

# OPEN LETTER

**To:** The Senior Special Assistant to the President on MDGs (SSAPMDGs)

**From:** Members of the Nigeria Justice 2015 Campaign

**About: Including Access to Justice and Legal Empowerment in the Post 2015 Development Agenda**

**October 5, 2014**

Dear Honorable Senior Special Assistant, Her Excellency

We the undersigned organizations call on the Federal Government of Nigeria to support the inclusion of a set of targets for justice and legal empowerment as part of the new framework of development goals currently being negotiated at the United Nations.

These new goals will replace the Millennium Development Goals (MDGs) when they expire in 2015. Nigeria has achieved much thanks to its pursuit of the original MDGs. Nigeria is making real progress. Recently implemented policies are accelerating the achievement of the Millennium Development Goals (MDGs). These gains are based on sustained economic growth, improvements in planning and policy, and growing government investment in the social sector.

In Nigeria, for every MDG there is a positive story to be told. Although there are large variations from state to state, more children are surviving to their fifth birthday. More of them are starting school, and more are sufficiently nourished to be able to pay attention and learn. Their mothers have far less to fear about giving birth, and can be almost certain their children will not succumb to polio. Parents can be increasingly ambitious for their girls as well as their boys. They have ever-increasing access to the technologies and opportunities that they need to earn an income to support those they love. And, as a nation, Nigeria has turned the tide on HIV/AIDS, malaria and international debt.

It is very good to note that Nigeria has fully integrates the MDGs into each of its national development strategies, and has developed pioneering schemes to reach development targets: the tagging and tracking of funds allocated to poverty reduction from debt relief, compulsory free basic education, conditional cash transfers to the vulnerable for social protection, and federal grants. And, whilst the supportive environment has improved substantially since the return to democracy in 1999, rebuilding the legacy of a highly-deficient state is a work in progress. Governments at every level – federal, state and local – has step up their reform efforts. Reform has started well. Our country now has the opportunity to take a stand for a new kind of inclusive and transformative 21st century development.

Around the world, billions of people live without the full protection of the law. They are unfairly driven from their land, denied essential services, extorted by officials, excluded from society, and intimidated by violence. Their lack of legal protection is a source of repression and an affront to human dignity. If the new framework fails to empower people to understand and use the law, those billions will be left behind.

The importance of justice systems for improving the lives of poor people by ensuring that everybody has access to systems which dispense justice fairly, speedily and without discrimination cannot be over-emphasized. Without effective access to justice there is no effective legal protection of human rights. That is why the legislatures or parliaments, governments and courts of every country have a positive duty to translate the ideal of effective access to justice into practical reality. Effective access is not just an optional extra or a luxury of affluent and economically advanced societies. Everyone, everywhere, should enjoy the equal protection of the law if there is to be justice for all.

In Nigeria, existing institutions in the justice sector do not, by and large, perform the functions they are designed to fulfill. This finding applies mainly to the police, the lower courts, the legal aid system and the prison system. These are the institutions which impact mainly on the poor, marginalized, disadvantaged and vulnerable people and communities.

The DFID mission found that people living in poverty do not get the quality of access to justice and legal empowerment from the justice system which they need and deserve. Nor do they benefit from the form of safety which the state is expected to provide through its security institutions such as the police.

The key constraints preventing poor people from accessing safety, security and justice are found both within the formal justice system and outside it. The combined result of the existing constraints is that the public fear and mistrust the system and its institutions. If they do try to use it, access is very difficult. The situation is compounded by the impunity of those involved in malpractice or abuse of the system, and a high tolerance of violence in Nigerian society which leads people to take the law into their own hands (eg through vigilante groups) when the justice system is seen to fail.

Still, the percentage of prisoners awaiting trial in remand remains high, adjournments (even if less frequent) unnecessarily prolong disputes, political interference with judicial appointments and judicial decision-making remain an issue, both in the eyes of judicial officers and the Bar, coordination among the various justice sector institutions poses continuous challenges; and while the judiciary was able to significantly reduce the vulnerability of courts to corrupt practices, the problem is not to be considered under control.

Legal empowerment means giving all people the power to understand and use the law to secure justice and meet basic needs. Where legal empowerment efforts take hold, the results are visible and quantifiable. Women in Bangladesh who challenge the practice of illegal dowries are reporting greater cash savings. In Jordan, advocates work with migrant women to recover salaries and passports unlawfully withheld by their employers. In Uganda, community based paralegals help communities to document their customary land claims, taking advantage of laws that were on the books but seldom used.

By concentrating on five priorities—access to information, legal identity, rights to land and property, legal participation, and legal services—the new framework can ensure that no one is left behind. The Government of Nigeria needs to support these five justice principles. They were developed by a coalition of over 300 grassroots organisations with experience of what works on the ground.

1. **Access to Information:** People should know about the laws and regulations that govern their lives, particularly those concerning essential services. States should commit to disseminating simple and clear statements of law and policy. They should also grant people an enforceable right to information to ensure that laws and regulations are implemented effectively.
2. **Legal Identity:** Without state-issued identity documents, individuals may not be able to open a bank account, obtain a mobile phone, or secure the goods and services necessary to work and save for their families and their future. Government should ensure that access to legal identity is universal.

3. **Rights to Land and Property:** Approximately three billion people around the world live without secure rights to what are often their greatest assets: their lands, forests, and pastures. Increasing demand for land is leading to exploitation and conflict. Giving communities the power to manage their land and natural resources would reduce poverty and promote sustainable development. Securing property rights for all individuals, including women, is necessary to improve financial stability and personal safety.
4. **Legal Participation:** All persons are entitled to shape the laws and policies that affect their lives. Just as communities should govern their land and natural resources, people should have a voice in how services like healthcare and education are delivered. Participation should not be limited to elections every few years. Citizens must have a role in shaping the fundamental, everyday work of their governments, which in turn have a duty to operate transparently and respond to the needs of their citizens.
5. **Legal Services:** Everyone should have access to fair, effective forums for resolving conflicts, for seeking protection from violence, and for addressing grievances with the state. Equitable administration of justice requires quality services from a broad range of institutions, including the police, the courts, administrative tribunals, ombudsmen, and customary authorities. For people to have a fair shot when they approach those institutions, they need access to affordable legal aid services. Creative legal aid efforts, such as those that combine a small corps of public interest lawyers with a larger frontline of community paralegals, can seek effective solutions and engage the full range of justice institutions.

### **About Nigeria Justice 2015 Campaign**

The Nigeria Justice 2015 Campaign is a network of Nigerian legal empowerment practitioners, institutions and civil society organisations (CSOs) campaigning for inclusion of access to justice and legal empowerment as part of the global development agenda. The Nigeria Justice 2015 Campaign is part of the global Speak Up For Justice Campaign initiated by Namati: Innovations for Legal Empowerment, USA and Open Society Foundations to make Access to Justice and Legal Empowerment part of the New Development Goals. We are committed to ensuring that access to justice and legal empowerment of the poor, marginalized, disadvantaged and vulnerable people and communities is included in the Post 2015 Development Framework. Hundreds of organizations from dozens of countries have now endorsed the Open Letter to the United Nations calling for justice to be included in the next set of development goals.

### **In Conclusion**

We are writing to express our support for inclusion of access to justice and legal empowerment justice in the next set of development goals, and we respectfully urged you and the Federal Government of Government to do so.

This opportunity to pursue what is right must be grasped. Deprivation cannot be defeated, nor can the threat of dispossession and exploitation be lifted, without legal empowerment.

We, the undersigned, thus call on the Federal Government of Nigeria to help place justice, the rule of law, and legal empowerment at the very heart of the new global development framework.

We thank you very much for your thoughtful consideration of our requests.

Sincerely,

1. African Law Foundation (AFRILAW), Enugu
2. Foundation for Environmental Rights, Advocacy & Development (FENRAD), Aba
3. Peace Point Action (PPA), Uyo
4. Bulisa Initiative for Rural Development Organization (BIRUDO)
5. SpringAid International Development
6. Civil Resource Development and Documentation Center(CIRDDOC), Enugu
7. Foundation for the Conservation of the Earth (FOCONE), PortHarcourt
8. Community Policing Partners (COMPART), Uyo
9. Network of University Legal Aid Institutions (NULAI) Nigeria
10. Social Justice Advocacy Initiative (SJAI), Lagos
11. Friends of the Habitat (FOTH), Maiduguri
12. Justice and Empowerment Initiatives, PortHarcourt
13. Centre for Policy Advocacy and Leadership Development (CPALD)
14. ABSU Law Clinic
15. Women Initiative for Social Justice (WITSOJ), PortHarcourt
16. Waka Rural Development Initiative
17. Centre for Rights and Development (CENRAD), Lagos
18. Omilero International
19. Transformation of Youths Empowerment Foundation, Abuja
20. Kiferu Youth and Community Development Initiative, Bauchi State
21. Lite-Africa, Effuru
22. Afe Babalola University, Ado Ekiti
23. Affirmative Action for Women Initiative (NCAA)
24. Centre for Women's Health and Information (CEWHIN), Lagos
25. Campaign2015+ International
26. Human Rights Agenda Network (HRAN)
27. CAFSO-WRAG for Development
28. Access to Justice (AJ), Lagos
29. Centre for Peace and Development Action (CPDA), Awka Ibom
30. Justice Development and Peace/CARITAS
31. Institute for Human Rights and Humanitarian Law
32. Corporate Justice Alliance (ACOJA)
33. Southwest Freedom of Information Act Network
34. Global Network for Community Development
35. Child Protection Network (CPN)
36. Bauchi Network for Human Rights
37. Human Rights and Road Safety Awareness Organisation(HURISAFE)
38. Women Foundation Nigeria
39. Community-Environment Development Network (CEDEN)
40. Integrated Anti-Human Trafficking and Community Development Initiative (INTACOM AFRICA)
41. Centre for Social Justice (CSJ)
42. Gender and Development Action (GADA)
43. Connected Development (CODE), Abuja