faces capacity challenges in this area. The Office of the Vice-President has established a **Rule of Law Advisory Team** (RoLAT), tasked with the responsibility of making recommendations to the Vice-president on justice sector reform issues in three specific areas: Police Reform, Anti-Corruption and Criminal Justice Sector Reform.

Led by the Commissioner of Justice and Attorney General (AG), **state ministries of justice** oversee coordination of the criminal justice system at state level, work with state level law reform commissions, undertake legal drafting, and are largely responsible for prosecution and legal advice of criminal cases in states high courts. However, state ministries face significant capacity and resource constraints, making it a weak link in the criminal justice chain. Some states, including three of the selected pilot states (Kano, Anambra and Lagos) have set up Justice Reform Teams to address the lack of sectoral coordination and to improve the judicial efficiency. The four targeted focal states are led by reform-minded AGs who are putting forward initiatives to improve criminal justice administration and access to justice, including through implementing, or in Adamawa's case domesticating, state ACJ laws.

The **judiciary** administers criminal justice on the basis of three distinct legal systems: English Common Law derived from its colonial past; Customary Law based on indigenous traditional norms and practice, and Sharia Law applicable to Muslims in 12 northern states (including the focal state Kano, but not Adamawa) since its introduction in 2000. With respect to substantive law, the Criminal Code Act applies in the southern states while the Penal Code Act applies in northern states. In procedural matters, the Criminal Procedure Act is applicable in southern states while the Criminal Procedure Code applies in northern states, although the ACJ provides for a uniform national criminal procedure.

The judiciary operates through courts at the federal and state levels with fusion at the level of Appellate Courts. At the federal level, there are the Federal High Court, the Supreme Court as the highest appellate court, and the Court of Appeal which also serves as an appellate court from state high courts. States are responsible for the administration of justice at state level, with state high courts, magistrates' courts and lower courts applying statutory (written) laws while customary courts apply customary (non-written) laws in most southern states and Sharia courts, or Area courts, enforce Sharia laws in the 12 northern states. **Traditional, customary and alternative mechanisms** of justice dispensation, as well as private and informal security actors constitute critical stakeholders in the Nigerian justice system, and are the prime administrators of justice in many parts of the country for poorer litigants.

The **Legal Aid Council** provides free legal services to those that cannot afford a legal practitioner and as such has a key role in advancing access to justice. It is a federal institution but with offices in all states and the 2011 Legal Aid Act also requires the establishment of centres at local government level. However, it has limited capacity and finances to meet the massive needs and, in line with the Act and a strategic plan developed with support under the 10<sup>th</sup> EDF, is working to expand services by partnering with the Nigeria Bar Association, the umbrella association for lawyers, and CSOs providing legal

assistance. Some states, including the focal states, have established their own Office for Public Defender/Citizen's Rights Directorates/Departments which also provide legal aid services.

The federal **Nigerian Police Force** (NPF), under the Ministry of Interior, represents a key bottleneck in the criminal justice system. Key problems relate to management, capacity constraints, staff motivation, operational coordination with prosecution and state level institutions (courts, prosecutors), lack of credible accountability systems to check staff performance and behaviour, while pervasive corruption and abuse erodes public trust in the institution. The reliance on untrained police officers to investigate crimes and prosecute some criminal cases introduces unacceptable delays in the judicial process. The police leadership has introduced measures to address the issue, including some with the support of development partners, notably the UK Department for International Development (DFID), but this has yet translated into a comprehensive reform plan. FMOJ has indicated that the Police Reform Bill is among its legislative priorities for criminal justice reform. The action will target the **NPF Force Gender Unit**, set up in 2012 in reaction to the alarming rates of Sexual and Gender Based Violence (SGBV).

Also a federal agency under the Ministry of Interior, the **Nigeria Prison Service** (NPS) faces significant challenges and is seriously under-resourced. NPS is trapped in gridlock of institutional deficiencies of the police, prosecution, legal aid and the courts which results in lengthy delays in criminal justice and trial processes and, as justice institutions remand suspects in prisons, prison congestion. About two thirds of the overall prison population are awaiting trial, reducing in turn the possibility of NPS to deliver its expected rehabilitation of prisoners.

#### Key beneficiaries – Anti Corruption

The **FMOJ** plays a convening and strategic role in the government's fight against corruption. Alongside the anti-corruption agencies, FMOJ also contributes to the prosecution and legal advice of anti-corruption cases - e.g. the FMOJ has indicated an interest in creating a task force of investigators and prosecutors to take on complex and high-profile anti-corruption cases - and oversees enforcement of regulatory frameworks. It plays a key role in the government's asset recovery agenda.

Established by Buhari in 2015, the **Presidential Advisory Committee Against Corruption (PAC-AC)** advises the administration on the fight against corruption and seeks to engender inter-agency cooperation, promote effectiveness of anti-corruption agencies (ACAs), to promote required reforms of the criminal justice system, as well as to revisit corruption cases which have stalled or been suspended. It complements IATT/TUGAR in its coordinating role (see below), focussing mainly on the political level with the IATT/TUGAR platform being more technical in nature. The PAC-AC provides a useful entry point for the action but limited government funding thus far raises concerns as to its sustainability.

The **anti-corruption agencies (ACAs)** which will be targeted under the project, all of which were beneficiaries under the 10<sup>th</sup> EDF, include: the Independent Corrupt Practices and Other Related Crimes Commission (ICPC); the Economic and Financial Crimes Commission (EFCC); Code of Conduct Bureau (CCB) and the Code of Conduct Tribunal (CCT); the Bureau for Public Procurement (BPP); and the Nigeria Extractive Industries Transparency Initiative (NEITI).

**ICPC** was established in 2000 with the enactment of the Corrupt Practices and Other Related Offences Act. It is mandated to carry out "investigation, prosecution, system study and review, education as well as enlistment and fostering of public support in combatting corruption"<sup>5</sup>. The **EFCC**, established in 2004, has the mandate to investigate financial crimes and coordinate existing economic and financial crimes units such as the Nigerian Fiscal Intelligence Unit (NFIU) and the Special Control Unit against Money Laundering (SCUML). Both the ICPC and EFCC Acts apply at all levels of government and they both have the mandates to prevent, investigate and prosecute acts of corruption.

The **CCB**, which derives its existence from the 1999 constitution as amended, was established to administer and enforce the code of conduct for public officers. It has the powers to compel declaration

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<sup>5</sup> Independent Corrupt Practices and Other Related Crimes Commission (ICPC), Strategic Plan (2013 – 2017).

of assets by public officers and to receive and investigate complaints regarding violations of the code. The CCB has powers to enforce the public service code of conduct through the instrumentality of the **CCT** which is also established by the Constitution. CCB officials scan hundreds of completed asset declaration daily but the system in use is time-consuming and makes data management cumbersome. The CCB also faces challenges on making public the asset declaration forms in spite of the existence of the Freedom of Information Act (FOI). Under the 10<sup>th</sup> EDF, support was provided for drafting asset declaration guidelines which are currently awaiting approval of the National Assembly.

The **Bureau of Public Procurement (BPP)** exists to regulate the procurement of goods and services within the public sector. Taking their cue from procurement reforms at federal level, some states have enacted public procurement laws modelled after the Public Procurement Act (2007) and are putting in place mechanisms to ensure due process in public procurement. However, large gaps remain in the legal and institutional framework and institutional capacity of states and LGAs in the area of public procurement and fiscal transparency and accountability which could be addressed by this project. The **NEITI** Act provides an institutional mechanism for transparency in the extractive industries, through revenue and expenditure tracking and monitoring of industry practices with an eye to ensuring remedial action, in collaboration with stakeholders.

Due to the inexistence of an enabling law, the coordination role provided by the **Inter Agency Task Team (IATT)** and the **Technical Unit on Anti-Corruption and Governance Reforms (TUGAR)**, which acts as its secretariat, is limited and somewhat superficial. It rarely extends to issues of policy and rarely brings together the heads as key decision makers in their respective institutions. Nevertheless, under the 10<sup>th</sup> EDF, the IATT/TUGAR coordination platform was able to constitute, with varying degrees of success, the beneficiary ACAs into five inter-agency working groups on asset recovery; prevention; investigation and prosecution; policy and safe reporting.

Overall, and in addition to, the challenges that derive from a lack of coordination and overlapping mandates, the ACAs face a number of challenges in the delivery of their mandates, including inadequacies of their establishment acts; weak/underutilised ICT infrastructure; capacity gaps; delays in the prosecution of corruption cases; inadequate funding; and inadequate public demands for accountability. ACAs also face challenges which have impeded their capacity to effectively absorb development assistance, such as organisational bureaucracy; institutional weaknesses and political interference.

#### Other key stakeholders

As part of its approach to capacity development based on sustainability and institutional strengthening, the action foresees support to respective **training institutions** and entities of the criminal justice and anti-corruption sectors. The National Judicial Institute (NJI) is responsible for appointment and training all judges and magistrates in the country. Although considerable resources have been expended recently on the building of a new training complex, the NJI lacks the capacity, resources and outreach (with only one training venue located in Abuja) to reach, train and re-train all members of the Judiciary. The Nigerian Institute of Advanced Legal Studies (NIALS) is yet another platform for the training of lawyers located in both Lagos and Abuja. Within the anti-corruption sector, the ICPC and EFCC have their training academies and, as explained above, the PAC-AC also undertakes training.

The **legislature**, constituted by the National Assembly at federal level, and Houses of Assembly at state level, plays a critical role in criminal justice reform and the fight against corruption, in terms of its law-making and deliberative functions as well as in exercising financial control and oversight of the executive power. However, the Nigerian legislature faces significant capacity constraints in all these areas, and particularly at state level.

**Civil society** organisations (and other non-state actors) also play crucial roles in promoting the rule of law and combating corruption. There are also some highly specialised CSOs and CSO networks active working in the justice and anti-corruption sector. Further capacity building and institutional strengthening of many of the CSOs is needed.

### ***1.1.3 Priority areas for support/problem analysis***

The fight against corruption and the advancement of criminal justice reforms have been hampered by a complex combination of factors, including lack of political commitment and institutional will; outdated/incomplete/absent legislative and policy frameworks; capacity and resource constraints; limitations in terms of strategic planning; and insufficient coordination among the numerous agencies involved in both fighting corruption and the criminal justice sector. The lack of policy attention to prevention, including social norms and practices, has also reduced the effectiveness of anti-corruption measures.

While the policy/strategic direction on criminal justice reform and the fight against corruption is still under development – with the EU lending support under the 10<sup>th</sup> EDF for this process – the EU has initiated a dialogue with the Ministries of Justice, Interior and Budget and National Planning to identify priority areas of support, consistent with specific objectives and results under the 11<sup>th</sup> EDF NIP. In addition, priority areas were arrived at through a review of policy statements made by high level government representatives<sup>6</sup>, extensive consultations with target beneficiaries and stakeholders, and a review of 10<sup>th</sup> EDF justice sector and anti-corruption project reports and evaluations towards identifying best practices, lessons learnt and key achievements that can be built upon under the 11<sup>th</sup> EDF.

In addition, the following factors were taken into consideration: (i) the need to be concrete and targeted in line with both available financial resources and recommendations of the relevant evaluations; (ii) the need to ensure synergy and complementarity, while avoiding duplication, with support being provided by other development partners as well as with both ongoing and planned EU projects; and (iii) a focus on programmatic interventions as opposed to critical measures that are out of the project's control and can only be addressed by political decisions/commitment (e.g. adoption of the NACS; passage of pending bills, etc.).

On this basis, the action will focus on the following specific areas at federal level as well as in 4 selected focal states – Kano, Adamawa, Anambra, Lagos<sup>7</sup> - with a proven commitment to the reform process:

On criminal justice reform:

- More timely, effective and transparent dispensation of criminal justice through the implementation of relevant provisions of the Administration of Criminal Justice (ACJ) Act and Laws (in states).
- Institutional development of justice sector agencies both at federal and state levels.
- Improved access to justice for vulnerable groups, particularly women and children, through implementation of the Violence Against Persons Prohibition (VAPP) act and the Child Rights Act.
- Provision of legal aid and access to justice, particularly at the local level, by scaling up support to the establishment of low-cost paralegals to provide first legal aid services in the community, police, prisons and courts and testing the feasibility of public defenders to provide representation in the lower courts.
- Engagement with the informal justice sector and customary/traditional justice sector groups by supporting independent village mediation services drawing on lessons learnt and best practices.
- Civic engagement on justice sector reform.

On anti-corruption:

- A focus on identified key hotbeds of corruption as follows: corruption in the criminal justice system; public procurement and the extractive sector.
- Strengthening inter-agency coordination and collaboration among relevant ACAs as well as with the justice sector.

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<sup>6</sup>Including the draft country statement from Nigeria for the London Anti-Corruption Summit held in May 2016; and the communiqué of the Abuja Anti-corruption Summit held on 5th May, 2016 attended by representatives of the Government of Nigeria, civil society and the media.

<sup>7</sup>Please see Appendix 2 for the criteria of selection of the focal states.



- Defining and implementing an overarching vision or strategy for the fight against corruption including devising an effective means of communicating this vision or strategy to the citizens.
- Supporting the implementation of existing/planned anti-corruption legislation, policies and strategies by developing administrative, technical and operational capacities, on the basis of agency-specific capacity gap assessments (as developed under 10<sup>th</sup> EDF).
- Supporting the implementation of preventive measures including, but not limited to, conducting corruption risk assessments in target Ministries Department and Agencies (MDAs); system studies and reviews; asset declaration management; extractive sector audits; the development and implementation of integrity plans and key audit recommendations; and conducting relevant monitoring and evaluation activities.
- Support to non-state actors such as civil society, society/opinion influencers and the media in the fight against corruption through their roles as (i) educators and mobilisers of the public, (ii) think tanks to influence government decision and public opinion, (iii) watchdogs, through e.g. investigative journalism and, (iv) agents of accountability, ensuring the public funds are managed efficiently and effectively.

## 2 RISKS AND ASSUMPTIONS

Risks	Risk level (H/M/L)	Mitigating measures
Project activities are significantly disrupted by adverse events, such as a poor security situation, natural hazards, sickness or injury to staff.	Medium to High	<ul style="list-style-type: none"> <li>▪ The assessment of the security situation and risk to staff will be conducted prior to staff travel and commencement of any project activities in any state/project location.</li> <li>▪ Given that project activities will take place at both federal and state level, and in more than one state, the suspension of a project activity in a location will not imply suspension of the whole project as activities will be continued elsewhere.</li> </ul>
Staff turn-over (this includes frequent changes of staff interfacing with the project).	Medium	<ul style="list-style-type: none"> <li>▪ Development of proper HR management systems within the beneficiary.</li> <li>▪ The project keeps records of staff trained and follows up their mobility to ensure they are moving on to posts that reflect the value of their training.</li> <li>▪ Agreement with heads of institutions to retain staff assigned to the project (including seconded staff/project officers and project focal persons).</li> <li>▪ Reflect evidence of inappropriate transfers of seconded staff in project reports to EU Delegation and where possible follow up to avoid future occurrence.</li> </ul>
Resistance to full implementation of newly learned skills from stakeholders.	High	<ul style="list-style-type: none"> <li>▪ Positive reinforcement and feedback on how enhanced skills improve performance and international reputation of Nigerian authorities.</li> <li>▪ Ensure continuing support for implementation of new procedures and protocols at highest levels within stakeholder bodies.</li> </ul>
Lack of coordination with the activities of other international partners.	Medium	Development of close working relationships both at state and federal levels, particularly with DFID, relevant EU Member States (UK and DE), Switzerland, US, and UN agencies, notably UNWOMEN, UNDP, UNODC.
Activities undertaken not sustained by beneficiaries post-project.	High	<ul style="list-style-type: none"> <li>▪ Development of a project culture of building capacity, not replacing it.</li> <li>▪ Objectives to be SMART and take into account the beneficiaries' situation.</li> <li>▪ Each component to have a sustainability element.</li> </ul>
Beneficiary agencies experience changes in leadership or resistance to proposed changes or technical assistance.	Medium	<ul style="list-style-type: none"> <li>▪ Development of the activities and priorities of the project is in full cooperation with the stakeholders involved and demand driven.</li> <li>▪ Encourage participation of cadre personnel of key stakeholders/partner institutions (including top/middle management) in the project activities.</li> <li>▪ Regular stakeholder analysis to identify those supportive, resistant, or indifferent to changes/TA and take steps to encourage support.</li> </ul>
Changes in the policy direction with regard to the rule of law and anti-corruption.	Low	Monitor the tone at the top and ensure that the selected programme implementation modality allows for reviews and flexibility during implementation.

Assumptions
In general, indeterminable factors such as the persistence of the political culture in the country, resistant informal organisational structures, and the assertiveness of authorities working in the field of anti-corruption, as well as international developments and events (security) can never be fully anticipated or controlled. However, the success of the project will depend largely on the commitment, active participation and close cooperation of project partners, as well as the quality of the project design, taking into account conditionalities and sequencing in the design.

### 3 LESSONS LEARNT, COMPLEMENTARITY AND CROSS-CUTTING ISSUES

#### 3.1 Lessons learnt

The development of this project takes into account the recommendations of the mid-term evaluation for the ongoing 10<sup>th</sup> EDF projects on Justice (FED/2011/021-747) and Anti-Corruption (FED/2011/022-161) and verification mission carried out in 2015, the final evaluation of the 9<sup>th</sup> EDF projects on both the justice and the anti-corruption sector as well feedback from extensive consultations with key stakeholders. Key findings and lessons learnt include the following.

In its efforts to reform the justice sector holistically, the **10<sup>th</sup> EDF justice sector project lacked focus**, both thematically and geographically. Similarly the anti-corruption project was spread too thinly over support to 14 agencies. To address this, the action will focus on a manageable number of outputs - based on the expressed reform commitments and policy priorities by government - in a limited number of agencies, thematic areas and focal states (e.g. geographic focus to federal level and 4 focal states with a proven commitment to undertake reforms, rather than the 10 focal states under the 10<sup>th</sup> EDF)

The impact of 10<sup>th</sup> EDF anti-corruption and justice projects was reduced by **cumbersome and rigid implementation arrangements**, including problems due to the systems, procedures and capacities of the selected implementing partner. The implementation modality under the 11<sup>th</sup> has been designed to allow for more flexibility, reduced bureaucratic delays, periodic revision of implementation to enable project to adapt to changing context, and permanent presence in focal states to facilitate project implementation.

Classifying the Federal Government of Nigeria as a beneficiary, rather than the leading agent for reform, reduces the government's incentive (and ability) to engage in solving its own problems and could contradict principles on **national ownership** and aid effectiveness. The action will address this by recognising and promoting national ownership throughout the project management cycle and by seeking to complement not replace government reform efforts. Key government partners will be encouraged to second staff to the project, including in the pilot states, with a view to ensure alignment with reform plans and develop skills to enable them to support implementation of reform agendas.

The impact of capacity development under the 10<sup>th</sup> EDF was reduced as **training did not always comply with requirements of institutional development and sustainability**. The action adopts a different approach focussed on strengthening designated training institutions of the beneficiary agencies (where applicable), rather than relying on external resources, and provide training that is more based on expressed needs, targeting key knowledge gaps and focused on actual hands-on implementation.

The inclusion of financing for **tangible assets undermines incentives to focus on systemic problems** in governance reform. The focus of the project will be on providing 'software' not 'hardware' such as vehicles and equipment. Incentives will also be built into the project to encourage medium and long term institutionalisation of recommended project actions and the reform agendas.

As recommended by the mid-term review of the anti-corruption project under the 10<sup>th</sup> EDF, the action focuses more on **corruption prevention**, especially with regard to public service ethics, assets declaration, a focus on public procurement and conducting corruption risk assessments. Equally, there will be significant support to CSOs activities relating to prevention.

The 10<sup>th</sup> EDF support has contributed to improvements in fundamental institutional and organisational frameworks as well as the enactment of relevant laws and the establishment of formal structures. Thus, there is now need to **focus on the implementation**, monitoring and evaluation of these laws. In this

regard, the project needs to be reinforced by political/policy dialogue with relevant stakeholders at the highest levels to ensure progress/performance.

### **3.2 Complementarity, synergy and donor coordination**

Synergies will be ensured with other interventions proposed under the 11<sup>th</sup> EDF, including the "Action Against Trafficking in Persons and Smuggling of Migrants" (the key stakeholder of this action, the National Agency on the Prohibition of Trafficking in Persons, NAPTIP, investigates and prosecutes victims of trafficking and is the coordinating entity of the VAPP Act), the "EU support to Agents for Citizen-driven Transformation, EU-ACT" (support to social accountability mechanisms and civil society engagement on budgetary and policy process) as well as relevant actions under the European Instrument for Democracy and Human Rights (EIDHR). Complementarity with activities on the Child Rights and VAPP Act supported under the 10<sup>th</sup> EDF UNWOMEN project in the north east will be ensured, particularly in relation to Adamawa.

The project will also build on activities of the 10<sup>th</sup> EDF justice and anti-corruption projects, implemented by UNODC, including implementation of the National Legal Aid Strategy, making use of conducted capacity and needs assessments, continue support to development of strategic plans and legislative models for implementing the ACJ Act, and support, once approved, the implementation of the National Anti-Corruption Strategy.

The action will be coordinated with development partners in the sector both at the federal and project pilot state levels. The current Justice Sector Donor Coordination Group, and the group being proposed by DFID on anti-corruption (if and when established), will be used.

Close coordination with key partners on anti-corruption and justice reform, such as UK and US, will be established, including by inviting them as observers in the project steering committee. Complementarity will be sought with DFID's anticorruption project currently under elaboration (estimated budget of GBP 20 million, 5 years) set to commence early 2017 and its focus on institutional strengthening of the ACAs. On justice, UK/DFID has indicated a more limited focus on police and prisons from 2017, complementary to the project's focus on criminal justice administration and access to justice. As for the UN Agencies, the project will coordinate with UNICEF on activities relating to child protection and the Child Rights Act, UNWOMEN on the VAPP and Child Rights Act and the UNODC on any relevant activities once the 10<sup>th</sup> EDF projects conclude.

### **3.3 Cross-cutting issues**

The action includes a component that specifically seeks to enhance access to justice for women, and to improve the protection of girls and boys, by targeting resources on the implementation and enforcement of relevant legislation in this area (e.g. the VAPP and the Child Rights Act) and as such directly contributing to the European Union Gender Action Plan 2016-2020. It aims to do so both by assisting Nigeria to build the appropriate institutional set up and coordination between the different law enforcement and welfare agencies mandates to address the situation – including e.g. Ministry of Women and Social Affairs and the police Gender Unit - as well as by training police, judges and legal practitioners to be able to address the specific needs of women and children.

A rights-based approach is at the core of the project, with particular focus on the rights of the most vulnerable groups, including rights of persons living in poverty, female victims of violence, children and persons with disabilities. The rights-based approach will be implemented through empowering the rights holders (e.g. building their awareness of risks, relevant laws and policies as well as protection mechanisms) and on strengthening capacities of duty bearers to protect rights (e.g. building Nigeria's ability to investigate, prosecute and adjudicate crimes, including on corruption but also to respect due process and rights of defendants). The focus on corruption is key as it hampers Nigeria's capacity and resources to promote and protect citizens' rights.

## 4 DESCRIPTION OF THE ACTION

### 4.1 Objectives / Results

The **overall objective** of the project is to enhance good governance in Nigeria by contributing to strengthening of the rule of law and curbing corruption.

#### **Component 1: Implementation of the Nigerian Criminal Justice Reform agenda**

**Main Outcome 1:** Dispensation of criminal justice at federal and state level is more timely, effective and transparent.

- **Output 1.1:** Implementation and adoption of the Administration of Criminal Justice Act (ACJA) and Administration of Criminal Justice Laws at federal and state level respectively<sup>8</sup>.
- **Output 1.2:** The enactment and implementation of the critical criminal justice reform bills complementary to the implementation of the ACJA at federal and state level (including the police and prisons reform bills if and when enacted).
- **Output 1.3:** Institutional capacities, systems, procedures and administrative structures are developed to advance the priorities of the ACJ Act and complementary bills (as defined in outputs 1 and 2).
- **Output 1.4:** Improved coordination of the criminal justice sector at the federal and state level, and between states<sup>9</sup>.

#### **Component 2: Access to Justice for women, children and persons with disabilities.**

**Main Outcome 2:** Access to justice is improved at federal level and in selected focal states for women, children, and persons with disabilities.

- **Output 2.1:** Implementation of the VAPP Act advanced at federal and state level and promotion of other laws and practices that facilitate access to justice for women.
- **Output 2.2:** Implementation of the Child Rights Act advanced at federal and state level and promotion of other laws and practices that facilitate access to justice for children and young persons in conflict with the law.
- **Output 2.3:** Promotion and implementation of laws and practices that facilitate access to justice for persons with mental and physical disabilities at federal and state level.
- **Output 2.4:** Legal Aid Council provides enhanced legal assistance for vulnerable groups including in partnership with various stakeholders such as the Office of Public Defenders, Nigeria Bar Association (NBA), and other Non-State Actors (NSA).
- **Output 2.5:** Enhanced dispensation of justice by formal, informal and traditional entities such as through victim-offender mediation, and other restorative justice models at all levels including at the grassroots.

#### **Component 3: Strengthening the fight against corruption in key thematic areas**

**Main Outcome 3:** Enhanced ability to address corruption in the criminal justice sector, public procurement and the extractive industries, including through improved performance and coordination among target Anti-Corruption Agencies (ACAs)<sup>10</sup>.

- **Output 3.1:** Enhanced coordination among target ACAs.
- **Output 3.2:** Improved institutional and operational capacities of target ACAs in the fight against corruption.

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<sup>8</sup> This will involve the implementation of the ACJA in the Federal Capital Territory (FCT) and amongst Federal Institutions. It will also include support to Lagos State and Anambra State that has passed the Administration of Criminal Law to effectively implement these laws as well as provide support to Adamawa State and Kano State towards the adoption of the ACJA and its implementation if and when adopted.

<sup>9</sup> e.g. Federal Justice Sector Reform Committee/ACJ Monitoring Committee located at the Federal Ministry of Justice, Forum of Attorney Generals, Prosecutors Forum, Security Justice Information and Coordination (SJ-TIC) Group, AG Forums, and state level Administration of Criminal Justice Committees, Justice Reform Teams and other relevant coordination platforms.

<sup>10</sup> For the purpose of this project 'target ACAs' refer to ICPC; EFCC; CCB; BPP; NEITI; TUGAR (in its capacity as secretariat of the IATT) depending on the relevance of each institution to the achievement of the output target. The PAC-AC is also included where applicable.

- **Output 3.3:** Improved transparency, accountability and integrity in the criminal justice sector to combat corruption.
- **Output 3.4:** Improved transparency, accountability and integrity in the extractive sector.
- **Output 3.5:** Improved effectiveness, efficiency and transparency in the area of public procurement at Federal level and in selected states.
- **Output 3.6:** Improved capacity of target ACAs to prevent corruption with a focus on risk assessments and the management of asset declarations.

#### **Component 4: Enhancement of citizens' civic and public engagement in criminal justice sector reforms and the fight against corruption**

**Main Outcome 4:** Civil society, public and private sector empowered to constructively engage on criminal justice reforms and the fight against anti-corruption.

- **Output 4.1:** Improved civil society engagement in the criminal justice reform agenda and access to justice.
- **Output 4.2:** Improved citizen, civil society, media and private sector engagement in the fight against corruption.
- **Output 4.3:** Improved capacities of civil society and media to successfully track, investigate and report corruption.
- **Output 4.4:** Enhanced public awareness on relevant messages about the rule of law and anti-corruption in Nigeria.

## **4.2 Main Activities**

**Outcome 1:** support effective functioning/set-up of relevant committees and forums to oversee ACJ Act/Laws; develop model instruments (laws/policies/strategies/regulate) to domesticate and implement ACJ Act/Laws; dissemination, training and advocacy of ACJ Act/Laws and complementary criminal justice reform bills; development and implementation of M&E frameworks to assess implementation of ACJ and relevant policies and legislation; developing case tracking and management system to enhance coordination within and between criminal justice institutions; training on strategic planning, interviewing, investigation, prosecution, budgeting other critical skills with focus on relevant training institutions and institutionalisation of training capacities; support to develop monitoring system on pre-trial detention.

**Outcome 2:** support to implementation (federal), domestication, dissemination, training and advocacy of relevant legislation (VAPP Act, Child Rights Act, Legal Aid Act, Person with Disabilities Bill, Mental Health Bill); support to establish/strengthen family courts, borstals and young offender and rehabilitation institutions; support to establish/strengthen sexual assault referral centers, sexual violence response teams, mapping and strengthening of SGBV protection services; support Police Gender Unit in implementation of mandate; baseline assessment on access to justice for persons with disabilities; training and capacity building of Legal Aid Council; support implementation of National Strategy on Legal Aid in Nigeria; enhance coordination and partnership between Legal Aid Council, Nigeria Bar Association and CSO legal aid service providers; establish community-based law clinics and promote restorative justice models; train traditional/customary/community justice administrators.

**Outcome 3:** develop and implement coordination protocol on intelligence sharing between ACAs and relevant justice institutions; support effective functioning of anti-corruption coordination platforms; support development of institutional strategic plans of ACAs; build capacities of key ACAs on identified skills gaps; support development and implementation of anti-corruption strategies for criminal justice, public procurement and extractive industries sectors; support to establish/strengthen prevention and accountability mechanisms within key justice institutions; support development, dissemination and follow-up of NEITI audit reports; support ACA coordination on public procurement corruption cases; support corruption risk assessment, integrity plans and procurement capacities and systems of selected state institutions; support development of key performance indicators (KPIs) for monitoring budget implementation.

**Outcome 4:** Support CSO awareness raising and campaigns on relevant legislation, criminal justice and anti-corruption issues; support CSO advocacy on key legislation; train demand side of criminal justice and anti-corruption to effectively engage on criminal justice and anti-corruption reform; support budgetary tracking and other budgetary oversight activities; support effective implementation of Freedom of Information Act; support investigative journalism on anti-corruption and criminal justice issues.

In addition, a number of activities are foreseen at the inception phase of the project, including required baseline surveys, capacity gaps and needs analysis, review of the logframe, establishment of action plans, operational methodologies and budgets specific to each key project beneficiary according to their mandate, at federal and state level, development of monitoring and evaluation systems with performance indicators and monitoring benchmarks.

#### **4.3 Intervention Logic**

The project is anchored in the fundamental issues that hamper criminal justice reforms and the fight against corruption in Nigeria at a rare political moment of apparent genuine political will to tackle these issues. It addresses the root causes of the problems (not the symptoms) through a coordinated and sector wide approach; recognising the interconnectedness of the criminal justice chain and the importance of involving both the supply and demand side in criminal justice reforms and fight against corruption.

It seeks to support the effective implementation of key established laws, policies, plans, while ensuring that institutional capacity to effectively manage the anticipated reform/change is in place, and also enabling civil society to exercise its role of watchdog on criminal justice and anti-corruption. Experience shows that a well mobilised civil society is critical to push government to initiate desired reforms and move towards increased accountability in governance. Civil society, and the public in general, also has a key role to contribute to changes in social norms and behaviour, altering the parameters of what is regarded as socially accepted/sanctioned behaviour. This is critical in Nigeria where the rule of law and democratic ethos are yet to be deeply entrenched<sup>11</sup>.

The key pillars of interventions under this project - criminal justice reform and fight against corruption – are complementary and mutually reinforcing. Corruption is both a cause and driver of the poor governance and performance of the criminal justice system. At the same time, a strong Nigerian criminal justice, able to dispense timely and effective justice would strengthen the fight against corruption, as incentives to engage in corrupt practices are reduced. Available research suggests that comprehensive criminal justice reform would go a long way in promoting the fight against corruption and other crimes<sup>12</sup>.

## **5 IMPLEMENTATION**

### **5.1 Financing agreement**

In order to implement this action, it is foreseen to conclude a financing agreement with the partner country, referred to in Article 17 of Annex IV to the ACP-EU Partnership Agreement.

### **5.2 Indicative implementation period**

The indicative operational implementation period of this action, during which the activities described in Section 4.2 will be carried out and the corresponding contracts and agreements implemented is 60 months from the date of entry into force of the financing agreement.

Extensions of the implementation period may be agreed by the Commission's authorising officer responsible by amending this decision and the relevant contracts and agreements; such amendments to this decision constitute a non-substantial amendment in the sense of Article 9(4) of Regulation (EU) 2015/322.

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<sup>11</sup> See e.g. Ijewereme O.B (2015), 'Anatomy of Corruption in the Nigerian Public Sector: Theoretical Perspectives and Some Empirical Explanations', Ijewereme O.B (2013), 'An Examination of Anti-Corruption Crusades In Nigeria: Issues and Challenges.

<sup>12</sup> Enweremadu, 'The Struggle Against Corruption in Nigeria: The Role of the national Anti-Corruption ICPC Under the Fourth Republic'.

### 5.3 Implementation of the budget support component

N/A

### 5.4 Implementation modalities

#### 5.4.1 Indirect management with a Member State agency

This action will be implemented in indirect management with the British Council in accordance with Article 58(1) (c) of Regulation (EU, Euratom) No 966/2012 applicable in accordance with Article 17 of Regulation (EU) 2015/323. This implementation entails a) advancing the timely, effective and transparent dispensation of criminal justice; b) strengthening access to justice of women, children and persons with disabilities at federal and state levels; c) strengthening the fight against corruption by reinforcing prevention mechanisms and building the capacity of anti-corruption agencies to effectively address corruption in public procurement, the criminal justice system and the extractive sector; and d) enhancing civil society and public engagement in the fight against corruption and the criminal justice reform process. This implementation is justified because the agency is deemed to hold the required expertise and capacity to implement the action. The British Council has long-standing presence in Nigeria and in the governance sector. It has been implementing DFID funded actions "Justice for All" and the Nigeria Reconciliation and Stability Programme. The entrusted entity would carry out the following budget-implementation tasks: mobilise relevant expertise (both local and international), undertake procurement, award grants and undertake payments.

### 5.5 Scope of geographical eligibility for procurement and grants

The geographical eligibility in terms of place of establishment for participating in procurement and grant award procedures and in terms of origin of supplies purchased as established in the basic act and set out in the relevant contractual documents shall apply.

The Commission's authorising officer responsible may extend the geographical eligibility in accordance with Article 22(1) (b) of Annex IV to the ACP-EU Partnership Agreement on the basis of urgency or of unavailability of products and services in the markets of the countries concerned, or in other duly substantiated cases where the eligibility rules would make the realisation of this action impossible or exceedingly difficult.

### 5.6 Indicative budget

	<b>EU contribution (in EUR)</b>	<b>Third party contribution</b>
<b>5.4.1. Indirect management with British Council, (indicative amounts)</b>	<b>23 300 000</b>	<b>N/A</b>
<i>Component 1: Implementation of the Nigerian Criminal Justice Reform agenda</i>	<i>7 800 000</i>	
<i>Component 2: Access to Justice for vulnerable persons</i>	<i>5 500 000</i>	
<i>Component 3: Strengthening the anti-corruption sector in key thematic areas</i>	<i>5 500 000</i>	
<i>Component 4: Enhancement of citizens' of civic and public engagement in criminal justice sector reform and anti-corruption initiatives</i>	<i>4 500 000</i>	
<b>5.9 Evaluation, 5.10 Audit</b>	<b>600 000</b>	<b>N/A</b>
<b>5.11 Communication and visibility</b>	<b>400 000</b>	<b>N/A</b>
<b>Contingencies</b>	<b>700 000</b>	<b>N/A</b>
<b>Total</b>	<b>25 000 000</b>	<b>N/A</b>

## 5.7 Organisational set-up and responsibilities

### Federal level

A **Project Implementation Unit (PIU)** will be established at the federal level in Abuja. It may also include an adviser seconded from the FMOJ, to ensure alignment with government reform plans and serve as liaison officer between the project and the FMOJ/Attorney General of the Federation (AGF).

A **High Level Project Governance Steering Committee** (biannual) will focus on policy and strategic issues and will be co-chaired by the NAO and the FMOJ/AGF, with participation of the Chief Justice of Nigeria, Ministry of Women and Social Affairs, focal State AGs, heads of beneficiary anti-corruption agencies/entities and criminal justice institutions and a representative of the EU. Members of the technical committee and relevant development partners will attend as observers.

A **Technical Committee** (quarterly), chaired by the NAO, will include key stakeholders (beneficiaries), such as civil society, a representative of the ACJA monitoring committee; state coordinators and a state representative – with level of representation at director level - and the EU. This body will be responsible for approving strategic documents and policies of the project, including annual reports, work plans and budget. It will prepare the agendas and follow up on the implementation of decisions of the high level committee.

### State level (Kano, Adamawa, Anambra, Lagos)

In each pilot state, a **State Project Implementation Unit (State PIU)** will be established in the state Ministry of Justice (MOJ). Where relevant, a MOJ Department of Criminal Justice and Anti-Corruption will be set up to host the PIU, to be headed by MOJ staff member, preferably at Director level.

Each pilot state will establish a **State Project Steering Group (SMG)**. The SMG will be composed of heads of relevant MDAs, representative/s from civil society, and chaired by the State Attorney General and Minister of Justice. This group will interface with the Justice Sector Reform Team where in existence, or where the Justice Sector Reform Team reflects this composition, they may also serve as the SMG. The responsibility of the group is to ensure alignment of the project with state reform plans.

## 5.8 Performance monitoring and reporting

The day-to-day technical and financial monitoring of the implementation of this action will be a continuous process and part of the implementing partners' responsibilities. To do this, the implementing partners shall establish a permanent internal, technical and financial monitoring system for the action and elaborate regular progress reports (not less than annual) and final reports. Every report shall provide an accurate account of implementation of the action, difficulties encountered, changes introduced, as well as the degree of achievement of its results (outcomes and direct outputs) as measured by corresponding indicators, using as reference the logframe matrix. The report shall be laid out in such a way as to allow monitoring of the means envisaged and employed and of the budget details for the action. The final report, narrative and financial, will cover the entire period of the action implementation.

In addition, a number of activities are foreseen during the inception phase of the project, including required baseline surveys, capacity assessments, review of the logframe, development of monitoring and evaluation systems with performance indicators and monitoring benchmarks. These will be funded by the project and carried out by the implementing partner.

The Commission may undertake additional project monitoring visits both through its own staff and through independent consultants recruited directly by the Commission for independent monitoring reviews (or recruited by the responsible agent contracted by the Commission for implementing such reviews).

## 5.9 Evaluation

Having regard to the nature of the action, mid-term and final evaluations will be carried out for this action via independent consultants contracted by the commission. A mid-term evaluation will be carried



out for problem solving and learning purposes. A final evaluation will be carried out for accountability and learning purposes at various levels (including for policy revision). The Commission shall inform the implementing partner at least 1 month in advance of the dates foreseen for the evaluation missions. The implementing partner shall collaborate efficiently and effectively with the evaluation experts, and inter alia provide them with all necessary information and documentation, as well as access to the project premises and activities.

The evaluation reports shall be shared with the partner country and other key stakeholders. The implementing partner and the Commission shall analyse the conclusions and recommendations of the evaluations and, where appropriate, in agreement with the partner country, jointly decide on the follow-up actions to be taken and any adjustments necessary, including, if indicated, the reorientation of the project.

Indicatively, two contracts for evaluation services shall be concluded under a framework contract for both the mid-term and final project evaluations, in mid-2019 and late 2021 respectively.

#### **5.10 Audit**

Without prejudice to the obligations applicable to contracts concluded for the implementation of this action, the Commission may, on the basis of a risk assessment, contract independent audits or expenditure verification assignments for one or several contracts or agreements.

Indicatively, at least one contract for audit services shall be concluded under a framework contract in mid-2019.

#### **5.11 Communication and visibility**

Communication and visibility of the EU is a legal obligation for all external actions funded by the EU.

This action shall contain communication and visibility measures which shall be based on a specific Communication and Visibility Plan of the Action, to be elaborated at the start of implementation and supported with the budget indicated in section 5.6 above.

In terms of legal obligations on communication and visibility, the measures shall be implemented by the Commission, the partner country, contractors, grant beneficiaries and/or entrusted entities. Appropriate contractual obligations shall be included in, respectively, the financing agreement, procurement and grant contracts, and delegation agreements.

The Communication and Visibility Manual for European Union External Action shall be used to establish the Communication and Visibility Plan of the Action and the appropriate contractual obligations.

## APPENDIX 1 - INDICATIVE LOGFRAME MATRIX<sup>1</sup>

The activities, the expected outputs and all the indicators, targets and baselines included in the logframe matrix are indicative and may be updated during the implementation of the action, no amendment being required to the financing decision. When it is not possible to determine the outputs of an action at formulation stage, intermediary outcomes should be presented and the outputs defined during inception of the overall programme and its components. The indicative logframe matrix will evolve during the lifetime of the action: new lines will be added for including the activities as well as new columns for intermediary targets (milestones) for the output and outcome indicators whenever it is relevant for monitoring and reporting purposes. Note also that indicators should be disaggregated by sex whenever relevant.

	Intervention logic	Indicators	Baselines (incl. reference year)	Targets (incl. reference year)	Sources and means of verification	Assumptions
<b>Overall objective/Impact</b>	To enhance good governance in Nigeria by contributing to strengthening the rule of law and curbing corruption.	1. Average Rule of Law score ** (EURF 4 level 1) 2. Average control of corruption score** (EURF 5 level 1) 3. Average voice and accountability score ** (EURF 6 level 1)	1. 11.5 (2014) 2. 7.2 (2014) 3. 29.6 (2014)	1. Tbd inception phase 2. Tbd inception phase 3. Tbd inception phase	1. World Governance Indicators 2. World Governance Indicators 3. World Governance Indicators	
<b>Outcome 1:</b>	Dispensation of criminal justice at federal and state level is more timely, effective and transparent.	1. Number of cases which are investigated, prosecuted and adjudicated by the relevant institutions* 2. Average length of time taken to complete a criminal trial in months 3. *Number of remand prisoners relative to the total number of prisoners as well as numbers of juveniles in detention. 4. Citizens' perception of the quality of justice dispensed.	1. Tbd inception phase 2. Tbd inception phase 3. >2/3 of prison population are pre-trial detainees 4. Tbd inception phase	1. 10% positive change on each of the indicators annually (calculated from the baseline figure prior to commencement of the project) progressively. 2. Same as above 3. Same as above 4. Same as above	1. Prison statistics (monthly/quarterly/ annually collected by prison records unit and prison case management system), 2. same as above 3. same as above 4. Citizens' perception survey, and statistics of returns from the judiciary (quarterly/annually) to be conducted by the project and other key stakeholders.,	The continued existence of political will and government interest in these issues.

<sup>1</sup> Indicators aligned with the relevant programming document are marked with '\*' and indicators aligned to the EU Results Framework with '\*\*'.

	Intervention logic	Indicators	Baselines (incl. reference year)	Targets (incl. reference year)	Sources and means of verification	Assumptions
Outcome 2:	Improved access to justice at federal level and in selected focal states for women, children, and persons with disabilities.	1. Number of women, children and persons with disability who were able to access justice through this project; 2.* Number of cases of human rights abuses, including gender based and sexual violence brought to court 3. *Level of domestication of human rights conventions signed by Nigeria	1. Tbd inception phase 2. Tbd inception phase 3. Tbd inception phase	1. 15% increase in the No of women, children and persons with disability who access justice; 2. same as above 3. same as above	1. Performance data from the LACON Pro Bono Clearing House Database, NPS CMS and other records; Project report; M&E reports (collated quarterly or/and annually). 2. Same as above 3. Reports from the Federal Ministry of Justice	The continued existence of political will and government interest in these issues.
Outcome 3:	Enhanced ability to address corruption in the criminal justice sector, public procurement and the extractive industries, including through improved performance and coordination among target Anti-Corruption Agencies (ACAs)	1. Number of cases of corruption or administrative misconduct which are investigated, prosecuted and adjudicated by the relevant institutions 2. Level of coordination among key ACAs	1. High levels of corruption in identified thematic areas, 2016 2. Limited coordination, particularly on intelligence sharing, 2016	1. 20% reduced levels of corruption in identified thematic areas by 2020 2. Improved coordination on intelligence sharing by 2020	1. Local/International reports; Target ACA reports; CPI ratings; Media reports; High level speeches/reports from Federal Government 2. Same as above	The continued existence of political will and government interest in these issues.
Outcome 4:	Strengthened capacity of government institutions and civil society to engage in a public dialogue on criminal justice and anti-corruption policies and issues.	1. Number of CSOs trained by project 2. Number of CSO coalitions established/strengthened by project 3. *% of number of CSOs involved in advocacy for improved economic governance	1. 0 2. 0 3. Tbd inception phase	1. 20% increase in the number of CSOs trained and coalitions strengthened 2. Same as above 3. same as above	1. Project reports 2. Project reports 3. Project reports and target ACA reports; CSO reports; Media reports (both traditional and new media)	The continued existence of political will and government interest in these issues.  An enabling environment for CSOs to conduct identified activities at Federal level and in selected states.
Outcome 1/Outputs	<b>1.1</b> Implementation and adoption of the Administration of Criminal Justice Act (ACJA) and Administration of Criminal Justice Laws at federal and state level respectively. <b>1.2</b> Enactment and implementation of critical criminal justice reform bills complementary to the ACJA.	1.1 Status of the implementation of Administration of Criminal Justice Act (ACJA) and Administration of Criminal Justice Laws at federal and state levels. 1.2. Number of laws passed which complement the	1.1 ACJ Act (ACJA) passed at federal level, ACJ laws (ACJL) passed in Lagos and Anambra (2016) 1.2. Prison and Police reform bills are currently before the National Assembly 1.3 Inadequate systems and procedures exist amongst key	1.1. 50% of provisions of ACJA implemented. ACJL laws domesticated and implemented in focal states. 1.2 Prisons and police reform bills are passed by National Assembly 1.3. To be defined in inception phase	1.1. Project report; stakeholder feedbacks; media reports. 1.2 Official gazette 1.3. Records of Pre- and Post-Test Evaluation, M & E records, stakeholder feedback; Project report 1.4. Project reports; media reports	The ACJA remains a critical criminal justice law and is not repealed.

	Intervention logic	Indicators	Baselines (incl. reference year)	Targets (incl. reference year)	Sources and means of verification	Assumptions
	<p><b>1.3</b> Institutional capacities, systems, procedures and administrative structures are developed to advance the priorities of the ACJ Act and complementary bills</p> <p><b>1.4</b> Improved coordination of the criminal justice sector at the federal and/between state level</p>	<p>implementation of the ACJA</p> <p>1.3. Status of implementation of capacity/needs assessment recommendations and actions</p> <p>1.4. Status of coordination platforms and mechanisms to ensure judicial effectiveness.</p>	<p>project partners.</p> <p>1.4. Existence of the Federal Justice Sector Reform Coordinating Committee and the Administration of Criminal Justice Monitoring Committee (2017)</p>	<p>1.4 To be defined in inception phase</p>		
Outcome 2/Outputs	<p><b>2.1:</b> Implementation of the VAPP Act advanced at federal and state level and promotion of other laws and practices that facilitate access to justice for women.</p> <p><b>2.2:</b> Implementation of the Child Rights Act (CRA) advanced at federal and state level and promotion of other laws and practices that facilitate access to justice for children and young persons in conflict with the law.</p> <p><b>2.3:</b> Promotion and implementation of laws and practices that facilitate access to justice for persons with mental and physical disabilities at federal and state level.</p> <p><b>2.4:</b> Legal Aid Council provides enhanced legal assistance for vulnerable groups including in partnership with various stakeholders such as the Office of Public Defenders, Nigeria Bar Association (NBA), and other Non-State Actors (NSA).</p> <p><b>2.5:</b> Enhanced dispensation of justice by formal, informal and traditional entities at local level</p>	<p>2.1. Status of implementation of the VAPP Act and /or other relevant laws promoting women's rights at federal and state level</p> <p>2.2. Status of implementation of the CRA at federal and state level</p> <p>2.3. Number of persons with disabilities that are assisted to effectively access justice especially the courts</p> <p>2.4. Number of persons that benefited from free legal services as provided by LACON or partner institutions</p> <p>2.5. Number of persons enabled to access justice at the grassroots including through providing restorative justice models.</p>	<p>2.1. VAPP Act passed at federal level, not domesticated in focal states.</p> <p>2.1. CRA passed at federal level, domesticated in Lagos and Anambra.</p> <p>2.3. Lack of structured mechanisms to provide legal support to persons with disabilities;</p> <p>2.4. Tbd inception phase</p> <p>2.5. Tbd inception phase</p>	<p>2.1. Key provisions of the VAPP Act implemented. VAPP domesticated and implemented in focal states.</p> <p>2.2. Key provisions of the CRA implemented. CRA domesticated and implemented in focal states.</p> <p>2.3. To be defined during inception phase</p> <p>2.4. Tbd inception phase</p> <p>2.5. Tbd inception phase</p>	<p>2.1. Project report; stakeholder feedback; media report</p> <p>2.2. Project report; stakeholder feedback; media report</p> <p>2.3. Monthly, Quarterly and Annual Project Performance Data/statistical records (including from LACON and other sources); Project reports; media reports; stakeholder/client feedback.</p> <p>2.4. Monthly/Quarterly/ Annual Prison statistics and other relevant data sources; Project reports; media reports; stakeholder reports</p> <p>2.5. LACON Statistics Return/Performance data, Project report; client feedback; media reports</p>	Sustained commitment from key stakeholders.
Outcome 3/Outputs	<p><b>3.1:</b> Enhanced coordination among target ACAs</p> <p><b>3.2:</b> Improved institutional and operational capacities of target ACAs in the fight against corruption.</p> <p><b>3.3:</b> Improved transparency, accountability and integrity in the criminal justice sector to</p>	<p>3.1 Status of use of coordination protocol on intelligence sharing for ACAs.</p> <p>3.2. Number of anti-corruption cases investigated and prosecuted by ACAs</p> <p>3.3. Existence of an anti-corruption strategy and action</p>	<p>3.1. The PAC-AC has worked with ICPC and EFCC to revise existing coordination protocols on intelligence sharing.</p> <p>3.2. Tbd inception phase</p> <p>3.3. No strategy/action plan in place.</p> <p>3.4. No strategy/action plan in</p>	<p>3.1. Effective implementation of coordination protocols</p> <p>3.2. Tbd inception phase</p> <p>3.3. Strategy/action plan in place.</p> <p>3.4. Strategy/action plan in place.</p> <p>3.5. Strategy/action plan in</p>	<p>3.1. PAC-AC, ICPC, EFCC, NFIU reports</p> <p>3.2. ACA annual reports.</p> <p>3.3. Project progress reports.</p> <p>3.4. Project progress reports</p> <p>3.5. Project progress reports</p> <p>3.6. CCB reports; Media reports</p>	Commitment of the ACAs to implement the coordination protocols recommended by the PAC-AC.

	Intervention logic	Indicators	Baselines (incl. reference year)	Targets (incl. reference year)	Sources and means of verification	Assumptions
	<p>combat corruption</p> <p><b>3.4:</b> Improved transparency, accountability and integrity in the extractive sector.</p> <p><b>3.5:</b> Improved effectiveness, efficiency and transparency in the area of public procurement at Federal level and in selected states</p> <p><b>3.6:</b> Improved capacity of target ACAs to prevent corruption with a focus on risk assessments and the management of asset declarations.</p>	<p>plan for the justice sector.</p> <p>3.4. Existence of an anti-corruption strategy and action plan for the extractive sector.</p> <p>3.5. Existence of an anti-corruption strategy and action plan for public procurement.</p> <p>3.6. Number of on-line asset declarations entered directly by public officials into CCB's data management system.</p>	<p>place.</p> <p>3.5. No strategy/action plan in place.</p> <p>3.6. Data management system currently being developed with support provided under the 10<sup>th</sup> EDF.</p>	<p>place.</p> <p>3.6. Fully operational on-line asset declaration and data management system by 2020.</p>		
Outcome 4/Outputs	<p>4.1: Improved civil society engagement in the criminal justice reform agenda and access to justice.</p> <p>4.2: Improved citizen, civil society, media and private sector engagement in the fight against corruption.</p> <p>4.3: Improved capacities of civil society and media to successfully track, investigate and report corruption.</p> <p>4.4: Enhanced public awareness on relevant messages about the rule of law and anti-corruption in Nigeria.</p>	<p>4.1. Number of public defenders, criminal defence lawyers and CSOs trained to engage with justice sector institutions</p> <p>4.2. Number of policy dialogues on involvement of civil society, beneficiary communities and professional associations on anti-corruption issues.</p> <p>4.3. Number of CSOs involved in advocating for accountability of justice sector, budget tracking and other monitoring activities.</p> <p>4.4. Number of CSOs trained on public awareness raising aimed at promotion of criminal justice sector reform and fight against corruption.</p>	<p>4.1. 0</p> <p>4.2. 0</p> <p>4.3. Tbd inception phase</p> <p>4.4. 0</p>	<p>4.1. Tbd inception phase</p> <p>4.2. Tbd inception phase</p> <p>4.3. Tbd inception phase</p> <p>4.4. Tbd inception phase</p>	<p>4.1. CSO reports; Media reports; project progress reports</p> <p>4.2. CSO reports; Media reports; project progress reports</p> <p>4.3. CSO reports; Media reports; project progress reports</p> <p>4.4. CSO reports; Media reports; project progress reports</p>	<p>An enabling environment for CSOs to conduct identified activities at federal level and in selected states.</p>

## **APPENDIX 2:**

# **Criteria for Selection of the Project Pilot States and 11<sup>th</sup> EDF rule of law programming for the recommended Pilot States:**

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## **I. Introduction:**

The ToR request the Consultant to conduct an assessment to provide a basis for the selection of 3-5 pilot states for the proposed action. The criteria indicated in the ToR could include 11<sup>th</sup> EDF Focal States, level of poverty, reform mindedness of state/local authorities, regional balance, CSO presence in the focal sectors and capacity to participate and influence reform of federal and state level operations.

The Identification Mission Report recommended the following States to be selected:

**Adamawa State (North-East), Kano State (North-West), Anambra (South-East), Lagos State (South-West), and Cross Rivers State (South-South).**

The inception report recommended that the Formulation Team visit and consult with key stakeholders in all the states indicated above. Following this recommendation, the Formulation Team was able to carry out the following:

- (i). Consulted with representatives of the Cross River State Justice Reform Team in Abuja (28 April, 2016)
- (ii). Visited the following States and consulted with key stakeholders:
  - (a). Anambra State (2-3 May, 2016)
  - (b). Adamawa State (4-6 May, 2016)
  - (c). Kano State (10-11 May, 2016)
  - (d). Lagos State (17-20 May, 2016)

## **II. Criteria for Selection of the Pilot States:**

These include the following:

- (i). Inclusion of the States as possible EU Focal States for the 11<sup>th</sup> EDF
- (ii). Good indication of reform mindedness among some key public officers in the institutions/sectors relevant to the effective implementation of the proposed project actions.
- (iii). Evidence of adoption of relevant laws and policies critical to the successful implementation of the project, especially with the Administration of Criminal Justice (ACJ) Act. Where the ACJ law has not been passed, an indication of progress towards the adoption of this law in the State.
- (iv). Evidence of legislative and policy framework and processes that will enhance the successful implementation of the project such as existence of justice sector coordination platforms, laws addressing women, children and/or anti-corruption issues, presence of the key institutions relevant to the implementation of the project, etc.
- (v). Presence of CSOs active on the issues of focus to the project.
- (vi). Willingness of the State MoJ to provide space for the State Project Implementation Unit and to second 3-4 staff to the unit.
- (vii). Geographical balance

(viii). Evidence of need for the sector in the State

(ix). Need for continuity and possibility of synergy building with past and ongoing donor support including the EU.

### **III. Recommended Project Pilot States:**

The following states are recommended to serve as the project pilot states:

- ❖ Adamawa State (North East)
- ❖ Kano State (North West)
- ❖ Anambra State (South East)
- ❖ Lagos State (South West) \*(Subject to confirmation after the Formulation Team's Visit to Lagos State.

Note:

- The Pilot States were considered more with respect to the Justice Sector component of the project than the Anti-Corruption component.
- FCT would also be selected especially for the implementation of some of the federal level activities of the project.

### **IV. Rationale for Recommending These States as the Project Pilot States.**

All the four States met the above criteria.

For example:

- a. All four states are listed as possible 11<sup>th</sup> EDF Pilot States
- b. The Administration of Criminal Justice Law has been passed by Anambra State and Lagos State. Anambra State passed the Child Rights law in 2006 and the Anambra State Widows and Widowers Malpractices Prohibition Law in 2005. A model Administration of Criminal Justice Law has been developed by the Northern Attorney Generals Forum. The Attorney General of Adamawa State is spearheading this process as the Secretary of the Northern AG Forum. This law along with the model Penal Code and the model Fiscal Responsibility law have been presented by the Northern AG Forum to the Northern Governors Forum for adoption and fast tracking of its passage in all the Northern States. Kano State has established a committee to work on this, chaired by the Deputy Governor and with notable legal luminaries as members of the committee including Hon Justice Wali, A.B Mahmoud SAN. Anambra State's Governor has also shown considerable interest in strengthening its fiscal responsibility policies, with some states visiting to learn more about the progress made by the state in this direction. Kano State in 2010 enacted the Public Complaints and Anti-Corruption Law for Kano State which provides for a Public Complaints and Anti-Corruption Commission. Lagos State has over the years demonstrated its keen interest in initiating and sustaining reforms which are subsequently replicated in other States.
- c. Anambra State, Lagos State and Kano State have Justice Sector Reform Teams. Kano State has a law establishing the Team and there is an annual allocation of fifty million

naira by the State government for the team to implement justice sector activities in the State including providing transportation funds to court witnesses and transport funds to the LACON Kano Office<sup>1</sup> and Kano State Prisons Service<sup>2</sup> especially to Kano Central prison and Godon Dutse prison. There are Legal Aid Council Offices present in all the states and the LACON Pro bono Clearing House initiative has been introduced in all the four states (Kano, Adamawa, Anambra and Lagos State) to encourage an increase in the number of pro bono lawyers in the state and enhance coordination between the pro bono service providers including from the Nigeria Bar Association, Civil Society Organisations and Private Legal Practitioners.

- d. Lagos State had documentation of all its laws including online documentation (ref: [www.laws.lagosstate.gov.ng](http://www.laws.lagosstate.gov.ng)) as well as increased online visibility of the Ministry of Justice and its activities (ref: [www.lagosministryofjustice.org](http://www.lagosministryofjustice.org)). It is currently embarking on the establishment of a DNA Testing facility including for rape cases for which the contract is already signed and proposed for completion in 6 months. This will lead to better investigation and the production of reliable evidence to aid and speed up criminal justice administration. Lagos State has domesticated the ACJL, CRA and it has a domestic violence law. It also has a disability law. Kano State government recently established the Kano State Anti-Child Abuse Stakeholders' Committee.
- e. Lagos, Anambra and Kano States are Pilot States under the 10<sup>th</sup> EDF Justice Sector Project. EU is currently providing some support to Adamawa on Health. Adamawa and Kano States are possible Focal States under the 11<sup>th</sup> EDF CSO Support Project.
- f. Issue regarding poverty level though this may vary from State to State, there is no State in which poverty is not an issue for certain members/clusters of the State. There will always be room for the implementation of pro-poor initiatives in all the States indicated, especially through component 2 – Promoting Access to Justice for Vulnerable Persons.

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<sup>1</sup> Between 100,000 naira to 150,000 naira per year.

<sup>2</sup> Further clarification is still required on this given that the Formulation Team Leader for the EU Support to Rule of Law in Nigeria 2017-2020 Project was informed by Ministry of Justice that 20,000 naira monthly was provided to the Kano State Prison Service for transportation of inmates to court. But both the Kano State Prison Controller and the Officer in charge of Kano Central Prison indicated to the Team Leader that they were not aware of the existence of any financial support to the Kano State prisons regarding this.



## **11<sup>th</sup> EDF rule of law programming for the recommended Pilot States:**

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### **a. Adamawa State:**

The Adamawa State Attorney General (AG) appears to be committed to the fight against corruption (the Governor has called for zero tolerance) and to reform of the justice system. The AG has significant clout in the state, and (according to himself) should be able to secure significant government funding for justice/anti-corruption reform efforts. Having experience with the EU, he is also aware of limitations in terms of the EU providing hardware (equipment, infrastructure) as opposed to software (training, etc.).

He arranged visits to the Speaker of the Assembly with most of the 25 assembly members present (very low level of knowledge of basic legislative functions and political skills) to the Chief Judge (not impressive with little energy and only interested in EU funding for the courts), the commissioner of police (who, heavily under-resourced, was preparing for transition to civilian rule after a state of emergency in northern LGAs, and was concerned about the lack of supervision of mushrooming vigilante groups in-state, often taking orders from politicians) and to a prison which was depressing (the majority of prisoners are awaiting trial, as is the rule in Nigeria, with 1 inmate locked up for 10 years awaiting trial and none of the consulted having received any form of legal aid. The AG mentioned that even if he was convicted for the crime that he is alleged to have committed that the sentence would be shorter than 10 years). Meetings were also held with the Legal Aid Council (5 lawyers for a State with a population of 4 million), CSOs and the state chapter of the Nigerian Bar Association, where there was agreement that LACON should partner with NBA and CSOs to expand legal aid.

On the basis of consultations, an initial project plan for Adamawa was developed, centred on supporting the AG and Ministry of Justice in its criminal justice reform plan, and based on a comprehensive approach across the criminal justice chain given the significant weaknesses observed in the state, including:

1. Domestication, sensitisation and implementation of the Administration of Criminal Justice Act and a reviewed Penal Code;
2. Demand driven and institutionalised programme of capacity building/institutional strengthening of justice (e.g. law reform/prosecution/ M&E/computerisation/case management), house of assembly (core legislative functions), police (investigation/training on VAW, juvenile offenders/awareness), judiciary (training of judges, traditional rulers, and religious leaders/faith based organisation);
3. Baseline study/capacity assessment study driven by institutions themselves to guide processes, ideally to be integrated into criminal justice monitoring/performance assessment framework of relevance beyond project.
4. Training at 4 levels: (i) by agency training institutions themselves (ii) by mentoring programmes within institutions (iii) other platforms in state, e.g. American University of Nigeria (AUN) on legislators, paralegals (iv) external training for specialised skills.

5. A strong element of access to justice is needed, looking at grassroots access (paralegal law clinics in communities), LACON clearing house (model used in other states to link demand to supply, including NBA pro bono lawyers)<sup>3</sup>, training of paralegals with a view to LACON certification (e.g. in AUN) and support to the AG's judicial division expansion, ARD/mediation and the idea of "multi-door court houses" and restorative justice models.
6. VAW/juvenile justice/child protection. Better understanding of the situation is needed here, but it could look at VAPP/CRA (and other relevant protection laws), child protection and access to justice.
7. Provision of responsive and quality pro bono legal service to Awaiting Trial Prisoners<sup>4</sup> and detainees including Women and Children/Young persons in conflict with the law as well as support for their treatment and rehabilitation, and reintegration back into the community.
8. Seek support of the North East funds to reconstruct 3 out of the 6 prisons in Adamawa State closed due to the insurgency and use these pilot reforms<sup>5</sup> and advocate for support for the provision of barracks accommodation in the prison constructed by the Adamawa State government.
9. Technical support to the Adamawa State Ministry of Justice<sup>6</sup> and the other justice sector agencies including advocacy for increased funding support on the sector.<sup>7</sup>

**NOTE:**

Agreement was reached at a subsequent meeting with the President of AUN that the university could partner with state government and the EU, to hold training for legislators and support staff on core legislative functions, para-legal/grassroots outreach, and public finance management (PFM) related issues. AUN would also send the EU Delegation a concept note on a CSO resource centre which had been concluded with USAID, but with dried out funding (to be explored for the 11<sup>th</sup> EDF CSO support programme). Focus should be given to building the capacity of the individual NGOs represented in the Adamawa Peace Network (APN) to enhance sustainability, local capacities and a greater sense of local ownership.

**b. Lagos State:**

Meetings were held with the Lagos State AG, Chief Judge, Chief Registrar, Police Commissioner, State Controller of Prisons, LACON Staff, and CSOs.

The following activities should be targeted:

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<sup>3</sup> There are two NBA branches in Adamawa State, namely NBA Mubi branch and NBA Yola branch. 170 NBA members

<sup>4</sup> There are 17 prisons in Adamawa State with a total prison capacity of 2580. 6 of these prisons were closed because of the insurgency and only about 11 prisons are currently functional. As of 6 May 2016, the total lockup at Yola prison has 298 Awaiting Trial Persons and 395 convicted prisoners. Yola prison has a total prison capacity of 500 persons.

<sup>5</sup> The Adamawa State government has reconstructed 3 out of the 6 prisons closed.

<sup>6</sup> Adamawa Ministry of Justice has 72 lawyers as staff.

<sup>7</sup> Adamawa State is not connected to the national electricity grid. Four judicial divisions which were closed due to the insurgency need to be opened.

1. Training Ministry of Justice staff in technical and soft skills including interviewing skills, effective time management skills, drafting, legislative review, effective and timely criminal prosecution, etc.
2. Revitalising and sustaining the Case Management and Tracking System, the Crime Data Register including the register of those convicted of sexual crimes and the need to link to all relevant justice sector institutions (Police, Ministry of Justice, judiciary and prisons).
3. Strengthening the Citizens Mediation Center which currently has 14 offices across the State to make it more accessible, including making it more accessible to the beneficiaries, for example through participation via video conferencing in some of the mediation sessions.
4. Establishing a comprehensive Youth/Juvenile Institution and Rehabilitation Facility to provide a much needed facility for processing and rehabilitation of young offenders as well as prevention of offending behaviour among youths.
5. Extensive support on SGBV, including working with CSOs and government and making these services more efficient, sustainable, coordinated and accessible at the grassroots including mapping of training/willing service providers and creating awareness of how to access these. These should include support to organisations providing medical/psychological treatment to victims (such as Mirabel Center) as well as those providing shelters and other support services for survivors of SGBV (such as Project Alert). This should include advocacy for establishment of a sustainable survivors' of domestic and sexual violence fund.
6. Training of criminal justice officers on the Lagos State ACJL, VAPP, CRA and other relevant laws aimed at enhancing criminal justice administration and access to justice; technical support to the justice sector institutions towards the effective implementation of these laws.
7. Support to the Judiciary towards the strengthening of the family courts/juvenile courts.
8. Support towards the implementation of non-custodial measures.
9. Support towards the implementation of the disability law of Lagos State and enhanced access to justice for persons with mental and physical disabilities.
10. Strengthen the coordination and partnership between the Office of the Public Defender (of the Lagos State Ministry of Justice), Legal Aid Council of Nigeria, and Non-State Actors providing pro bono legal aid services for indigent citizens including awaiting trial prisoners and detainees in police and other detention centres in the state; support services providing access to justice at the grassroots level including all the local government areas/development councils.
11. Training of Police, Prisons and Other Law Enforcement Officers on Human Rights, torture prevention and oversight/monitoring of compliance with human rights standards.

12. Awareness creation and sensitisation on ACJ, VAPP, CRA and other relevant federal and state laws, including production of awareness materials and handbooks with specific focus on each of the criminal justice agencies on this.

13. Support for advocacy to improve justice sector funding and assistance in areas such as vehicles for transportation and security back-up during transportation of ATPs<sup>8</sup> to court, construction of holding cells in the courts (especially at the Igboere, Ikeja and Victoria Island courts),

### **c. Anambra State:**

1. Further review of the Anambra ACJL to ensure that this aligns with the ACJA.

2. Sensitisation of lawyers, magistrates, judges, police and prisons on the provision of the ACJL, Child Rights Law and the Anambra State Widows and Widowers Malpractices Prohibition Law, including the development of a guidance manual for the different operators on these; also support the already established Widows Forum.

3. Public awareness and training for journalists with the Ministry of Justice running a special radio and television programme to create awareness on key justice sector issues.

4. Capacity building for the staff of the Ministry of Justice's Citizens Rights, Office of Public Defender which currently has 12 lawyers and 6 other staff (not lawyers) serving as support staff as well as training for the 116 lawyers of the Anambra State Ministry of Justice.

5. Provision of witness support services at the court and the establishment of family courts.

6. Support the establishment of the case management system, transportation of ATPs to court as well as strengthen the jail delivery process to address the problem of high numbers of awaiting trial prisoners in the State<sup>9</sup>.

7. Support for advocacy for an increase in budgetary allocation to the justice sector

8. Support towards advocating for the passage of the VAPP Act into law in Anambra State and review the reasons why previous attempts to pass this bill were not successful.

9. Establishment of a shelter/rape crisis system as well as establishment of family courts

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<sup>8</sup> There are five prisons in Lagos State namely: Kirikiri Maximum Security Prison, Kirikiri Medium Security Prison, Female Prison Kirikiri, Badagry Prison and Ikoyi Prison.

<sup>9</sup> There are four prisons in Anambra State, namely: Awka prison, Onitsha prison, Ekwulobia prison and Nnewi prison. As at 3<sup>rd</sup> May, 2016 Awka prison established in 1904 with a prison capacity of 238 had a total of 338 prisoners (295 Awaiting Trial Persons and 43 convicts). There were 2 buses for transporting ATPs from Awka prisons to court (18 seater and 14 seater) transporting inmates to 13 courts daily in 8 local government areas namely, Awka north, Awka south, Idemili south, Idemili north, Njikoka, Oyi and Dunekofia lga

10. Advocacy and support for the establishment of a Young Offenders facility in the State to provide a much needed facility for processing and rehabilitation of young offenders as well as prevention of offending behaviour among youths.
11. Strengthening of the transit centres (run by CSOs) in Onitsha and Awka in partnership with the Ministry of Women Affairs, engage the welfare department for women and children located in each of the 21 LGAs and work in partnership the Association of Town Union (Women Wing) – ASATU.
12. Work with CSOs to build their capacity to identify and track project indicators, etc.
13. Advocacy for provision of support towards the transportation of ATPs to courts.
14. Training of paralegals for LACON and establishment of law clinics in the 21 Local Government Areas in the State.
15. Support for the convening of the prosecution forum to enhance coordination between police and ministry of justice.

#### **d. Kano State:**

Activities to include:

1. Strengthening of the Justice Reform Team, including its Case Management System<sup>10</sup> to become fully operational, capture cases at local government level and address the electricity problem through alternative generation.
2. Support to the sexual assault referral centre being piloted in the State.
3. Support advocacy towards the adoption of the ACJA, VAPP, CRA and other related laws.
4. Support the establishment of Law clinics in partnership with LACON and the Ministry of Justice, as well as the establishment of mediation centres in all the senatorial zones and presence of lawyers in all 8 court divisions already established and support advocacy for provision of accommodation and other support to the MOJ lawyers.
5. Human rights training for police, prisons and other law enforcement agencies
6. Support to the media and NGOs on increasing their role in supporting criminal reforms and anti-corruption.

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<sup>10</sup> At the moment the Kano State Justice Sector Reform Team Case Management System can produce data on the complaints that have gone to courts using the First Information Reports and number of inmates at the prisons. The installation of the computers at the police and prisons is still ongoing and they often have electricity blackouts affecting utilisation of the CMS.

7. Addressing Juvenile Justice Issues including drug problems among youths and the *Amajiri* problems
8. Training of lawyers on legal drafting, ACJA, prosecuting anti-corruption cases for Ministry of Justice, etc.
9. Training of the newly recruited lawyers to enable them to man all magistrate courts and take over prosecution from police.
10. Training the police on how to conduct investigations.
11. Provision of legal aid for ATPs<sup>11</sup> in prisons and strengthening of the jail delivery process; support activities to promote treatment and rehabilitation as well as reintegration back into the communities including for ATPs, women and children and young persons in conflict to the law.
12. Special support and training for the Kano State Judiciary, police and the Kano State Ministry of Justice and other relevant stakeholders to enhance prevention, apprehension, investigation, prosecution of cases involving SGBV as well as children, and treatment and rehabilitation of the victims/survivors.
13. Special training and other support to sharia courts to ensure compliance to rule of law principles.

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<sup>11</sup>There are 10 prisons in Kano State, namely: Kano Central prison, Godon Dutse prison, Wudil Prison, Sumaila Satellite, Tudun Wada Satellite prison, Kiru Satellite prison, Gwarzo Satellite prison, Bichi Satellite prison, D/Tofa Satellite Prison and Satellite Prison. As of 11 May, 2016 the population of Kano Central Prison is as follows: Total Open Out: 1733 of which ATPs are 1030 (1017 Awaiting Trial Males and 13 Awaiting Trial Females), 242 long term convicts (239 Long Term Convict Males and 3 Long Term Convict females), 356 Short Term convicts (352 Short Term Convict Males and 4 Short Term Convict Females), 1 lunatic (Male), 99 Condemned Convicts (i.e . those on death row) 97 Condemned Convict Males and 2 Condemned Convict Females, 5 Lifers (all Males).