



Norwegian Embassy



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



ASSESSMENT OF GENDER IN THE JUDICIAL SECTOR OF NIGERIA

(FEDERAL LEVEL, BAUCHI &
BENUE STATES)





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TABLE OF CONTENTS

- 01** | Page | 12 ■
Gender Assessment of the
Judicial Sector in Nigeria
- 02** | Page | 27 ■
Gender Assessment of The
Judiciary: Federal and the Federal
Capital Territory (FCT)
- 03** | Page | 51 ■
Gender Assessment of The
Judiciary: Bauchi State
- 04** | Page | 69 ■
Gender Assessment of The
Judiciary- Benue State

Acknowledgement	5
Executive Summary	7
CHAPTER 1: GENDER ASSESSMENT OF THE JUDICIAL SECTOR IN NIGERIA	12
General Introduction	13
Background and Context	18
Methodology	24
Limitations	25
CHAPTER 2: GENDER ASSESSMENT OF THE JUDICIARY	27
Geographical and Institutional Profile	28
Gender Representation in Judicial Institutions	28
Powers of the National Judicial council	29
THE NIGERIAN COURTS & CRIMINAL JUSTICE AGENCIES	34
The Nigerian Courts	35
Criminal Justice Agencies	41
Gender Sensitivity and Responsiveness in Judicial Institutions	43
CHAPTER 3: GENDER ASSESSMENT OF THE JUDICIARY: BAUCHI STATE	51
Geographical and Institutional Profile	52
Gender Representation in Judicial Institution	52
CHAPTER 4: GENDER ASSESSMENT OF THE JUDICIARY: BENUE STATE	69
Geographical and Institutional Profile	70
Gender Representation in Judicial Institution in the State	72
Acts of Discrimination Against Women in the Appointment of State Chief Judges and Elevation to the Higher Bench	88

Observation on the Impact of Covid-19 on the Judicial Sector	96
KEY FINDINGS RECOMMENDATIONS	98
CHAPTER 5: CONCLUSION	113
References	133
REFERENCES	117
ANNEX	122



ACKNOWLEDGEMENTS

The Rule of Law and Empowerment Initiative

also known as Partners West Africa Nigeria (PWAN) has been involved in criminal justice reform since 2016. The organization has successfully contributed to reform efforts as regard speedy and effective dispensation of justice,

promotion of transparency and accountability in the judiciary, provision of legal aid to less privileged persons, monitoring of compliance to key reform laws, and awareness creation on human rights issues. In the course of undertaking the above, the need to further explore the gender dynamics of the sector,

and its implications for access to justice, has been highlighted.

PWAN conducted a gender assessment of the Nigeria Army, Nigeria Police Force, and Nigeria Security and Civil Defence Corps (NSCDC) to ascertain the level of gender representation, participation, and responsiveness within the institutions. To

ensure a holistic view, the organization deemed it necessary to conduct a similar assessment of judicial institutions. This report examines to what extent the legal, policy, practices, and institutional frameworks flowing from the United Nations Resolution 1325 on Women, Peace and Security and the corresponding National Action Plan have coalesced towards fulfilling their underlying principles.

The development of this report would not have been possible without the support of the United Nations Entity for Gender Equality and the Empowerment of Women- UN Women, and the Norwegian Embassy, PWAN seeks to express its gratitude to both institutions for the technical and

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PWAN- 'Kemi Okenyodo.

Finally, we would like to appreciate the leadership of the Judiciary in the FCT, Bauchi, and Benue states for their willingness to participate in the process, and their cooperation. The assessment would not have been possible without their effective involvement.

EXECUTIVE SUMMARY

The United Nations Security Council (UNSC) at its 4213th meeting on October 31, 2000, passed Resolution 1325 which reaffirmed the important role of women in the prevention and resolution of conflicts and in peace-building, stressed the importance of their equal participation and full involvement in all efforts

for the maintenance and promotion of peace and security, and the need to increase their role in decision-making with regard to conflict prevention and resolution. Nigeria, in a bid to domesticate the UNSC Resolution, developed and adopted a National Action Plan (NAP) in August 2013 as a vehicle for the operationalisation of the UNSCR within its territory. A revised NAP



Women's equal participation and full involvement plays an important role of in the prevention and resolution of conflicts and in peace-building.



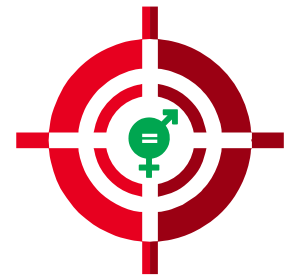
The insurgency in the north-eastern parts of the country, the herder-farmer conflicts, militancy in the Niger Delta, and the persistence of domestic violence against women and girls, contribute to high levels of insecurity, and creates an unsafe environment for women and girls.

document for the implementation of the resolution was launched in May 2017 to accommodate issues relating to violent extremism and other emergent contexts.

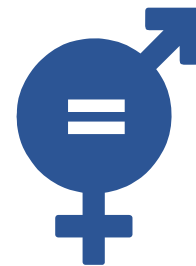
The need for the implementation of the principles contained in the historic resolution is highlighted by the rising levels of insecurity and conflict in Nigeria. The insurgency in the north-eastern parts of the country, the herder-farmer conflicts, militancy in the Niger Delta, terrorism, banditry, kidnapping, robbery, other forms of criminality, and the persistence of domestic violence against women and girls, all contribute to the high levels of insecurity, thereby creating an unsafe environment for women and girls. This is exacerbated by the entrenched history of

discrimination against women in a vastly patriarchal society like Nigeria. Because these conflicts impact negatively on women, it is only logical, rational, and just, that women play an important role in its prevention, management, and peaceful resolution.

The aim of this assessment is to interrogate to what extent the legal, policy, practices, and institutional frameworks flowing from the UNSCR and the NAP have coalesced towards fulfilling their underlying principles. Anchoring its probe on the judiciary, this study examines the levels and quality of gender awareness, representation and participation, the extent of gender sensitivity, responsiveness and mainstreaming, as well as the existence of internal mechanisms to



The assessment aims at interrogating the extent the legal, policy, practices and institutional frameworks flowing from the UNSCR and the NAP have coalesced towards fulfilling their underlying principles.



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

prevent, detect and address gender discrimination in the recruitment, performance and advancement of women in the judicial sector. The existence or otherwise of apparatuses that respond to incidences of sexual and gender-based violence within the judiciary will also be explored. While the study looks at the judicial institutions at both federal and state levels, the scope of the research is limited to Bauchi and Benue states, in addition to the Federal Capital Territory and the federal level.

This study employs both qualitative and quantitative research methodologies, which include but are not limited to desk review of relevant literature, administration of questionnaires, the conduct of Key Informant Interviews (KIIs) and

Focus Group Discussions (FGDs). The Key Informant Interviews (KIIs) and Focus Group Discussions (FGDs) targeted leaders, staff, and stakeholders of judicial institutions at the federal level and within the states in which the study were carried out.

Several limitations were encountered in the course of the study. There was an unwillingness on the part of some key officials to respond forthrightly to specific issues explored in the research, particularly as it pertains to incidents of sexual and gender-based violence in the workplace. This is perhaps attributable to the perception that prejudicial consequences may flow from truthful responses made by interviewees in the course of the study, despite repeated assurances as to the



One of the crucial findings of the report is the almost-total lack of knowledge on the part of the judicial officers and judicial staff of the existence and normative provisions of the UNSC Resolution 1325 and the NAP for its implementation in Nigeria.
pg10

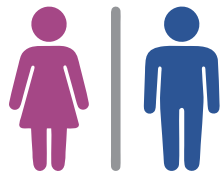


there is low level of representation of women both in general staff cadre and decision-making positions in judicial institutions at both the federal and state levels
pg10

anonymity and confidentiality of the process. Another significant limitation was the outbreak of the COVID-19 pandemic in the course of the field research which necessitated the cancellation of scheduled FGDs, interviews and meetings. However, these were mitigated through the adoption of virtual processes and telephone interviews.

One of the crucial findings of the report is the near total lack of knowledge on the part of the judicial officers and judicial staff of the existence and normative provisions of the UNSC Resolution 1325 and the

NAP for its implementation in Nigeria. This flows from the absence of any in-service training on gender issues and a limited appreciation of the role of the judiciary in the prevention, management, and resolution of conflicts and widespread violence and insecurity in the society. Another important finding is the low level of representation of women both in general staff cadre and decision-making positions in judicial institutions at both the federal and state levels. Even in certain institutions where the representation appears reasonable, it



workplace gender policies must be developed and implemented to ensure gender sensitivity and responsiveness.

occurred more out of happenstance, than as a result of a deliberate policy implementation or application of gender quotas. In reflecting the wider societal norms which tolerate and perpetuate gender discrimination and women's subjugation, the study unearthed the absence of gender



In a bid to improve the place of women in Nigeria's judicial institutions, the study recommends among other things, the development of a robust framework for the implementation of the provisions of the UNSC Resolution 1325 and the National Action Plan and the conduct of well-designed gender training for staff of all institutions within the judiciary to increase awareness of the UNSCR and NAP.



No institutional mechanism for reporting, investigating & accounting for sexual & gender-based violence in the workplace

sensitivity and responsiveness and the lack of gender policy frameworks to ensure gender mainstreaming in the judicial sector. Although there were no distinctions or discrimination observed in terms of salaries and emoluments, the study exposed a lack of institutional mechanisms for the reporting, investigating and ensuring accountability for sexual and gender-based violence in the workplace.

In a bid to improve the place of women in Nigeria's judicial institutions, the study recommends among other things, the development of a robust framework for the implementation of the provisions of the UNSC Resolution 1325 and the National Action Plan and the conduct of well-designed gender training for staff of all institutions within the judiciary to increase awareness of the UNSCR and NAP. In addition, workplace gender policies must be developed and implemented to ensure gender sensitivity and responsiveness, including the setting up of confidential complaints systems for victims of sexual and gender-based violence to complain without fear of repercussions. It is also recommended that

positive discriminatory practices be put in place in the recruitment of judicial staff with a view to achieving equitable gender representation as envisaged under the National Gender Policy, the UNSC Resolution 1325 and the National Action Plan.



1

GENDER ASSESSMENT OF THE JUDICIAL SECTOR IN NIGERIA

GENERAL INTRODUCTION

The problem of gender discrimination and inequality is not peculiar to Nigeria. Indeed, for centuries, various societies globally have grappled with this challenge and have devised different ways of responding to the problem based on their lived experiences. In Africa, patriarchal systems have evolved and become entrenched over the years such that women are generally seen as the weaker sex or second-class citizens who lack personal autonomy and independence. These beliefs are sustained and transmitted between generations as cultural and religious practices and result in the

development of prejudicial gender stereotypes that continue to subjugate women's participation in the political, social and economic spheres of the society. The suppressed role of women in the society was sustained by the colonial masters in many ways, particularly in the grant of voting rights amongst others. At Independence in 1960, most of the positions in government were taken up by men who had better access to education, political and economic opportunities.

Globally, the emergence of the feminist movement between the 19th and 20th centuries marked a watershed in the fight for gender equality as many of the



In Africa, patriarchal systems have evolved and become entrenched over the years such that women are generally seen as the weaker sex or second-class citizens who lack personal autonomy and independence

Feminist Movement



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of all rights guaranteed in the Covenants.

The need to put in place an international treaty focusing specifically on women's rights eventually led to the adoption of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in 1979. The preamble to CEDAW, recalls that discrimination against women violates the principles of equality of rights and respect for human dignity, is an obstacle to the participation of women, on equal terms with men, in the political, social, economic and cultural life of their countries, hampers the growth of the prosperity of society and the family and makes more difficult the full development of the potentialities of women in the service of their countries and of humanity. It also

expresses a conviction that the full and complete development of a country, the welfare of the world and the cause of peace require the maximum participation of women on equal terms with men in all fields.

The Convention obligates States Parties to embody the principle of equality of men and women in their national constitutions; adopt appropriate legislative and other measures prohibiting discrimination against women and modify or abolish all laws, regulations, customs and practices which constitute discrimination against women. In addition, to eliminate discrimination against women, and to establish legal protection of the rights of women on an equal basis with men and to ensure through competent national



Civil and Political Rights

The Covenant on Civil and Political Rights, and the Covenant on Economic, Social and Cultural rights were both adopted in 1966 as binding treaties and both made copious provisions on equality on the basis of sex amongst others.



Human & People's Rights

The African Charter on Human and Peoples' Rights was adopted in 1981 to respond to the African situation.

prevalent stereotypes were then being contested and demystified. The campaign for equality on the basis of sex gradually, but steadily, found its way into the various human rights instruments developed at the global level within the framework of the United Nations.

The United Nations Charter reaffirms faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women.¹ This is bolstered further in the Universal Declaration of Human Rights (UDHR) with the recognition that the inherent dignity and the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world.² Although the UDHR is not a binding treaty, its place in the

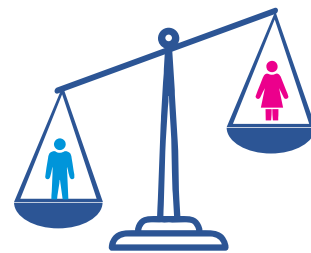
evolution of human rights globally cannot be over-emphasized. It is declared to be a common standard of achievement for all peoples and all nations.³ The Covenant on Civil and Political Rights, and the Covenant on Economic, Social and Cultural rights were both adopted in 1966 as binding treaties and both made copious provisions on equality on the basis of sex amongst others. The States Parties to the Covenants undertake to guarantee that the rights enunciated therein will be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.⁴ Beyond these general non-discrimination provisions, they also undertake to ensure the equal right of men and women to the enjoyment

Human Rights



The United Nations Charter reaffirms faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women.

Inequality



Discrimination against women violates the principles of equality of rights and respect for human dignity

1 Preamble to the United Nations Charter of 1945.

2 Preamble to the UN Declaration of Human Rights (UDHR) 1948.

3 As above

4 Article 2(1) of the ICCPR and article 2(2) of the ICESCR

5 Article 3 of the ICCPR and article 3 of the ICESCR.



tribunals and other public institutions the effective protection of women against any act of discrimination.

It is important to note that given the arguments about cultural relativism in global human rights discourse, regional blocks also developed human rights treaties taking into consideration local contexts and dynamics. In furtherance

of this, the African Charter on Human and Peoples' Rights was adopted in 1981 to respond to the African situation. Beyond the non-discrimination provision contained in the Charter, African states followed the United Nations' example by developing a women-specific treaty called the Protocol to the African Charter on Human and Peoples' Rights on the

Rights of Women in Africa. Nigeria is a signatory to a variety of international and regional women's rights conventions, treaties and declarations such as CEDAW, Beijing Declaration and Platform for Action, 1995, Solemn Declaration on Gender Equality in Africa, 2004 and the UNSCR 1325 among others. The government of Nigeria has also adopted

progressive laws and forward-looking policies such as the National Gender Policy (2016), the Violence Against Persons Prohibition (VAPP) Act (2015), the Gender and Equal Opportunities Law (in some states), and the National Action Plan (NAP) on UNSCR 1325, to create an enabling environment for gender equality and the empowerment of women. The major setback remains the absence of political will and the weak institutional structures for the implementation of these laws and policies at all levels, which impact negatively

on their operationalisation with a view to promoting the well-being, representative and participatory rights of women.

All these efforts to promote equality of women with men and eliminate discrimination is a tacit recognition that women over the years have faced subjugation, repudiation of their personal autonomy, been denied representation and participation in the political, economic, social and judicial spheres of the society. It is unfortunate that despite the efforts at improving

the status of women in the society, appreciable progress has not been recorded. Increasingly, strife, conflicts and insecurity continue to fester in Nigeria, Africa and globally. Despite not being causative agents of the conflicts, women and children have borne the greatest brunt of these conflicts and women have also not been adequately represented in the quest for their peaceful resolution.



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BACKGROUND AND CONTEXT

In spite of the efforts of the United Nations towards the maintenance of global peace, international and non-international armed conflicts continue to ensue across the globe. The past conflicts in Yugoslavia, Sierra Leone, Liberia, Rwanda, Burundi, and the current ones in Syria, Afghanistan, Central African Republic, Congo and Nigeria attest to this fact.

Since her independence in 1960, Nigeria has experienced different types of violent conflicts that have negatively impacted on the country's population across the six

geopolitical zones. As expected, peace and security have been badly undermined by the episodic, yet recurring conflict disorders causing harm, displacement and even death. Apart from violent community conflicts, the insurgency caused by the Boko Haram Extremist Islamic sect in northern Nigeria; the militancy in the Niger Delta region; the increasing incidences of farmers-herders' violent clashes in the middle-belt region; the spate of kidnappings and violent robberies, there are also incidences of cultism and separatist agitations that have often turned violent. These conflicts, no

doubt, portend harmful consequences for the country's cultural and social values; ethnic cohesion; social integration, stability and sustainable development. Despite the gendered impact of violent conflict, there has been a decline in women's participation in conflict management and peace processes around the world; women are too often omitted from the peace processes and have remained largely excluded from negotiating peace, and excluded from leadership positions, especially in conflict zones. This necessitated the adoption of Resolution



Since her independence in 1960, Nigeria has experienced different types of violent conflicts that have negatively impacted on the country's population across the six geopolitical zones.

1325 on women, peace and security by the United Nations Security Council at its 4213th Meeting on the 31st of October, 2000. The resolution reaffirms the important role of women in the prevention and resolution of conflicts, peace negotiations, peace-building, peacekeeping, humanitarian response and in post-conflict reconstruction and stresses the importance of their equal participation and full involvement in all efforts for the maintenance and promotion of peace and security. Resolution 1325 urges all actors to increase the participation of women and incorporate gender perspectives in all United Nations peace and security efforts. It also calls on all parties to conflict to take special measures to protect women and girls from gender-based violence,

particularly rape and other forms of sexual abuse, in situations of armed conflict. The resolution provides a number of important operational mandates, with implications for Member States and the entities of the United Nations system.⁶ Particularly, Paragraph 12 of the UNSC Resolution 1325 provides for increased representation of women at all decision-making levels in national, regional and international institutions and mechanisms for the prevention, management, and resolution of conflict. Since the adoption of the resolution, the UNSC between 2008 and 2019 has passed eight other similar resolutions, namely; Resolutions **1820 (2008), 1888 (2009), 1889 (2009), 1960 (2010), 2106 (2013), 2122 (2013), 2242 (2015), 2467 (2019)**



All parties to conflict should take special measures to protect women and girls from gender-based violence, particularly rape and other forms of sexual abuse,



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⁶ Landmark Resolution on Women, Peace and Security, <https://www.un.org/womenwatch/osagi/wps/>, [Accessed 18 April, 2020]

and 2493 (2019).⁷

Collectively, these resolutions form the basis of the UN's programme on women, peace and security.

UNSCR 1325 is dedicated entirely to the link that exists between armed conflict peacebuilding, the gender dimension and builds on Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). Article 7 of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) specifies that State Parties must “take all appropriate measures to eliminate discrimination against women in the political and public life of the country” and to this end, they must ensure women's right “to

participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at the level of government”. According to the CEDAW Committee, political and public life refers to: “the exercise of political power, in particular the exercise of legislative, judicial, executive and administrative powers”. This means States should institute temporary special measures to ensure women's equal participation in judicial and other legal institutions, where equality in law has not resulted in substantial equality in practice.⁸

In order to effectively implement UNSCR 1325, The UN Secretary-

General's report of 13th October 2004 invited the member states to prepare a National Action Plan (NAP). Nigeria developed its own NAP in 2013 to promote the participation and representation of women in all peacekeeping, peace negotiations, peacebuilding and post-conflict activities as well as in the decision-making processes. The five pillars of the NAP (5Ps) are: participation, protection, prevention, prosecution and promotion. Nigeria launched its second National Action Plan for the Implementation of UNSCR1235 and related resolutions (NAP) on 9 May 2017, for the period between 2017 and 2020. The updated NAP was developed to incorporate

THE FIVE PILLARS OF THE NATIONAL ACTION PLAN



PARTICIPATION



PARTNERSHIP



PROTECTION



**DISENGAGEMENT
& RE-INTEGRATION**



PREVENTION

⁷ Security Council, unanimously adopting resolution 1325 (2000), calls for broad participation of women in peace-building post-conflict reconstruction, United Nations. 31st October 2000 archived from the original on 29 September 2006. Retrieved 20 November 2019 - Wikipedia ⁸ IDLO Women Delivering Justice, <https://www.idlo.int/sites/default/files/pdfs/publications/IDLO%20-%20Women%20Delivering%20Justice%20-%20202018.pdf>, [Accessed, 10 April, 2020].

emerging issues in Nigeria (i.e. violent extremism and other post-conflict and reintegration issues), as well as address the gaps identified in the first NAP (i.e. absence of crisis management and recovery strategies, ambiguous language and inadequate monitoring and evaluation architecture). However, incorporation into domestic laws and implementation remain a big challenge. The specific objectives of the NAP included but are not limited to the following;

i. Prevention and Disaster Preparedness: To ensure prevention of conflict and all forms of violence against women and girls, institute coping mechanisms and systems for averting and mitigating disasters;

ii. Protection and Prosecution: To ensure the rights of women and girls are protected and promoted in conflict and peace and also to prosecute such rights violations;

iii. Participation and Representation: To increase participation and engagement of women and inclusion of women's interests in decision-making processes related to conflict prevention and peacebuilding;

iv. Crisis Management, Early Recovery and Post-Conflict Reconstruction: To ensure specific relief and recovery needs of women and girls are met and women's capacities to act as agents in crisis, recovery and post-conflict situations are

reinforced; and

v. Partnerships, Coordination and Management: To ensure an increase in the capacity and resources to coordinate, implement, monitor and report on women, peace and security plans and programmes.⁹

The process of domesticating and implementing the NAP in Nigeria has recorded modest progress. As at June 2020, eleven states have localised the NAO by developing State Action Plans (SAPs) to address specific peace and security issues. In line with the principle of “leaving no one behind”, some of these states have translated their SAPs into local and sign languages, and braille for the visually impaired. This is in addition to the



The process of domesticating and implementing the NAP in Nigeria has recorded modest progress. As at June 2020, eleven states have localised the NAO by developing State Action Plans (SAPs) to address specific peace and security issues.

development of Local Government Action Plans (LAPs) to further expand the scope of intervention and coverage at the grassroots.

The objectives of the NAP as set out above mirrors the various provisions of international, regional and national laws that seek to promote the well-being of women in the context of peace and security. This will not only ensure the active representation and participation of women in the affairs of state but also help to ensure sustainable outcomes for women. It is therefore not surprising that the Sustainable Development Goals (SDGs) include the goal to achieve gender equality and empower all women and girls. Eliminating all forms of discrimination and violence against women, ensuring the full

participation of women as well as the right to equal, just, and favourable conditions of work are all elements of this goal.¹⁰ There is also a mutually reinforcing relationship between gender equality and the rule of law as pillars of sustainable development; as acknowledged by the 2030 Agenda for Sustainable Development. Since the judiciary is recognised as the bulwark of the rule of law and human rights, it is imperative that women are adequately represented and also participate actively in judicial bodies. The presence of women in the judicial process tends to generate positive perceptions in the minds of the public. This has led Justice Vanessa Ruiz¹¹ to observe as follows:

By their mere presence, women judges enhance the legitimacy of the

courts, sending a powerful signal that they are open and accessible to those who seek recourse to justice.

Anecdotal evidence suggests that there is a correlation between the involvement of women in decision-making positions and improved gender outcomes. Although the participation and involvement of women in peace and security extend to their roles in the institutions of security architecture, the present assessment is limited to the participation of women, as well as the gender sensitivity and responsiveness in the judicial sector. This is because a separate gender assessment in the security sector has been undertaken¹² and therefore need not be covered under this study.

Since judicial offices are

⁹Security Women – Nigeria, <https://www.securitywomen.org/uns-cr-1325-and-national-action-plans-nap/nigeria>, [Accessed 18 April, 2020].

¹⁰Goal No. 5 of the Sustainable Development Goals.

¹¹Senior Judge for the Court of Appeals in Columbia District, USA.

occupied by members of the legal profession, it goes without saying that access to legal training as well as the culture and tradition of the profession will impact on the gender composition of the judiciary. Although the legal profession is modelled along the lines of the British system, it reflects the patriarchal prejudices that pervade the larger society. Propositions like 'there are no women at the Bar' and the use of the appellation 'my Lord' for both male and female judges all serve to accentuate the masculinity of the profession. Stereotyping had in the past portrayed the legal profession as a profession for men and

not for women. This contributed to the delayed entry of women into the profession but that stereotype has now been debunked, more women are now taking up legal education in large numbers.

An appreciation and understanding of the nature and extent of the representation and participation of women in the judicial sector require an in-depth scientific inquiry. This study therefore seeks to unearth the representation of women in the judiciaries at the federal level, the Federal Capital Territory, as well as Bauchi and Benue states. Beyond the numbers, the inquiry

extends to interrogating the awareness of the UNSC Resolution 1325 and the National Action Plan (NAP); gender sensitivity and responsiveness in the judiciary; and the existence or otherwise of gender policy frameworks, including mechanisms for responding to sexual and gender-based violence within the judicial institutions. While the findings cannot necessarily be extrapolated as having national validity, it is indicative of trends that may inform legal and policy programming at the national level and other states.



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



METHODOLOGY

This study employed purposive and snowballing sampling research model using direct qualitative interview, Key Informant Interviews (KIIs) and Focused Group Discussions (FGDs) as tools for gathering field data. Simple analytic method of percentages, descriptive, and trends were used to analyse the obtained data from questionnaires and discussions during the

FGDs. The overall methodological research framework for this research is field survey. Triangulation was also used to generate primary and secondary data for analysis.

In addition to the above, desk review of relevant literature, including but not limited to laws, UN and other international treaties and documents, policy documents of judicial institutions as

well as documents containing numerical data was carried out to help understand the context, identify gaps in knowledge, prioritized key themes and also contributed to in-depth assessment and analysis of both quantitative and qualitative data gathered in the course of the field survey.

LIMITATIONS

Several limitations were encountered in the course of this study. Some of the limitations were individualistic or institutional, while others were environmental and therefore beyond the control of the researchers and interviewees. While each of the geographical locations had their specific challenges, certain limitations manifested across all locations.

In virtually all survey locations, interviewed staff did not freely accede to the request for interviews until they were satisfied that authorisation and institutional consent had been obtained from the heads of the various institutions. In addition,

despite reassurances as to the confidentiality of the process, some respondents were not keen on volunteering certain information, particularly in respect of sexual and gender-based violence in the workplace for fear of prejudicial repercussions from highly placed officials. Agreeing on a timeframe that was convenient for participants of the various FGDs was quite challenging. However, these limitations did not impact negatively on the outcome of the study. In Bauchi state, for instance, it was not possible to obtain the staff nominal roll of the state judiciary despite a written request to that effect and the fact that there was only one female High Court judge

in the state meant that the planned FGD for female judges turned out to be an interview with the sole female judge.

In the Federal Capital Territory, a major limitation to the study was the outbreak of the COVID-19 pandemic. Letters were written to the respective heads of the Federal High Court, High Court of the FCT, the National Industrial Court, the Sharia Court of Appeal, Customary Court of Appeal, the Magistrate Court, and the Nigerian Bar Association for nominations of their judges and members to participate in a scheduled Focus Group Discussion. The judges and members were nominated to attend, however, due to the

COVID-19 pandemic this discussion had to be suspended. Most of the nominated Judges were not inclined to a virtual Focus Group Discussion. They advised that it should be conducted after the lock-down was lifted. However, one Focus Group Discussion was conducted virtually with a few of the available respondents. The Key Informant Interviews also had to be put on hold as physical access to the high-ranking members of the judiciary became difficult.

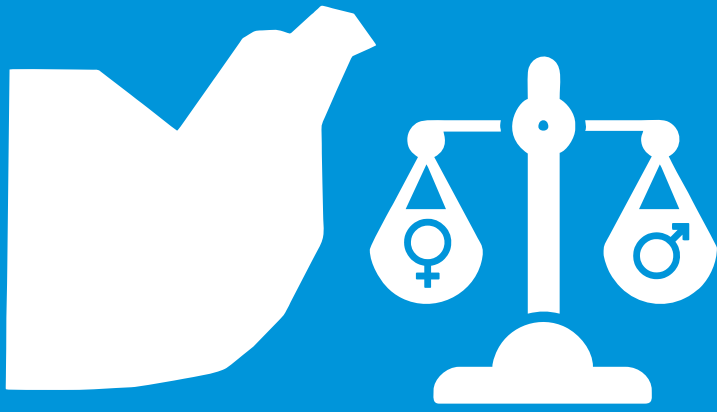
In Benue state, the

inability to meet with the Chairmen of the House of Assembly Committees on Judiciary and Women Affairs meant that the researcher could not obtain critical perspectives which would have been relevant given their oversight responsibilities to key institutions with the responsibility of driving the implementation and monitoring of the UNSC Resolution 1325 and the National Action Plan (NAP).

Despite all endeavours, it was not possible to ascertain the gender

composition of some of the judicial institutions covered by the study. The bureaucratic practice of unnecessarily withholding information from external persons and researchers needs to be addressed.





2

GENDER ASSESSMENT OF THE JUDICIARY: FEDERAL LEVEL AND THE FEDERAL CAPITAL TERRITORY (FCT)

GEOGRAPHICAL AND INSTITUTIONAL PROFILE

Abuja is the capital of Nigeria. It lies in the central part of Nigeria. The city is approximately 300 miles (480 km) northeast of Lagos, the former capital (until 1991). During the 1980s the new capital city was built and developed on the grass-

covered Chukuku Hills. Abuja has a land area of 8,000 square Kilometres. It is bounded on the north by Kaduna state, on the west by Niger state, on the east and south-east by Nasarawa state and on the south-west by Kogi state. It falls within latitude 7 45' and 7 39'. One beautiful feature about Abuja

which it derives from its central location is that it shares the savannah grass with the north. And the overall effect of this is that Abuja has rich soil for Agriculture and enjoys an equable climate that is neither too hot nor too cold all year round.¹³

GENDER REPRESENTATION IN JUDICIAL INSTITUTIONS

National Judicial Council

The National Judicial Council is one of the Federal Executive Bodies created by virtue of Section 153 of the 1999 Constitution of the Federal Republic of Nigeria. In order to insulate the Judiciary

from the whims and caprices of the Executive; hence guarantee the independence of this Arm of Government, which is a sine qua non for any democratic Government, the National Judicial Council

was created and vested with enormous powers and functions of the erstwhile Advisory Judicial Committee (AJC) which it replaced.

¹³ Federal Capital Development Authority, <https://www.fcda.gov.ng/index.php/about-fcda/the-geography-of-abuja>, [Accessed 2 April, 2020].

POWERS OF THE NATIONAL JUDICIAL COUNCIL

By the provision of Paragraph 21 of Part One of the Third Schedule to the 1999 Constitution of the Federal Republic of Nigeria, as amended; The National Judicial Council shall have the power to:

a. recommend to the President from among the list of persons submitted to it by - the Federal Judicial Service Commission, persons for appointment to the Offices of the Chief Justice of Nigeria, the Justices of the Supreme Court, the President and Justices of the Court of Appeal, the Chief Judge and Judges of the Federal High Court, and the Judicial Service Committee of the Federal Capital Territory, Abuja; persons for

appointment to the Offices of the Chief Judge and Judges of the High Court of the Federal Capital Territory, Abuja, the Grand Kadi and Kadis of the Sharia Court of Appeal of the Federal Capital Territory, Abuja and the President and Judges of the Customary Court of Appeal of the Federal Capital Territory, Abuja;

b. recommend to the President the removal from Office of the Judicial Officers specified in sub-paragraph (a) of this paragraph, and to exercise disciplinary control over such Officers;

c. recommend to the Governors from among the list of persons

submitted to it by the State Judicial Service Commission persons for appointment to the Offices of the Chief Judges of the States and Judges of the High Courts of the States, the Grand Kadis and Kadis of the Sharia Courts of Appeal of the States; and President and Judges of the Customary Courts of Appeal of the States;

d. recommend to the Governors the removal from office of the Judicial Officers specified in sub-paragraph (c) of this paragraph, and to exercise disciplinary control over such officers;

e. collect, control and disburse all monies, Capital and Recurrent,

for the Judiciary;

administration.

f. advise the President and Governors in any matter pertaining to the judiciary as may be referred to the Council by the President or the Governors;

g. appoint, dismiss and exercise disciplinary control over Members and Staff of the Council;

h. control and disburse all monies, Capital and Recurrent, for the services of the Council; and

i. Deal with all other matters relating to broad issues of policy and

j. The Secretary of the Council shall be appointed by the National Judicial Council on the recommendation of the Federal Judicial Service Commission and shall be a Legal Practitioner.



Other Functions

Pursuant to its Constitutional powers in Section 158 & Paragraph 21 Sub-paragraph (i) of

Part One of the Third Schedule to the 1999 Constitution of the Federal Republic of

Nigeria, as amended, the Council has the following functions and responsibilities:

1 Screening/Interview of Candidates/Judges/Justices for Judicial Appointments

The Council screens/interviews all candidates/Judges/Justices for appointment to all Superior Courts of Record (Customary Court of Appeal, Sharia Court of Appeal, High Court of Justice, National Industrial Court of Nigeria, Federal High Court, Court of Appeal & the Supreme Court), in the Federation. "Screening and interview of all candidates nominated for judicial appointments to Superior Courts of Record in the Federation is a new guideline to allow for competition among candidates and transparency in the selection mechanism for

judicial appointments". It is important to note that in the screening of candidates for these appointments, no consideration is given to the 35 percent gender quota requirement as recommended in the National Gender Policy. This underscores the absence of an institutional mechanism to ensure compliance with the provisions of the policy by organs of government.

2 Performance Evaluation of Judicial Officers of Superior Courts of Record In the Federation

The Judges' Performance Evaluation Committee of the National Judicial Council assesses and evaluates the performances of all Judicial Officers in the Federation based on their quarterly Returns of cases to the Council. "The Report of the Performance Evaluation of Judicial Officers in Superior Courts of Records in the Federation is used as a yardstick and mechanism to discipline Judges and to determine the actual needs of Courts vis-a-vis appointment of Judges and for budget consideration. The report is also considered by the

Council whenever Judicial Officers from Customary Court of Appeal, Sharia Court of Appeal, High Court of Justice, National Industrial Court and Federal High Court are being recommended for appointment to the Court of Appeal and also from the Court of Appeal to the Supreme Court.”

3 Budget

The Council prepares the Capital and Recurrent budget for the Federal Judiciary; and also the recurrent budget for the

State Judicial Offices (High Court of Justice, Sharia Court of Appeal and Customary Court of Appeal), in respect of their Consolidated Salaries, Allowances and Overhead cost.

4 Pension of Retired Federal Judicial Officers

The National Judicial Council is responsible for payment of gratuities and pensions of all retired Federal Judicial Officers vide the Federal Judicial Officers (Administration of

Pension) Act 2007.¹⁴

The National Judicial Council plays a major role in decision making with regards to the appointment, promotion, remuneration and removal of judicial officers. ***The Council is made up of 23 members with 16 men and 7 women. There is a 69.5% male representation to the 30.4% female representation of the Council members.***¹⁵

National Judicial Institute

The Institute is managed by a Board of Governors with the Chief Justice of Nigeria as the Chairman of the Board. ***There is 70% higher composition of men to the 30% of women employed in the NJI.***¹⁶ Although there is a higher percentage of male Board members than female Board members the Administrator of the

Institute, Honourable Justice Rosaline Bozimo (Rtd.) is female.¹⁷

The Institute organizes and conducts continuing judicial education and training, including study courses, lectures, seminars, workshops, and conferences, for all cadres of Judicial Officers in the country and their supporting

staff. Other training programs are also organized and conducted by the Institute in collaboration with other organizations in Nigeria and abroad.

Issues covered under these training programmes include both procedural and substantive law, particularly, the practice and procedure of the

¹⁴National Judicial Council, <https://njc.gov.ng/profile-of-njc>, [Accessed 2 April, 2020].

various courts. The institute has begun a process of ensuring that all judicial training programmes are organised by them or in collaboration with them. For instance, the specialized training programmes organised by the Asset Management Company of Nigeria (AMCON) and the Nigerian Deposit Insurance Corporation (NDIC) for judges of the Federal High Court have now been brought under the purview of the NJI in partnership with AMCON and NDIC respectively. These specialized trainings are compulsory for all judges of the Federal High Court.

There are other training programmes organised by several other organisations in partnership with state judiciaries which involve

the judiciary of the various states and are not implemented in partnership with the NJI. The number of judges who take part in these training programmes may depend on the number of spaces available and sometimes they are implemented in batches to ensure that the target audience all participate in the training. While refresher courses are sometimes organised for sitting judicial officers, inaugural training programmes are usually organised for newly appointed judicial officers across the country to prepare them for the task ahead.

Information from respondents reveals that there are no specialized courses on gender mainstreaming

or the handling of SGBV cases being delivered by the NJI. Some NGOs organise gender training programmes for judicial officers but these are location-specific at the various state levels and not for all judicial officers across the country. This may well be one of the actionable recommendations arising from this assessment. This is with the view of improving and updating the overall knowledge of the Judicial Officers and their supporting staff as well as the general efficiency, performance, and uniformity in the quality of judicial service in the courts. The Judicial Officers include Judges of both Superior and the Lower Courts; while their Supporting Staff are from their respective Courts in the entire hierarchy of the Court System in Nigeria.¹⁸



There is 70% higher composition of men to the 30% of women employed in the National Judiciary Institute.

¹⁵*ibid.*, ¹⁶*ibid.*, ¹⁷*ibid.*



THE NIGERIAN COURTS & CRIMINAL JUSTICE AGENCIES

THE NIGERIAN COURTS


The Supreme Court of Nigeria

In 1963, following the proclamation of the Federal Republic of Nigeria and the constitution which came into operation on October 1, 1963, Section III of this constitution gave legal instrument that gave birth to Supreme Court following the abolition of section 120 which abrogated the appellate jurisdiction of the Judicial Committee of the Privy Council which was Nigeria's apex Court. This Act also gave it the status of the highest Court in the judicial hierarchy while the Independence Constitution of 1960

vested in it the jurisdiction of the Federal Supreme Court. The 1979 Constitution in its Section 210 (1) of the 1999 Nigerian Constitution clearly gave it the name Supreme Court of Nigeria. The Court operates as the apex Court on matters involving both Federal and State Laws. The Supreme Court is composed of the Chief Justice of Nigeria and not more than twenty others appointed by the President after being recommended by the National Judicial Council subject to the Senate's confirmation. They are

required to retire after a mandatory service age of 70.¹⁹

The Supreme Court is composed of the Chief Justice and 12 other Justices; 9 male Justices and 4 female Justices. There is a 69.2% male representation to the 30.8% of female representation amongst the Justices. The Chief Registrar, Deputy Registrar I, and Deputy Registrar III of the Supreme Court are women. The Court has 10 Directors heading various departments; 8 male Directors and 2 female Directors.²⁰



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

¹⁸National Judicial Institute, <https://nji.gov.ng/activities-of-nji/>. [Accessed 2 April, 2020]

¹⁹Supreme Court of Nigeria, <https://supremecourt.gov.ng/about/history-of-the-court>, [Accessed 2 April, 2020]

²⁰*Ibid.*

The Court of Appeal, Nigeria

Under the Constitution of Nigeria, the Court of Appeal is established as a Court for the entire Federation. It is also an intermediate or appellate tribunal between the Supreme Court of Nigeria and other tribunals.

The Court of Appeal is given both original and appellate jurisdictions under the Constitution. It has the original jurisdiction, to the exclusion of any other Court in Nigeria, to hear and determine any question, as to whether-

- a) any person has been validly elected to the office of President or Vice-President under

this Constitution, or;

- b) the term of office of the President or Vice President has ceased; or
- c) the office of President or Vice-President has become vacant;

The Court also acts as the clearing house for judicial appeals coming from the:

- a) Courts of the 36 States of the Federation and the Federal Capital Territory (High Courts, Customary Courts of Appeal, Sharia Courts of Appeal);
- b) Courts for the Federation

(Federal High Court, National Industrial Court, Code of Conduct Tribunal, Election Tribunals, Investment and Security Tribunals and Disciplinary Tribunals of Regulatory Bodies for various professionals).

An appeal arising from a decision of the Court of Appeal may go on to the final destination of all appeals; the Supreme Court. However, the Court of Appeal has the final appellate jurisdiction, to the exclusion of even the Supreme Court, over appeals arising from election petitions with



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

regard to:

- a) Whether any person has been validly elected as a member of the National Assembly of a State under this Constitution; or
- b) Any person has been validly elected to the office of Governor or Deputy Governor.

The head of the Court is called the President, a

position statutorily designated as equal to the position of a Justice of the Supreme Court. Currently, the Court of Appeal maintains about 10 judicial divisions in 10 cities of Nigeria to service specific States of Nigeria.²¹

The Acting President of the Court of Appeal Justice Monica Dogban-Mesem is a female, however, there is a higher percentage of male Justices than

female Justices. The Chief Registrar of the Court is male and over the past 24 years this position has been occupied by men.²²

The Federal High Court

The Federal Revenue Court (as Federal High Court was then called) was established by the Federal Revenue Act 1973 (1973 No.13). The Court was renamed the “Federal High Court” by Section 228 (1) and 230 (2) of the Constitution of the Federal Republic of Nigeria, 1979.

Although the need was noted during the constitutional

Conference leading to Independence, to establish a High Court for the determination of causes and matters within the Exclusive Legislative List, as is customary in countries with the Federal System of Government, no step was however taken in that regard until the promulgation of the Federal Revenue Court Decree in 1973.

The Court as Federal Revenue Court began with a President (as the head of the court was then called) and 4 judges.

From its inception, controversies over its jurisdiction dogged every step of the Court. However, such controversies were finally settled with the enactment of Section 230(1) of the

²¹Court of Appeal, http://courtofappeal.org/index.php?option=com_content&view=article&id=38&Itemid=108, [Accessed 2 April, 2020].

²²*Ibid.*

231 of the 1979 Constitution was replicated in the Federal High Court decree (Amendment) 1991 which amended Section 7 of the Federal High Court Act (1973); and conferred exclusive jurisdiction on the court in relation to the subject matters covered by section 7 of that Act, as amended.

Section 7 of the Federal High Court (Amendment) 1991 was re-enacted as section 251(1) (a) to (s) of the Constitution of the Federal Republic of Nigeria 1999 as amended. Its jurisdiction in criminal matters is as provided in Section 251 (2) and (3) of the Constitution of the Federal Republic of Nigeria, 1999 as amended and in such criminal matters as the National Assembly may by Act, confer jurisdiction on it. The

Federal High Court has concurrent jurisdiction with the High Court of the FCT and State High Court in respect of fundamental Rights matters by virtue of Section 46(1) of the Constitution of the Federal Republic of Nigeria, 1999. To facilitate the expeditious determination of Civil Causes and Matters before the Court, the Federal High Court (Civil Procedure) Rules 2000 was enacted by the Chief Judge of the Federal High Court pursuant to Section 254 of the Constitution of the Federal Republic of Nigeria, 1999 as amended. The Federal High Court has recorded impressive growth since its inception in 1973. From the pioneering 5 Judges, the Court now has 62 Judges. The Court has also grown structurally. The Court established 3



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

Judicial Divisions within 2 Years of its creation. Now, the Court has 36 Judicial Divisions spread across the country. The Court in 2009, moved to its Headquarters in Abuja.²³

The Court is headed by a male Chief Judge and has 78 other Judges; with 68.1% of the Judges being male and a mere 32.9% being female.²⁴

²³Federal High Court, <https://www.fhc-ng.com/aboutus.htm>, [Accessed, 2 April, 2020].

²⁴*Ibid.*

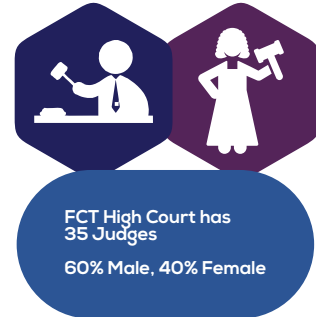
The High Court of the Federal Capital Territory

The FCT High Court is one of the judicial bodies of the Federal Capital Territory Judiciary and was established by Section 255 of the Constitution of the Federal Republic

of Nigeria, 1999. It is under the leadership of the Honourable Chief Judge who is also the Chairman of the Federal Capital Territory Judicial Service Committee.²⁵

The Court has 35

Judges; 60% of the Judges are male while 40% are female.²⁶

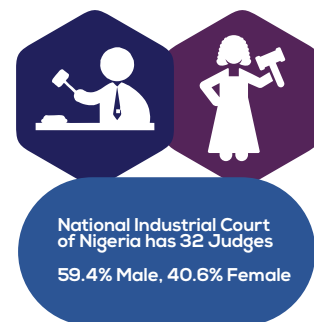


National Industrial Court of Nigeria

The National Industrial Court of Nigeria also known as NICN is a court empowered to adjudicate trade disputes, labour practices, matters related to the Factories Act, Trade Disputes Act,

Trade Unions Act, Workmen's Compensations Act and appeals from the Industrial Arbitration Panel. **The Court is headed by a male President and has 31 other Judges. 59.4% of**

the Judges are male while the other 40.6% are female.²⁷

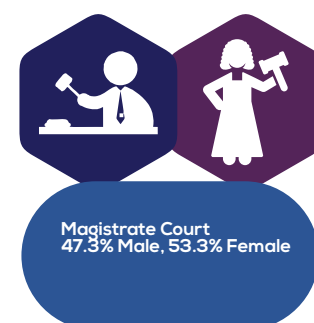


Magistrate Courts

The Court has 57 magistrates; 53.3% are female while the other 47.3% are male magistrates. While the preponderance of women at the magistracy level may be

seen as a positive development in terms of gender representation, this only further reveals the long practice of nominating more women to occupy lower positions in the

judicial hierarchy than their male colleagues.²⁸



Sharia Court of Appeal

The Sharia Court of Appeal was first established by the colonial authorities on the eve of their departure in 1960, and it replaced the Moslem Court of Appeal. The Court was established by the Sharia Court of Appeal Law, Northern Region Law (1960) which subsequently became Cap. 122, Laws of Northern Nigeria

(1963) which came into force on 30 September, 1960. ***The Grand Kadi of the Court is a man and has always been so till date.***²⁹ The FCT Chief Judge recently swore in 3 new judges of the Sharia Court of Appeal. Details as to the gender representation could not be ascertained.



Customary Court of Appeal

Section 245 (1) of the Constitution of the Federal Republic of Nigeria, 1979 establishes the court in the Federal Capital Territory (F.C.T) Abuja. While the Customary Court of Appeal is already operational in some states, arrangements for the establishment of the

court in some other States of the Federation have reached advanced stages. The Customary Court of Appeal has been classified by section 6 (3) of the Constitution as one of six superior courts of record in Nigeria. The court is headed by a President.³⁰ The Court consists of seven

judicial positions out of which only four judges are presently sitting made up of three males and one female. Prior to the exit of the three other judges, the court had only one female judge. Three vacancies exist in the Court which are yet to be filled.

²⁵High Court Federal Capital Territory, Abuja, <http://www.fcthighcourt.gov.ng/registry/honourable-judges/?wppa-occur=1&wppa-cover=0&wppa-album=4&wppa-photo=322>, [Accessed, 2 April, 2020].

²⁶Ibid.

²⁷National Industrial Court of Nigeria, <https://nicn.gov.ng/>, [Accessed, 8 April, 2020].

²⁸FCT High Court, <http://www.fcthighcourt.gov.ng/registry/magistrates/>, [Accessed, 13 April, 2020].

²⁹Abdulummini Adebayo Oba, *The Sharia Court of Appeal in Nigeria: The Continuing Crisis of Jurisdiction*. (Oxford University Press, 2004). p1.

³⁰Customary Court of Nigeria, <http://edojudiciary.gov.ng/wp-content/uploads/2016/10/Customary-Court-Of-Appeal-In-Nigeria-Focus-On-The-Jurisdiction.pdf>, [Accessed, 14 April, 2020].

CRIMINAL JUSTICE AGENCIES

Nigerian Bar Association

The Nigerian Bar Association (NBA) is the non-profit, umbrella professional association of all lawyers admitted to the Bar in Nigeria and a member of all statutory bodies that regulate the Nigerian Bar and Bench.

The NBA is Nigeria's foremost and oldest professional membership organisation and Africa's most influential network of legal practitioners, with over 120,000 lawyers on its roll in 125 active branches across the 36 States and the Federal Capital Territory of Nigeria. It is organised into three practice Sections, eleven Fora, and two Institutes, all supported by one National Secretariat. The NBA is engaged in

the promotion and protection of human rights, the rule of law and good governance in Nigeria. It has an observer status with the African Commission on Human and People's Rights, and a working partnership with many national and international governmental and non-governmental organisations concerned with human rights, the rule of law and good governance in Nigeria and across the world.

The NBA renews its leadership every two years when it elects a new President and other officials. The tenure of elected officials of the NBA runs for two years and is non-renewable.³¹ **The current President of the**

NBA is a man and the only female to have headed it was Chief (Mrs) Priscilla Kuye from 1991–1992. The 1st Vice President and General Secretary position is occupied by a man and the 2nd Vice President position is occupied by a woman Also the management team positions of the NBA is occupied by more men than women while the Heads of Departments positions are occupied by women.³²



THE NIGERIAN BAR ASSOCIATION

The only female to have headed the Nigerian Bar Association was Chief (Mrs) Priscilla Kuye from 1991 - 1992

Ministry of Justice

This is the Ministry tasked with the responsibility to ensure access to justice for all persons and the observance of the rule of law and due process, prosecuting crimes against the State and defending civil cases on behalf of Government; negotiating and vetting Contracts/Agreements on behalf of MDAs in order to protect national interest amongst other functions provided for by the Constitution of the Federal Republic of Nigeria 1999 as

amended.³³

The Ministry's functions are discharged through core departments in the Ministry who act as representatives of the Attorney General of the Federation who heads the Ministry, within their respective organizations and the liaison offices located in the six geo-political zones of the country.³⁴ ***The Attorney General of the Federation and Minister of Justice is a man and this position has been occupied by only men***

for the past 60 years. A woman has never been appointed as Attorney General of the Federation.³⁵



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

International Federation of Women Lawyers (FIDA)

The Federation of Women Lawyers FIDA Nigeria was established in May 1982 to promote, protect, and preserve the rights, interests, and

well-being of women and children by providing legal aid, legal literacy and education programs, and through advocacy, law reform,

research and publication. FIDA Nigeria is a non-governmental, non-profit organization made up of women lawyers called to practice law in Nigeria.³⁶

³¹Nigerian Bar Association, <https://nigerianbar.org.ng/about-us>, [Accessed 4 April, 2020].

³²*Ibid.*

³³Ministry of Justice, <https://www.justice.gov.ng/index.php/the-ministry/about-us/functions>, [Accessed 4 April, 2020].

GENDER SENSITIVITY AND RESPONSIVENESS IN JUDICIAL INSTITUTIONS

Findings

1 Gender Insensitivity and Unresponsiveness Resulting in an Imbalance in Gender Representation within the Judiciary

The generally low level of gender representation, participation and responsiveness in the judiciary is alarming. There is also a lack of gender mainstreaming into decision-making processes and leadership positions across the judicial agencies surveyed.³⁷ During the field interviews it was discovered that many of the agencies admitted that there is a clear gender imbalance in the composition of the Judiciary and a lack of understanding for the dire need for gender sensitivity within the judiciary. While many

interviewees were of the opinion that there was a higher number of male employed staff than female staff, quite a few submitted that there is a gender balance in the composition of the staff and that everyone is treated equally.³⁸ A casual perusal of the composition of staff in some judicial agencies revealed that there are actually more female staff than male. However, majority of the top decision-making positions are occupied by the men while the bottom positions are occupied by women.⁴⁰

In Nigeria, the National Judicial Commission (NJC) recommends judicial officers to the President for appointment. Staff of the judiciary, on the other

hand, are appointed by the civil service commission. Thus, the level of gender participation, representation and responsiveness within the judiciary should be significantly present. However, this is not the case. The abysmal low level or outright absence of gender participation, representation and responsiveness among the members of the judiciary in the F.C.T may have further been exacerbated by factors such as gender bias, tribalism and peculiarities in religious practices within the system.⁴¹

In Nigeria, gender imbalance in the workplace has become a topical issue. Women have suffered enormous

³⁴Ibid.

³⁵Ministry of Justice, <https://www.justice.gov.ng/index.php/the-ministry/history/past-attorney-generals-of-the-federation>, [Accessed, 4 April, 2020].

³⁶International Federation of Women Lawyers - Nigeria (FIDA), <http://www.wiserearth.org/organization/view/31d083d03567023629c982dca69636f4>, [Accessed, 4 April, 2020].

³⁷Court clerk at the Court of Appeal during an interview at the Court of Appeal complex on the 12th of March, 2020

³⁸Legal practitioner and a member of the Nigerian Bar Association during an interview conducted on the 19th of March, 2020.

³⁹Director at the Magistrates Court during an interview at the Court's complex held on the 18th of March, 2020

⁴⁰PA to the Chief Registrar during an interview at the Court of Appeal complex Abuja on the 12th of March, 2020

discrimination and deprivation as a result of gender bias. Women have always been regarded as the weaker sex who do not deserve education. They are required to play the role of home makers and remain at home. This has slowed down women's influence, exposure, enlightenment, their dignity as well as their fundamental rights as human beings. This has also affected the psyche of women because they believe that our society is patriarchal so women will always have a feeling of exclusion and inferiority complex.⁴² This gender bias can be traced all the way to the 1960s after Nigeria got her independence. The military regimes at the time although authoritarian, they were instrumental to the establishment of the Federal Ministry of Women Affairs in 1995, with structures at

National and state level.⁴³ However these structures were not accompanied by any meaningful gender-sensitive justice administration system. Women in Nigeria still get disinherited of property rightly belonging to them after the death of their parents because of their gender.⁴⁴

Appointments and employments are carried out randomly and according to qualification.⁴⁵ This is why in the judiciary the population of men to women is significantly higher because generally in the Nigerian labour market, there are more educated and qualified men than women.⁴⁶ This means that where in a pool of job seekers, there are more qualified men than women, the fact that there are more men will not be taken into consideration. There is a

need to integrate a gender perspective in the justice sector in order to improve security and the rule of law by facilitating equal access to opportunities. It counters impunity for crimes (particularly Gender Based Violence Offences), and improves protection against such crimes; and contributes to laws which protect the rights of everyone, and justice institutions that are representative, effective and fair.

2 Low-Level Awareness on the UNSCR 1325 and the NAP (2017-2020)

There is a general low level of knowledge and awareness, among most of the members of the judiciary surveyed of the existence of UNSCR 1325 and Nigeria's National Action Plan (NAP) for the implementation of the Resolution. During the interviews and Focus Group Discussions, only

⁴¹Officer of the Federal High Court 4 during a Key Informant Interview held on the 23rd of March,2020

⁴²Staff of the probate registry in Abuja during a focus group discussion held on the 9th of April,2020

⁴³Gender and Justice System in Nigeria, <https://nairaproject.com/projects/4779-gender-and-justice-system-in-nigeria-2012-2018> , [Accessed 9 April, 2020]

⁴⁴Staff of the probate registry in Abuja during a focus group discussion held on the 9th of April,2020

⁴⁵Officer of the Judicial Institute during a key informant interview held on the 20th of March,2020

⁴⁶Member of the NBA during a virtual interview on the 20th of March,2020

respondents from the Ministry of Women Affairs and FIDA Nigeria had an idea of the resolution and National Action Plan; all other participants had no knowledge on it. This lack of knowledge and awareness clearly helps to explain why no previous or current attempts have been made to conduct sensitization advocacy for gender mainstreaming and compliance with the National Action Plan by the judiciary. Thus, the judicial officers and other staff of the judiciary do not seem to be under any pressure whatsoever or in any hurry to implement the National Action Plan.

3 Absence of Gender Policy Frameworks and Implementation Challenges

The employment of staff of the judiciary into the Federal Civil Service is

based on Federal Character and not aimed at gender balance,⁴⁷ which means that preference is given to citizen's state of origin, qualification and ethnicity and not on the basis of gender. This further hinders women from employment in the Federal Service and Federal Civil Service because our society is generally a patriarchal one and as such women tend to be underrepresented. This is an issue that ought to be considered by the Nigerian government to ensure a solution for the lacuna in the employment of women in this sector.

The appointment of judicial officers is made by the President of the Federal Republic of Nigeria on recommendation by the National Judicial Council based on certain criteria that must be met before

that appointment can be made. For example, at the Supreme Court, the Justices of the Supreme Court are appointed by the President of the Federal Republic of Nigeria, and must all be qualified legal practitioners who have been so qualified for at least 15 years.

Nigeria like many countries in the world have put in place several laws targeted at regulating and governing different facets of public and private life. Looking at Nigeria's tripartite system of law: The Statutory Law comprises English Statutes which over the years have been amended or re-enacted and written laws passed by the Legislature. The Customary Laws are the body of rules governing a particular set of people in the society and Islamic Laws are religious principles applicable to those subject to it.⁴⁸ This

system has its influence on almost all facets of life in the country. The Statutory, Customary and Islamic (Sharia) Laws all influence decision making processes at individual, state and national levels and are in most cases misinterpreted to favour men⁴⁹. The reintroduction and expansion of Sharia in the northern part of the country seems to have legitimized different acts of violence against women generally in the country. For instance, the support for child marriage without consideration for girl child education and well being; criminalizing pregnancy outside marriage as adultery etc. have deprived women of their rights.⁵⁰

There are reports also that discrimination is a major challenge to women's access to financial resources. Many

financial institutions require prior consent of a woman's husband before granting the woman a loan⁵¹. Under the civil law, women enjoy limited ownership rights to land. This is however counteracted by the customary law in some states which stipulate that only men have the right to own properties.⁵²The Nigerian Judiciary generally is not gender friendly. Most laid out rules and operations in the judicial and legislative system are biased and women are often at a disadvantage.⁵³ The courts on a few occasions have shifted to the side of customs in its decisions on issues of marriage, inheritance or widowhood. This should not be so especially in this 21st century. The appointment and/or promotion of female judicial professionals should be based solely on merit and not gender

or gender-biased cultures built on the bedrock of stigmatization.

4 Lack of In-House Referral Mechanisms with regards to Gender Based Violence

In dealing with gender-based challenges, the judiciary usually teams up with other organizations like the Ministry of Women Affairs and the National Human Rights Commission. However, there is no institutionalized framework for sustaining these engagements.⁵⁴ There are no committees set up or mechanisms put in place where cases of sexual abuse or harassment could be reported specifically but one organisation explained that there is a committee called the "petitions committee". This committee is setup to deal with any form of in-house misconduct,

⁴⁷Staff of the Ministry of Justice during a key informant interview held on the 12th of March,2020

⁴⁸UNDP, <https://www.undp.org/content/undp/en/home/blog/2019/promoting-gender-equality-in-the-judiciary> [Accessed 12 April, 2020]

⁴⁹Court clerk at the Customary Court of Appeal in Utako during a Key informant interview held on the 23rd of March,2020

⁵⁰Customary Law Practices and Violence Against Women: The Position Under the Nigerian Legal System Available Online [http://www.vanuatu.usp.ac.fj/sol_adobe_documents/usp%20only/customary%20law/Oluyemi si%20Bamgbose.htm](http://www.vanuatu.usp.ac.fj/sol_adobe_documents/usp%20only/customary%20law/Oluyemi%20si%20Bamgbose.htm) Accessed on Nov 12 2011

general abuse of office and random issues / problems that may occur in the work place.

Speaking on the question of sexual-based violence, the interviewee explained that she had been a member of that committee and there has never been a case of gender-based violence brought before it.⁵⁵ It has been suggested that the reason for this is the fear of stigmatization and reprimand by employers which is a huge problem. Victims are reluctant to speak up because they are bothered about how the society will perceive them and so the matter dies a natural death and the perpetrators are left to go scot-free.⁵⁶ There are no gender policies⁵⁷ that will help to advocate for the rights of women in the judiciary. These policies would have gone a long way to tailor certain activities within the judiciary that will indirectly but effectively

uphold the rights of women. Despite the absence of all these mechanisms, many members of the judiciary still believe that their various organisations are very sensitive to the rights of women.⁵⁸

It can be seen from the above that there is a lack of institutional mechanisms for dealing with cases of SGBV internally within the judicial system. The question that would naturally follow is whether there exists any referral mechanism or SOP for dealing with SGBV cases that are brought before the judiciary. No such institutional mechanisms or SOPs exist within the judicial sector in the geographical locations in which the research was carried out. Referrals that take place, if at all, do not follow any uniform pattern and may be done depending on

the personal inclinations of the particular presiding judicial officer.

In Nigeria, there are various forms of legislation that are in existence, namely: statutory, religious and customary laws/legislations. They all form the basis of the laws that promote and protect the lives of women in Nigeria. However, as in many countries with patriarchal structures or governments that see international instruments as foreign and of no consequence or use for them (conservatively sticking to the three main forms of legislation), the adhesions of these laws with respect to international instruments for the defence of women's human rights is very negligible. Once the Nigerian government, for instance, signs a treaty or treaties/international instruments, they fail to

⁵¹Court clerk at the Customary Court in Utako during a Key informant interview held on the 23rd of March,2020

⁵²Mariam M, Olayinka A. Analysis about Legislative, Judicial System and the Instruments for the Defence of Women's Human Rights in Nigeria

⁵³Court clerk at the Supreme Court of Nigeria during a key informant interview

⁵⁴Magistrate Court Zone 2 during a key informant interview held on the 23rd of March,2020

⁵⁵Director at the Magistrates Court during an interview at the Court's complex held on the 18th of March,2020

⁵⁶Legal research assistant during a focus group discussion held on the 9th of April,2020

⁵⁷Head of Legal services during a focus group discussion held on the 9th of April,2020

⁵⁸Director at the Magistrates Court during an interview at the Court's complex held on the 18th of March,2020

have them ratified or domesticated which slows the pace in the race to achieve gender balance. For instance, despite its provisions for the improvement of the well-being of women, CEDAW has not yet been domesticated in Nigeria. Several attempts by women advocates to the National Assembly for the passage into law of the Gender and Equal Opportunity Bill have failed. The bill was reintroduced in November 2019 by Senator Biodun Olujimi⁵⁹, the outcome of which is being awaited.

5 General Mistrust for Disclosing Information

In the F.C.T, there is a lack of trust for the Judiciary by the public. It was observed that so many people were reluctant and apprehensive towards giving information. Very importantly many of the

interviewees shunned and were reluctant to answer the questions related to sexual assault and abuse. It is of the opinion of many that sexual-based violence or abuse exists but most times, people are reluctant to speak up for fear that they might lose their jobs and also for fear of stigmatization. They will rather lick their wounds and suffer in silence. Many organisations such as International Federation of Women Lawyers (FIDA), National Human Rights Commission and the Nigerian Police Force have units mandated to handle sexual and gender-based violence specifically in order to help uphold women's rights. One will think that these avenues will make victims of abuse speak up but because of fear, stigmatization and lack of awareness, these mediums are not fully exploited.

The interviews further revealed that when cases of gender-based violence are reported, many of these institutions do not treat these cases with the utmost urgency they require⁶⁰. Many are of the opinion that when cases are reported, a panel is set up by the organisation to investigate but nothing meaningful ever comes out from the investigation. This shows that there is a seeming lack of trust in the leadership of the judiciary and indeed in the whole system generally.

6 Absence of inequality in remuneration on the basis of gender

The UNDP in 2009 observed that between 1985 and 2008, inequality in Nigeria worsened from 0.43 to 0.49, which placed Nigeria among those with the highest inequality levels in the

⁵⁹ <https://allafrica.com/stories/201911260872.html> (accessed 11th June 2020)

⁶⁰ Head of Legal services during a focus group discussion held on the 9th of April, 2020

world⁶¹. Despite its vast resources, Nigeria ranks among one of the most unequal countries in the world. Poverty has been a huge problem in the country and is partly responsible for the feature of high inequality which manifests in highly unequal income distribution and differential access to basic infrastructure, education, training and job opportunities. In the past, Women tend to work in clerical occupations, sales, health care, social care

and teaching professions; they are under-represented in managerial jobs, physical, mathematics, science and engineering professions as well as in manual and production jobs. However, in the past three decades, women in Nigeria have made notable gains in participation in the workplace⁶². This is most likely why in many sectors of the judiciary, the research found out that the issue of gender pay gap does not exist⁶³. Remuneration in the

judiciary is done or determined by the civil service rules.⁶⁴ This way, the chances of the existence of gender pay gap are almost none existent.

7 The judiciary as a stakeholder in promoting access to justice for women and girls particularly victims of SGBV

The judiciary has a crucial role to play in promoting access to justice for victims of SGBV, particularly women and girls in the



context of conflict. This may require the provision of legal support through legal aid for case follow-up with the law enforcement agencies, case workers, social workers and the court system during trial. First of all, referral to other collaborative institutions presupposes that they exist in the first place. Secondly, that judicial officers are aware of the existence and mandate of these organisations, and that there is a Standard Operating Procedure (SOP) that spells out the procedure for such referrals. The legal aid system in Nigeria is not fully developed. The limited number of lawyers who are ready and willing to provide legal aid services on a pro bono basis is limited. The inadequate staffing of the Legal Aid Council of Nigeria (LACON) which has the statutory mandate for the

provision of legal services limits access to legal aid services for victims of SGBV. Legal aid is skewed towards the provision of services for the defence accused persons than for supporting victims through the legal process.

In addition, the nature of our judicial system in which judicial officers cannot act suo motu (on their own) but must act only in cases that have been brought to them through due process also limits their ability to advance the course of justice in certain cases. The various state Criminal Procedure Laws usually mandate the provision of legal aid services for defendants accused of capital and other serious offences and makes no provisions for the assisting of victims. This is a role which NGOs and FIDA have tried to fill-in with

very limited rate of success. The bureaucratic bottlenecks, extortion and hostility experienced by victims of SGBV in the hands of law enforcement officers have also led to the abandonment of genuine cases of SGBV by victims. Capacity-building for judicial officers on gender, SGBV, UNSC 1325, and access to justice for women and girls, as well as the development and deployment of SOPs, which detail referral pathways and institutions of collaboration will go a long way towards promoting access to justice for them.

⁶¹UNDP (2009) Human Development Report 1995, New York: Oxford University Press

⁶²Fapohunda, T. (2013) The Gender Pay Gap in Nigeria: Causes and Remedies, <https://www.mcser.org/journal/index.php/mjss/article/viewFile/208/193>, [Accessed, 7 April, 2020].

⁶³Member of the NBA during a virtual interview on the 20th of March,2020

⁶⁴Court clerk at the Supreme Court of Nigeria during a key informant interview held on the 15th of March,2020



3

GENDER ASSESSMENT OF THE JUDICIARY: BAUCHI STATE

GEOGRAPHICAL AND INSTITUTIONAL PROFILE

Bauchi State is in the North-East Geo-Political Zone of Nigeria. The state was created in 1976. It is located between latitudes 9°30' and 12°30' North of the Equator, and between longitudes 8°45' and 11°0' East of the Greenwich Meridian. It is bounded in a clockwise

direction by Yobe, Gombe, Taraba, Plateau, Kaduna, Kano and Jigawa states. There are 20 Local Government Areas in the state, namely; Alkaleri, Bauchi Bogoro, Dambam, Darazo, Dass, Gamawa, Ganjuwa, Giade, ItasGadau, katagum, Kirfi, Jama' are, Missau, Ningi, Shira, TafawaBalewa, Toro, Warji and Zaki. Bauchi State covers about

49,259 Km2 with an estimated population of 4,653,066 according to 2019 Statistics. The state is heterogeneous with the male population of 2,369,266 and female population of 2,283,800, with predominant tribes like Hausa, Fulani, Jarawa, Tangale, Waja, Balewa, Sayawa and Tarewa. The major language is Hausa.

GENDER REPRESENTATION IN JUDICIAL INSTITUTIONS

Bauchi State Judiciary has a total work force of about 5000 staff, 2000 in the High Court, and 2000 at the Sharia court and the other 1000 at the Magistrate court⁶⁵. **The head of the Judiciary, the Chief Judge of the State is a female. Prior to 2007, there were three 3 female High**

Court Judges. By 2008, the number of female judges had reduced to one. From 2008 to date, the gender composition of women at the High Court has remained unchanged. In 2006, the most senior judge who happened to be a female was appointed to the position of the Chief

Judge.⁶⁶Currently at the High Court, out of a total of 10 High Court Judges, nine (9) are males⁶⁷.

There are 7 directors in the Bauchi State Judiciary, 4 are females. In the department of statistics at the High Court for example, of the 14 staff, 7 are females. In the High

⁶⁵Interview with the Director of Magistrate, Bauchi State High Court, 12th March, 2020
⁶⁶Interview with the Chief Judge of the State on the 15th of April, 2020
⁶⁷Focus Group Discussion with Magistrates, Chief Magistrate Bauchi State Judiciary (participant/contributor) 12th March, 2020
⁶⁸Focus Group Discussion with Magistrates, Chief Magistrate/Director Magistrate, Bauchi State Judiciary (participant) 12th March, 2020

Court, of the 24 staff, only 4 are women⁶⁸. In other departments such as the revenue department, and amongst the lower level staff, the composition of gender also favours men.

The magistrate court presents a slightly different picture. As at 2007, there was only 1 female magistrate. In 2008, 3 additional female magistrates were employed bringing the total to 4 magistrates. In 2012, 5 additional magistrates were employed bringing the total number of magistrates to 10. Currently, there are about 15 female magistrates out of a total 41 Magistrates⁶⁹. At the Sharia Court, all the judges are male. The gender representation at the Sharia Court is heavily skewed in favour of men. About 90% of the staff of the Sharia division are men⁷⁰. For example, in the account/salary section of the Sharia

Court of Appeal, there is no single female. The gender dynamics are however changing in response to increasing call to employ more women into the court. As a result, 20 females were employed as cleaners, clerks and other junior staff⁷¹. On the whole, there is an increase in recruitment of women as junior staff, serving in different capacities ranging from junior court registrars to clerks, messengers and cleaners.

The table below represents the perception of gender imbalance in the Bauchi State Judiciary with about 64.7% agreeing that there is gender imbalance in favour of men and 35.3% disagreeing.



The head of the Judiciary, the Chief Judge of the State is a female. Prior to 2007, there were three 3 female High Court Judges. By 2008, the number of female judges had reduced to one. From 2008 to date, the gender composition of women at the High Court has remained unchanged.

⁶⁹Ibid.

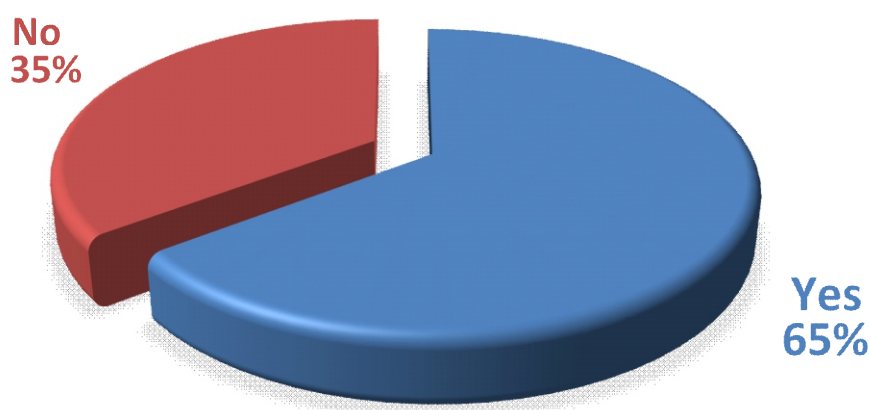
⁷⁰Interview with Chief Inspectorate Officer, Sharia Court of Appeal Bauchi State, 11th March, 2020.

⁷¹Interview with Executive Officer Account Department, Sharia Court of Appeal Bauchi, 11th March, 2020

Table 1: Perception of Gender Imbalance in the composition of the judiciary

	Frequency	Percentage
Yes	11	64.7
No	6	35.3
Total	17	100.0

Fig. 1



i. Women Participation at the Sharia Court

The Sharia division of the Bauchi State High Court is dominated by men. Until recently, the statistics of employed staff was 100% in favour of men. This is not unconnected with the scriptural

requirement of the Sharia Law which prescribed roles for women in certain areas of public life. Although it is a heterogeneous State, Bauchi State is dominated by tribes like

Hausa, Fulani, Jarawa, Tangale, Waja, Balewa, Sayawa and Tarewa most of whom are Muslims. It has an emirate system based on Islamic law and practices under the tenets of the sharia law⁷².

It has a deeply entrenched conservative muslim value system dating back to when the State was founded. Culturally, women are expected to operate in the background. They are expected to be house wives whose primary roles are raising the children and keeping the home. However, this perception is changing as more girls go to schools and women are taking up jobs and leadership roles, as seen in the judiciary.

There is thus evidence to suggest that this traditional stereotypical role is changing. As at 2018, Bauchi State has a female Literacy rate of about 25.6 percent, which is relatively high compared to other northern states like Sokoto.⁷³ Also, with a woman at the head of the Bauchi Judiciary, there is increasing effort at recruiting more women into an erstwhile male-dominated sector. Only recently, 20 more women were employed into the Sharia Courts to

serve as support staff, junior registrar, clerks, bailiffs and cleaners, a rise by 10 percent. Unlike other departments of the Bauchi State Judiciary, women have very limited opportunity for career advancement in the Sharia Courts. For example, there is an unwritten policy in the Sharia Courts where women are transferred to other divisions of the High Court once they attain level 14 in service or the equivalent of a registrar.⁷⁴

ii. Women Participation and Gender Representation at the High Court

The High Court of Bauchi State is comprised of 10 Judges, 9 are males. In 2003 a female was nominated and in 2006 appointed the Chief Judge and has remained the Chief Judge to date.⁷⁵ Although the current Chief Judge is committed to gender sensitivity

within the judiciary since her appointment in 2006, altering the gender representation to reflect gender balance has been difficult due to the concept of seniority in the judiciary⁷⁶. Accordingly, the Chief Judge, observed that, 'most of

the females have not come to the level where they can be absorbed as High Court Judges, they are qualified but most of their seniors are male" However, it is said that efforts are being made to bring in female Judges when the opportunity arises.⁷⁷

⁷²Ibid, p.6.

⁷³<http://educeleeb.com/young-adult-literacy-in-Nigeria/amp/>; young adult literacy in Nigeria (state by state)

⁷⁴Ibid, p.6.

⁷⁵Interview with the Chief Judge Bauchi State Judiciary on the 15th April 2020

⁷⁶Ibid.

⁷⁷Ibid.

⁷⁸Interview with Director of Magistrates, Bauchi State High Court, 12th March, 2020

iii. Gender Representation and Women Participation at the Magistrate Court

*The Magistrate Court currently has a total of 41 magistrates, out of which 15 are female*⁷⁸. As at 2007, there was only 1 female magistrate. In 2008, 3 additional female magistrates were employed bringing the total to 4 female magistrates. In 2012, 5 magistrates were employed bringing the total number of female magistrates to 9. Between 2012 to date, 6 female magistrates were recruited at different times. Hence, unlike the High Court, there is evidence of improvement in the gender representation of women in the magistrate courts since 2007⁷⁹.

In terms of motivation and desire for career advancement amongst junior and senior staff, the magistrate as senior

officials expressed higher enthusiasm and greater desire for upward mobility and career advancement while also pointing out that their peers at the lower cadre often display low enthusiasm and motivation for career advancement and upward rise in the system. This was largely blamed on culture and society, and level of education. Also, some local governments like Bogorowere observed to have higher career success due to high educational awareness and prioritization of girl child education while others from local governments like Zaki show a contrary trend⁸⁰.

There is also disenchantment amongst the magistrates who considered

themselves stuck at the intermediate level of their careers. Although there are currently openings for the position of the High Court Judge at the Bauchi State judiciary, it is hoped that this position will be filled up by qualified female magistrates to address the gender imbalance at the High Court⁸¹

⁷⁹Focus Group Discussion with Magistrates Chief Magistrate Bauchi State Judiciary (participant/contributor) 12th March, 2020

⁸⁰Focus Group Discussion with Magistrates, Director Appeals Bauchi State Judiciary (participant/contributor) 12th March, 2020

⁸¹Focus Group Discussion with Magistrates, Bauchi State Judiciary (participant/contributor) 12th March, 2020

Table 2: Gender representation in Magistrate Court in Bauchi State

S/No	Gender	No. of Magistrate	Percentages (%)
1	Male	26	63.4
2	Female	15	36.6
	Total	41	100



**Male
Representation
63.4%**



**Female
Representation
36.6%**

The statistics above shows that 36.6 percent of the magistrates in the state are female showing an imbalance in representation.

Table 3: Presentation of the FGDs as they participate in discussion

S/No	Designation of FGDs	Gender	Participation	Percentage (%)
1	Non-Judicial Staff	Male	3	33.33
		Female	6	66.67
2	Female Judges	Male	0	0.00
		Female	8	100
3	CSO	Male	1	11.11
		Female	8	88.89

iv. Gender Sensitivity and Responsiveness in Judicial Institutions

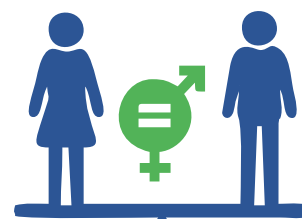
The gender sensitivity strategy implemented in the Bauchi State Judiciary appears to be that of equality. Both men and women are given equal opportunity for career growth. Only the hardworking and the most qualified get appointed to positions. We see this play at the High Court where 4 out of the 7 directors are females and at the Magistrate Courts where the number of females are steadily rising.⁸²

Both men and women go through the same recruitment and disciplinary standards although some preferences and benefits are extended to pregnant women and nursing mothers regarding conditions of work⁸³. For example, nursing mothers now enjoy extended

maternity leave of up to 4 months and are allowed early closing hours. Breast feeding mothers are allowed to close by 2pm as against 4pm⁸⁴.

All participants agreed that there are no crèche facilities or play room for children. Often time women are not welcomed to bring their children to work and may be forced to return home. There was a particular case of a participant relating an incidence she witnessed in which one woman was turned away because she came to work with her 2 children⁸⁵.

Women also complained of lack of proper toilet facilities which make them feel awkward anytime they use the convenience as well as lack of proper changing



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

room during menstruation. On the whole, while the management has done commendably well in incorporating measures to enable women compete favourably with men in career-related areas, a lot needs to be done in providing a work-friendly environment for women.⁸⁷

⁸²Interview with the Director Statistics, High Court of Justice Bauchi State Judiciary 12th March, 2020

⁸³Interview with Secretary, Bauchi State Judiciary 11th March, 2020

⁸⁴Focus Group Discussion with the Non-Judicial Staffs, Director Probate, Bauchi State Judiciary (participant/contributor) 12th March, 2020

⁸⁵Focus Group Discussion with the Non-Judicial Staffs, Director Probate, Bauchi State Judiciary (all participant/ contributor) 12th March, 2020

⁸⁶Focus Group Discussion with Magistrates, Chief Magistrate Bauchi State Judiciary (participant/contributor) 12th March, 2020

⁸⁷Ibid.

⁸⁸Interview with the Chief Judge of Bauchi State On the 15th April, 2020

v. Gender-Related Crime/Sexual Harassment in the Bauchi State Judiciary

There appears to have been no known reported cases of sexual based violence or work-related gender oppression/discrimination of women in the Bauchi State Judiciary since 2007.

Consequently, there is no known formal organised policy for handling gender discrimination issues within the system⁸⁸. In order to limit tendencies for sexual harassment, office arrangement that tend to discourage free mixing is adopted. Most women in the Bauchi State Judiciary are married which is a symbol of respect in the state⁸⁹.

The low prevalence of sexual harassment cases within the system may not be unconnected with the

influence of religion and culture in the society which to a large extent encourages decent dressing and the maintenance of civil/cordial distance between men and women. Analysis of discussions derived from FGDs and KII conducted show a general pattern with almost the same response of no reported cases of sexual harassment in the judiciary at both the lower and upper level⁹⁰.

On the other hand, sexual assault and abuse cases entertained by the courts have been on the rise⁹¹. The Sharia Courts on the whole records more cases of sexual gender-based violence (SGBV) than the Magistrate or High Courts. The Chief Inspectorate Officer



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



there is no known formal organised policy for handling gender discrimination issues within the system.

⁸⁸Focus Group Discussion with the Non-Judicial Staff, Director Probate, Bauchi State Judiciary (participant/contributor) 12th March, 2020

⁸⁹Focus Group Discussion with the Non-Judicial Staff, (Accountant in the revenue department / commissioner for oath), Bauchi State Judiciary (participant/ contributor) 12th March, 2020

⁹⁰Interview with Chief Inspectorate Officer, Sharia Court of Appeal Bauchi State, 11th March, 2020.

⁹¹Ibid.

⁹²Interview with Sharia Court Judge Sitting at Das (LGA), Bauchi State, 13th March, 2020

⁹³Interview with the Chief Judge of Bauchi State on the 15th of April 2020.

⁹⁴Focus Group Discussion with Magistrates, Chief Magistrate/Director Magistrate, Bauchi State Judiciary (participant)

⁹⁵Ibid.

⁹⁶Interview with the Acting Chairperson caretaker committee Federation of International female lawyers (FIDA) Bauchi State Branch 12th March, 2020.

keeps records of rape and sexual assault/abuse cases received by the various Sharia Courts within the State. According to the Chief Inspectorate Officer of the Sharia Courts, about an average of 11 sexual assault cases are received on monthly basis. It was also discovered that 100% of the sexual abuse cases were perpetrated by men⁹². The rate and frequency of received sexual cases at the Sharia Court depends on the location of the courts. There are far fewer cases of sexual assault and abuse in the southern parts than in the northern parts⁹³. Also, there has been a similar increase of rape and sexual assault cases at the High Court. Initially, the Chief Judge was the only judge handling rape cases at

the High Court and has determined 15 cases so far. Following a rise in case load, other judges have been assigned to handle rape cases⁹⁴.

There are no separate records kept of names of victims and suspect for sexual abuses and assaults, all data are culled from the general case files. Statistics can actually be obtained from central registry where cases are first filed before they are assigned⁹⁵.

With respect to the problem of obtaining evidence for trying sexual abuse and defilement cases, several problems were highlighted. At times before victims are taken to the hospital, vital evidence may have been destroyed⁹⁶. Sometimes, this may also be due to bad

handling of victims by inexperienced medical officials.⁹⁷ All the participants confirmed that there is no Sexual Referral Centre in Bauchi State to cater for victims of Sexual Abuse within Bauchi State. Sometimes, due to ignorance from victim's parents and perhaps fear of stigmatization, cases of sexual assaults are not reported to the appropriate authority at the earliest opportunity.⁹⁸

Data obtained from the process department of the High Court as shown in the table on the next page with a trend plotted using Ordinary Least Square (OLS) supports this finding.

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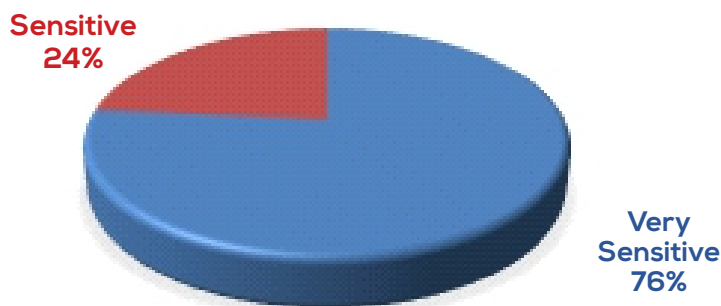
⁹⁸ Interview with a Chief Magistrate, Bauchi State High Court, 12 th March, 2020.

Response to some of the research questions, descriptive presentation and interpretation of results. The data used in the tables and figure were obtained from the FGDs and KII survey, through the questionnaire and interview.

Table 5: How gender discrimination is handled and how sensitive is your organization to women's right

	Frequency	Percentage
Very Sensitive	13	76.5
Not sensitive	4	23.5
Total	17	100.0

Fig. 3



The table 5 and chart shows how gender discrimination is handled and how sensitive the organization is to female workers, there is evidence to believe that the organization is very sensitive to female workers since over 13(76.5%) of the

respondent which is more than average of the respondents believe their organization to be very sensitive. This may not be unconnected with the predominant religious belief that places a high premium on the culture of respect for married women. A segment of

the respondents 4(23.5) observed that gender discrimination is not sensitive. However, more than average of the respondents believe that gender discrimination is handled very sensitively.

Table 4: Reported cases of Rapes in Bauchi State

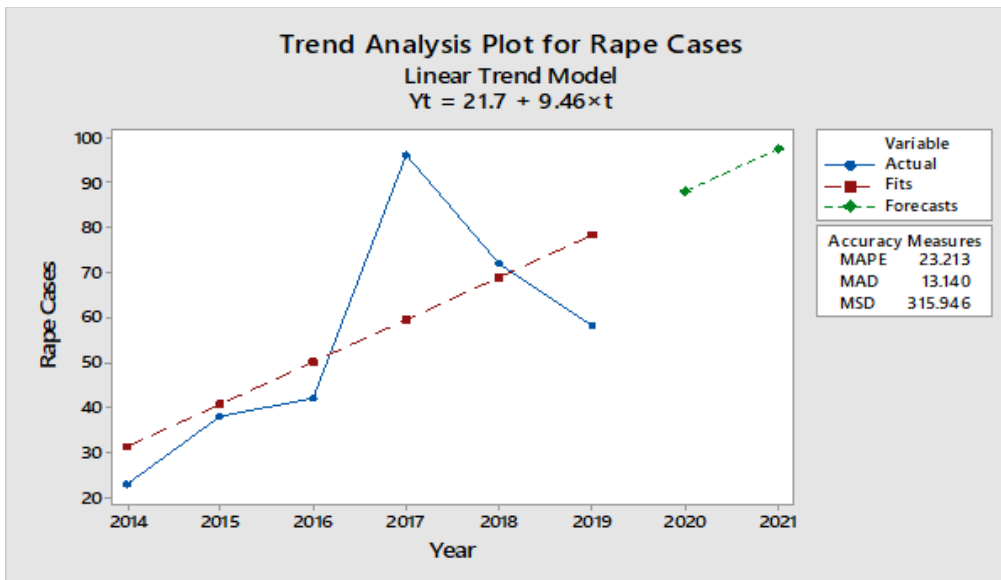
Year	2014	2015	2016	2017	2018	2019	Total
No. Of Rape	23	38	42	96	72	58	319

The trend analysis carried out was to see the pattern of rape cases within the period under study. It was observed that the rate of rape cases has increased over the years. The trend model was derived to model the rate of future rape

cases to know the kind of preventive measure to be set. Lastly, it was estimated that there will be a significant increment in rape cases within 2020 and 2021 with an estimated number of 87 and 97 respectively. The Mean Absolute Percentage

Error (MAPE), Mean Absolute Deviation (MAD) and Mean Square Deviation (MSD) measures the accuracy of the model and the trend line fitted. See trend output above for other details.

Fig. 2



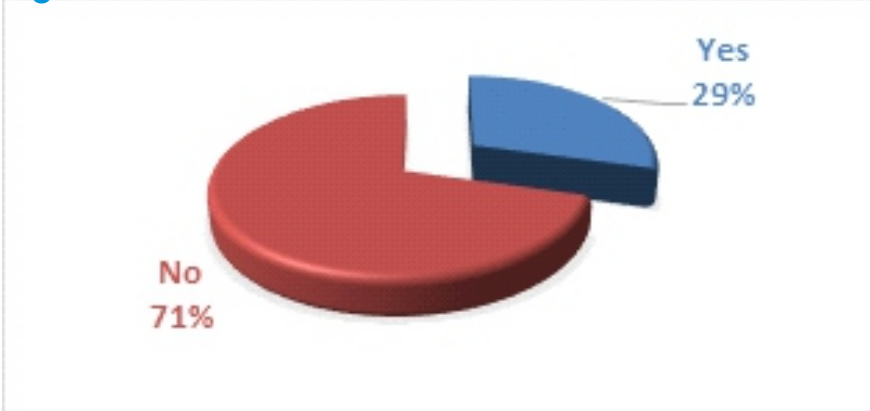
Fitted Trend Equation $Y_t = 21.7 + 9.46 \times t$

Accuracy Measures	Forecasts
MAPE 23.213	Period Forecast 2020 87.9333
MAD 13.140	2021 97.3905
MSD 315.946	

Table 6: Have you heard about the UNSCR 1325 Nigeria National Action Plan (2017-2020)

	Frequency	Percentage
Yes	5	29.4
No	12	70.6
Total	17	100.0

Fig. 4



From the information provided on the table 6 and chart above, it is clear that most of the respondents interviewed constituting 12(70.6%)

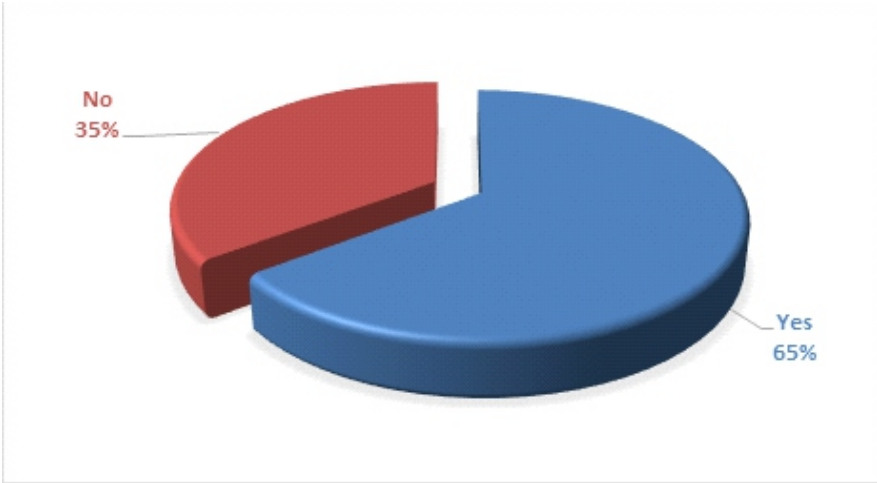
of the Key Interview Informants participants have not heard and have no idea of the existence of UNSCR 1325 Nigeria National Action Plan (2017-2020).

However, the rank of Directors and a Registrar have heard about it from the courses they attended constituting about 5(29.4%).

Table 7: Perception of Gender Imbalance in the Composition of the Judiciary

	Frequency	Percentage
Yes	11	64.7
No	6	35.3
Total	17	100.0

Fig. 5



The data and the graphical figure above indicate about 65% agreeing that there is imbalance of the gender participation in the

judicial system in Bauchi state. The focus groups (FGDs) and KII when asked provided slightly varying response with regards

to the subject matter citing some examples to drive home their argument

Table 8: How Are Gender-Sensitive Practices Being Implemented To Ensure Equal Access To Opportunities?

	Frequency	Percentage
Equality	13	76.5
Preference to Women	4	23.5
Total	17	100.0

Fig. 6

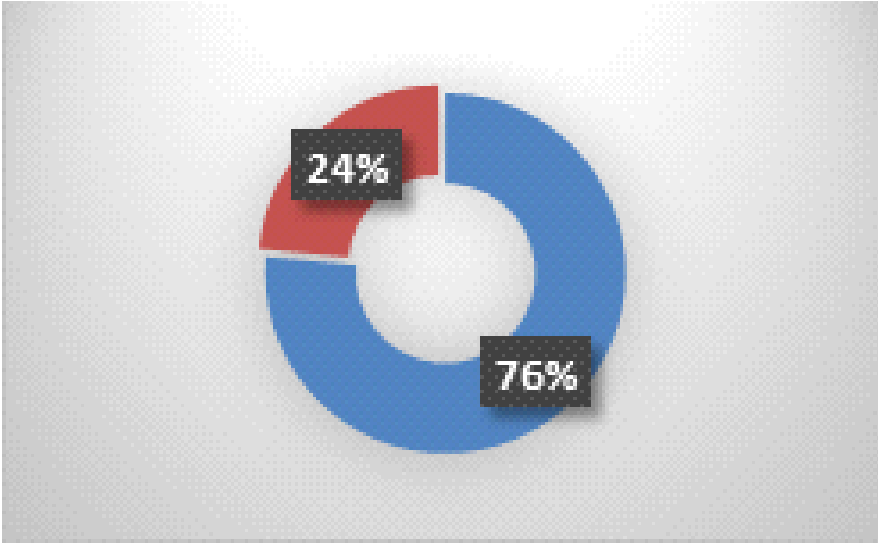


Table 8 and the circular figure show a great deal of equality with 13 in favour of equality representing about 76 percent and just about

24 percent in favour of women. The result presented might however, be different if the survey is conducted on a neutral ground.

Findings

1 Poor Knowledge and Low-Level Awareness of UNSCR 1325 and NAP (2017-2020)

There is generally low awareness and knowledge of the Nigerian National Action Plan (2017-2020) amongst the participants of the survey, especially as it relates to the United Nations Security Council Resolution 1325 and its role in promoting Women, Peace and Security in Nigeria

2 Uniform gender integration and responsiveness in the Bauchi State Judiciary

The integration of the gender sensitivity and responsiveness measures and policies across the various departments and levels of the Bauchi State Judiciary is not uniform.

While some levels and departments show an appreciable improvement in the inclusion of women in decision making process and positions of responsibility, other departments show just a marginal increase. For example, while in the Magistrate Courts the female gender inclusion and participation is around 36.6 percent, at the High Court, it is about 98.8 percent heavily skewed in favour of men. In the Sharia Court, female representation has just recently increased to 10 percent owing to the recent mass recruitment of women into the Sharia Court Division of the Bauchi State Judiciary.

3 Low level inclusion and participation of women at the High Court of Bauchi State Judiciary

That from 2007 to date, the composition of women to men at the Bauchi State High Court has remained the same. Prior to 2007, there were 3 women, including the serving Chief Judge. However, out of the 3, one died and one left for the Federal High Court. Regrettably, the composition of gender at the High Court has remained the same. Out of the 10 Justices currently serving at the High Court, only one is a female and she is the Chief Judge. However, at the Magistrate Courts, the numbers of female Magistrates rose from 1 to 15 over a period of 13 years.

4

Job motivation, desire for career advancement and upward mobility amongst females at different levels in the Bauchi State Judiciary show split results

Unlike the women at the lower level of staffing at the Bauchi State Judiciary who are poorly motivated and who show little desire and interest in rising up to positions of responsibility and leadership within the service, women at the intermediate level show tremendous enthusiasm and expressed interest at seeking opportunity for upward mobility and career advancement. For example, during the Focused Group Discussions with the female Magistrates, nearly all of them expressed dissatisfaction at the fact that only one of out the 10 currently serving

High Court Judge is a female.

5

No evidence of gender discriminatory practices and policies in the Bauchi State Judiciary

There is no evidence of gender discrimination and bias amongst the staff of the Bauchi State High Court of Justice. All the participants agreed that there has not been a reported case of gender abuse or discrimination amongst the Staff of the Bauchi State High Court from 2007 till date. It was however muted by some of the participants during the Focused Group discussions with the female Magistrates that although there is no known reported case, such discriminatory practices may exist in subtle ways.

6

No disparity in the treatment of female and male gender in the Bauchi State Judiciary

No disparity was found in the treatment of male and female in terms of remuneration, recruitments, discipline and opportunity. For Example, out of the 7 directors of the Bauchi State Judiciary, 4 are women. Out of the 4 women, 3 were interviewed and they all confirmed in their answers to the questionnaires that they enjoy almost equal treatment with their male counterparts in decision making and in almost all other aspects. They also said that in recent times, the current serving Chief Judge has been making conscious effort at reserving certain opportunities for qualified female staff in order to further breach

the gender imbalance between male and female staff of the Judiciary.

7 There is characteristically low participation of women in the Sharia courts

The Sharia division of the Bauchi State High Court presented a rather different gender dynamic. The participation of women is very low and is most times limited to clerical and menial jobs. For example, at the accounting department of the Sharia Court of Appeal, all the staff in the unit are males. However, there seem to have been a significant improvement in the inclusion of women since 2007 till date as the figures over these years have risen appreciably. With the recent employment of about 20 female staff into the Sharia Court, the inclusion and

participation of women now stands at 10%.

8 Lack of institutionalised framework for engagement in gender sensitivity

There is no institutional mechanism to support gender sensitivity in the Judiciary. The Chief Judge however has been making efforts to create an enabling atmosphere for the incorporation of gender sensitivity strategy within the institutional framework of the Judiciary.

9 Absence of Sexual Assault Referral Centres

There is no Sexual Referral Centre within Bauchi State to attend to rape cases or cases of Sexual Gender violence. The courts depend on the conventional hospitals for examination of rape

victims or victims of Sexual Gender Based Violence. There is also a custodial centre which was only renovated and improved to accommodate a separate building for females.





4

GENDER ASSESSMENT OF THE JUDICIARY: BENUE STATE

GEOGRAPHICAL AND INSTITUTIONAL PROFILE

Created on the 3rd of February, 1976, Benue State is one of the 37 states in Nigeria. It is located in the middle belt region of Nigeria with geographic coordinates at longitude 7° 47' and 10° 0' East, Latitude 6° 25' and 8° 8' North. Benue State shares boundaries with five other states in Nigeria namely: Nasarawa State to the north, Taraba State to the east, Cross River State to the south, Enugu State to the south-west and Kogi State to the west. The state also shares a common boundary with the Republic of Cameroon on the south-east. Occupying a landmass of

34,059 square kilometres, Benue State derived its name from the most prominent geographical feature, the River Benue, the second largest river in Nigeria. With approximately 5 million population by 2009, it has an estimated projection on a 2.8% growth rate. Benue State has 23 Local Government Areas and divided into constituencies for purpose of political representation at the Legislative organ. Being a state under the North-Central geopolitical zone of Nigeria, it has Makurdi as its capital and three senatorial constituencies, namely: Benue North-East, Benue North West and Benue South.

The Climatic condition in Benue State is described as tropical hinterland with two distinct seasons: the rainy season and the dry season; with the rainy season recording 750-1500 mpa and temperatures are between 23-37° C. Benue State is inhabited majorly by the Tivs, Idoma, Igede, Akweya, Itilo and other tribes. The State is blessed with Sandy loam soil with favourable rainfall accounting for its capacity to support a variety of crops; no wonder one of the predominant occupation of the people is farming. The state's immense agricultural potential has earned it the official recognition as the "Food

Basket of the Nation". True to the dictate of the presidential system of government in operation in Nigeria and the Constitutional separation of power, Benue State operates three tiers of government: the Executive, the Legislature and the Judiciary. Since the creation of Benue State in 1976, it has produced sixteen (16) governors, including the incumbent governor – Governor Samuel Ortom.

Before the creation of the State, the Benue State Judiciary started as touring sessions which were headed by judges of the Benue-Plateau High Court with Honourable Justice D. A. Bate as the Chief Judge. The Benue State High Court currently has eighteen (18) Judges. Since the creation of the state, there have been seven (7) Chief Judges of Benue State and forty-two (42) judges. Also, nineteen (19) Chief

Registrar of the High Court have been produced since the creation of the state.

In 1995, the Customary Court of Appeal was established with Hon. Justice A.P.B Utsaha appointed as the pioneer President of the Court. Presently, the Court has four (4) Judges inclusive of the incumbent President, Hon. Justice Cosmas A. Idye. The Customary Court of Appeal since inception to 2020 has produced three (3) Presidents and Nine (9) Judges.

The lower Court of the Benue State Judiciary consists of 33 Magistrates and a juvenile, 25 Upper Area Court and 51 Grade 1 Area Court spread across the state.

Early statistic of the Benue State Judiciary shows that the superior court was dominated by

men. However, with successive government, there were improvement and mainstreaming of women into the higher bench of the State Judiciary. With the clamour for gender-equality, the Benue State High Court has not been able to produce any female Chief Judge. It is quite an encouragement knowing that the immediate past President of the Customary Court of Appeal, Hon. Justice Margaret Igbetar, is a female. Currently there are 6 female Judges at the High Court, 1 Female Judge at the Customary Court of Appeal and 1 female as a statutory member of the Benue State Judicial Service Commission.

⁹⁹ <https://benuestate.gov.ng/historical-background/>. Accessed on 14 th March, 2020.

¹⁰⁰ Section 3(1) of the Constitution of the Federal Republic of Nigeria 1999 (As Amended)

¹⁰¹ https://en.wikipedia.org/wiki/Benue_State. Accessed on the 14 th March, 2020

¹⁰² Ibid

¹⁰³ https://en.wikipedia.org/wiki/Benue_State (4th February, 2020)

¹⁰⁴ Ibid

¹⁰⁵ First Schedule, Part 1 to the Constitution of the Federal Republic of Nigeria 1999 (As Amended).

¹⁰⁶ Sections 48 and 49 of the Constitution of the Federal Republic of Nigeria 1999 (As Amended).

¹⁰⁷ https://en.wikipedia.org/wiki/Nigerian_National_Assembly_delegation_from_Benue. Accessed on the 19 th March, 2020.

GENDER REPRESENTATION IN JUDICIAL INSTITUTIONS IN THE STATE

High Court of Benue State

The High Court of Benue State was the first institution in the Benue State Judiciary to commence operation. It started as touring sessions which were held by judges of the Benue-Plateau High Court with Honourable Justice D. A. Bate as the Chief Judge. With the creation of the state in 1976 Honourable Justice J. M. Adesuyin was appointed as the substantive Chief Judge.

The Benue State High Court currently has a total staff strength of 849 - out of which 584 are males and 265 are females. At the High Court, there are eighteen (18) Judges out of which 6 are females. Nine (9) of the Judges (the Chief Judge inclusive) sit in Makurdi, three (3) sit in Gboko, two (2) sit in

Otukpo and one each in Katsina-Ala, Vandeikya, Okpoga, Adikpo and Sankera. Since the creation of the state, there has been seven (7) Chief Judges of Benue State (including the present Chief Judge, Hon. Justice Aondover Kaka'an) who are all men, and forty-two (42) judges.

The lower bench of the Benue State Judiciary consists of 33 Magistrates and a juvenile, 25 Upper Area Courts and 51 Grade 1 Area Courts spread across the state. *There are 70 Magistrates out of which 42 are males and 28 are females.*

Analysis reveals that the composition of female Judges stands at 33.3% for the High Court, while

that of the female Magistrates stands at 40%. The percentage ratio of women in the High Court is 31.2% of the total staff. Also, nineteen (19) Chief Registrars (CR) of the High Court have been produced since the creation of the state with the last four (4) CRs all women. The present CR and Accounting Officer of the Court is a female.

Between 2007 to 2020, about twelve (12) High Court Judges have been appointed as seen in Table 3 below. Out of that twelve (12) Judges appointed, 8 were males and 4 were females. The percentage representation shows that in 2007 and 2008 – no woman was appointed as a judge; in

¹⁰ <https://benuestate.gov.ng/historical-background/>. Accessed on 14 th March, 2020
¹⁰⁹ Ibid
¹¹⁰ Ibid
¹¹¹ Ibid
¹¹² See Sections 2, 3, 90, 176, 270 and 280 of the Constitution of the Federal Republic of Nigeria 1999 (As Amended).
¹¹³ <https://benuestate.gov.ng/history-of-benue-state-judiciary/>. Accessed on the 17 th March, 2020.
¹¹⁴ Ibid, 115 Ibid, 116 Ibid, 117 Ibid, 118 Ibid, 119 Ibid, 120 Ibid

2010, 40% of women appointed; and women appointed; and
 appointed; in 2014, 100% in 2016, 100%
 of recruitment was appointment was
 women; in 2016, 0% of women.

Table 9: Names of Judges appointed from 2007 to 2020

SN	<i>Names of Judges</i>	<i>Date of Appointment</i>	<i>Gender</i>
1	Hon. Justices W.I. Kpochi	18th January, 2007	Male
2	Hon. Justice T.A. Kume	18th January, 2007	Male
3	Hon. Justice O.E Ejembi	18th March, 2008	Male
4	Hon Justice T.T. Asua	18th March, 2008	Male
5	Hon. Justice P.T. Kwahar	26th October, 2010	Male
6	Hon. Justice D.E Igoh	26th October, 2010	Male
7	Hon. Justice M.A. Abounu	26th October, 2010	Female
8	Hon. Justice J.M. Ijohor	26th October, 2010	Female
9	Hon. Justice D.M Igyuse	26th October, 2010	Male
10	Hon. Justice T.M. Shija	31st October, 2014	Female
11	Hon. Justice Augustine I. Ityonyiman	11th March, 2016	Male
12	Hon. Justice J. M. Ayua ¹	3 rd April, 2018	Female

¹²¹ <https://benuestate.gov.ng/history-of-benue-state-judiciary/>. Accessed on the 17 th March, 2020.

¹²² Ibid

¹²³ Information supplied by the Director Planning Research and Statistics and Programme Analyst 1, High Court of Justice Benue on the 18 th March, 2020

¹²⁴ <https://benuestate.gov.ng/history-of-benue-state-judiciary/>. Accessed on the 17 th March, 2020

¹²⁵ Ibid, 126 Ibid, 127 Ibid; 2, 128 Ibid



Though records on recruitments, promotions and retirement, resignation and death from 2007 to 2014 are not available but records from 2015 to 2020 shows that a total of 150 people have so far been recruited across judicial staff, senior staff and junior staff levels. Out of the 150 recruited, 101 are men

(representing 67.3% of the staff recruited) and 49 are women (representing 32.7% of the staff recruitment). Record available shows that between 2015 to 2020 a total of 645 staff of the High Court were promoted and 229 are women (representing 34.8% of the promotion made). Also, from 2015 – 2020, 245 staff retired,

resigned or died; 46 of them were females (representing 18.8% of the numbers). Table 4, 5 and 6 below shows the yearly breakdown of the numbers and percentage recruited, promoted and retired/resigned or dead.

Table 10: Statistic of recruitment for all staff from 2015 to 2020

YEARS	GENDER AND % REPRESENTATION	
	MEN (%)	WOMEN (%)
2015	95 (67.9%)	45 (32.1%)
2016	1 (100%)	-
2017	4 (66.7%)	2 (33.3%)
2018	-	1 (100%)
2019	1 (50%)	1 (50%)
2020	-	-
TOTAL	101 (67.3%)	49 (32.7%)

Table 11: : Statistic of promotion for all staff from 2015 to 2020

YEARS	GENDER AND % REPRESENTATION	
	MEN (%)	WOMEN (%)
2015	117 (62.9%)	69 (37.1%)
2016	96 (72.2%)	37 (27.8%)
2017	47 (54.6%)	39 (45.4%)
2018	22 (75.9)	7 (24.1%)
2019	78 (62.9%)	46 (37.1%)
2020	69 (69%)	31 (31%)
TOTAL	429 (65.2%)	229 (34.8%)

¹²⁹ Information supplied by the Director Planning Research and Statistics and Mr. Richard O. High Court of Justice Makurdi on the 18 th March, 2020

Table 12: Statistic of retirements, resignations and death of staff from 2015 to 2020

YEARS	GENDER AND % REPRESENTATION	
	MEN (%)	WOMEN (%)
2015	75 (91.5%)	7 (8.5%)
2016	51 (85%)	9 (15%)
2017	31 (73.8%)	11 (26.2%)
2018	22 (73.3%)	8 (26.7%)
2019	16 (61.5%)	10 (38.5%)
2020	4 (80%)	1 (20%)
TOTAL	199 (81.2%)	46 (18.8%)

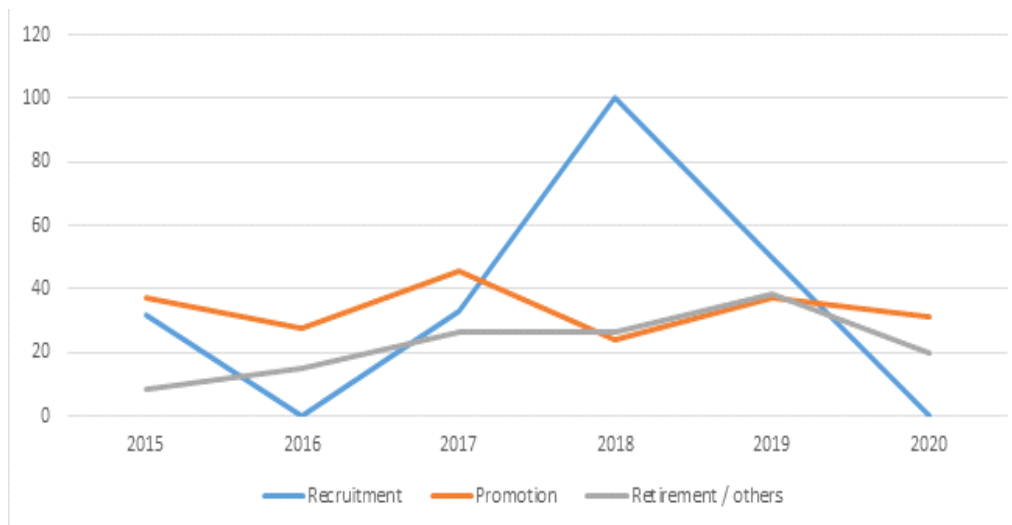
The above statistic covers for Judicial Staff, Senior Staff and the Junior Staff. Between the period covered, there is no record on disciplinary case as there was no staff disciplined during that period. From table 4, there is quite an encouraging sign of

progression in the recruitment of female staff. From table 5 above, observation shows fluctuation between progression and retrogression. However, explanation from the respondents interviewed revealed that promotion is not denied anyone when

due. From table 6, there was progression at the beginning then a sharp retrogression towards the end. Analysis of the progression, retrogression or stagnation is represented by table 7 below.

¹³⁰ Ibid. ¹³¹ Ibid. ¹³² Ibid.

Fig. 7 Graphical representation of retirements, resignations and death of staff from 2015 to 2020



Customary Court of Appeal of Benue State

The Customary Court of Appeal was established in 1995 and ratified by Section 280 of the Constitution of the Federal Republic of Nigeria 1999 (As Amended). By Section 282 of the Constitution, the Court exercises only appellate and supervisory jurisdiction in civil matters involving customary law and such other jurisdiction as may be conferred on it by the

House of Assembly of the State. The CCA started sitting in 2017.

At inception it had Hon. Justice A.P.B Utsaha as the pioneer President. *From 1995 to 2020 the court has produced three (3) Presidents and Nine (9) Judges. The court has had only two (2) females appointed Judges and one was the first female President of the CCA In respect to the registry, since inception to 2020 the*

court has appointed (6) six Chief Registrars four (4) of which were females.

The Customary Court of Appeal has a staff strength of 58 people in total (inclusive of the President and the Judges of the Court): with 38 males and 20 females. Though there was no staff record from 2007 to ascertain the progression or stagnation or retrogression in gender

¹³³ Interview with the Chief Registrar of the CCA on the 12 th March, 2020.

mainstreaming as to employment, promotion, discipline and retirement/resignation, but the record at hand shows the last employment done by the Court was in 2018. In 2018, 23 staff were employed of which 6 were females and 17 males. Also, record of the

last promotion which took place this 2020 shows that 6 staff were promoted: 4 males and 2 females.

From data gathered, the percentage of female staff in the employment of the CCA stands at about 34.5%. Even though there was no

record of the employment made since 2007 till 2017, the record of 2018 employment shows that the percentage of females employed that year compare to their male counterparts is just about 26%.

Benue State Judicial Service Commission

The Benue State Judicial Service Commission owes its existence to the provisions of the Constitution. It has seven members headed by the Chairman who is the Chief Judge of Benue State, members include the President of the Customary Court of Appeal, the Attorney General of the State, the Permanent Secretary (the accounting officer of the Commission) and others. The BSJSC is responsible for the recruitment, promotion,

discipline and retirement of the Judicial staff in Benue State. Currently the Commission has 7 statutory members 6 males and 1 female.

The day to day running of the Commission is managed by 33 senior staff: with 25 males and 8 females; and 2 junior staffs (both males).

Records of employment, promotion, discipline and retirement from 2007 till 2017 were not available for one to ascertain the progress

made or retrogression suffered between 2007 to 2020. However, the last employment made was in 2018 and only 8 people were employed. Of this 8, 4 were males and 4 were females. Also, in respect of retirement, it was revealed that from 2017 to 2020, only 5 staff had retired on ground of statutory retirement.

Analysis of information gathered shows an imbalance in the composition of the statutory members of

¹³⁴ <https://benuestate.gov.ng/history-of-benue-state-judiciary/>. Accessed on the 17 th March, 2020.

¹³⁵ Ibid

¹³⁶ Roaster of Chief Registrars of Customary Court of Appeal located in the office of the Chief Registrar of the Customary court of the Appeal.

¹³⁷ Interview with the Chief Registrar of the Customary Court of Appeal, on the 12 th March, 2020

¹³⁸ Ibid

¹³⁹ Ibid

¹⁴⁰ Section (1)(a) of the Constitution of the Federal Republic of Nigeria 1999 (As Amended).

¹⁴¹ Interview with the Permanent Secretary of the BSJCS on the 27 th February, 2020.

¹⁴² Information supplied by the Permanent Secretary on the 13 th March, 2020.



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

the BSJSC because only one female member is part of the board. At the senior staff cadre, females constitute just 24.2%; while no female is part of the junior staff cadre. However, the percentage of males versus females during the last employment exercise stood at 50:50. With this analysis, one

can safely say that the BSJSC is largely staffed with males; with female constituting a lower percentage of staff when compared to males.

Findings

1 Low Gender Representation

Statistic revealed that females consists of 31.2% percentage of the staff of the High Court, 34.5% for Customary Court of Appeal and less than 30% for the BSJSC. It can safely be said that the 35% of Affirmative Action has not been achieved in the Benue State Judiciary. Although these fall below the international good practice, the gender imbalance is more in the BSJSC. The reason for the imbalance could be traced partially to educational and cultural barriers. In the past women were not allowed to study and when they started studying, they were not allowed to embrace law as a study in school because of its male-dominated nature. Again, parents dictated their daughters' carrier

path and lack of early exposure denied females the opportunity of into certain professions. This prevented them entry into the judiciary in the past.

The low level of gender representation for women may also be traced to the appointment or recruitment of staff. During appointment, geographical spread and capacity are the targeted criteria for employment, while gender is neglected. . FDG participants suggest the recruitment of more qualified women as a solution to the disparity.

However, even with the low female gender representation observed in the Benue State Judiciary, women seem not to be left out of the scheme of things in the

Judiciary. The three (3) Accounting Officers of the three bodies under the Benue State Judiciary are women. At the Managerial level of the High Court, there are five (5) departments and two (2) out of the five (5) departments are headed be females. With the presence of females as the Accounting officers of the various bodies and also heads of departments, one can say that women are involved and fairly represented at decision making level. This practice has no policy or action plan backing it and there is the danger that it may not be sustained in the future when the judiciary is faced with the misfortune of having a leader who is not gender sensitive. A policy or action plan to sustain the practice of having women represented at all

¹⁴³ Ibid

¹⁴⁴ Information from a Judge during an FGD on the 27 th February, 2020.

¹⁴⁵ One of the female Magistrates during the FGD with the Magistrates on the 28 th February, 2020

level may solidify the practice.

2 Lack of Knowledge and Awareness of the UNSCR 1325 and the Nigerian National Action Plan (2007 – 2020)

Interaction with stakeholders in the judiciary revealed that there is a low level of knowledge and understanding of the UNSCR 1325 and the Nigerian National Action Plan (2007 – 2020). Few respondents displayed appreciable knowledge of the UN Resolution and the NAP. based on trainings they participated in. Due to this low level of knowledge on the Resolution and the NAP, respondents were unable to know what and how the institution has been able to contribute or is planning to contribute to the implementation of the UNSCR 1325 and the

NAP. Failure on the part of the State Government to implement the state version of the action plan may be a contributory factor to this low knowledge and awareness of the Resolution and the NAP. A respondent noted that Benue state has not commenced implementation, however, a committee has been setup for the purpose of implementing the state version of the NAP.

3 Gender Sensitivity and Responsiveness within the Judiciary.

The setup of the judiciary is one where gender consideration seems to be secondary to the Public Service Rules and Code of Conduct for Judicial Officers. A respondent amplified and stated that there is no gender differentiation in the judiciary because everyone is treated as male since “there is no



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

female in the legal profession”.

When asked, most respondents were quick and delighted to describe the Benue State Judiciary's gender sensitivity and responsiveness in the light of women occupying strategic and high positions within the

¹⁴⁶ Interview with, the Director of Women Affairs, Benue State Ministry of Women Affairs and Social Development on the 26 th February, 2020

¹⁴⁷ Interview with the Director of Planning, Research and Statistics, Benue State High Court of Justice on the 26 th February, 2020.

¹⁴⁸ One of the female Judges during the FDG for the Female Judges on the 27 th February, 2020.

Benue State Judiciary, noting that there is no deliberate attempt to marginalize women. They emphasized that at the administrative level, the Judiciary has been very strong in encouraging women and appointed directors, deputy directors, deputy chief registrars and chief registrars; this is because recent successive Chief Judges have this “gender sensitivity in them and sympathy towards women”.

It is revealed that there are more women stationed at the High Court's headquarters in Makurdi than outside the state capital. Discussions at the Magistrates Focus Group Discussion management practice takes into consideration the location and the locality where female Magistrates are posted to. Consideration is given to the woman's marital status and family

situation before being posted. Tendencies are that married Magistrates are not posted outside the state capital to enable them be close to their families.

There is however no internal structure or policy to support these assertions aside from the feeling that everyone is given an equal opportunity and allowed to excel to greater height as exemplified by the three accounting officers of the three bodies that make up the Benue State Judiciary, and with the feeling that female staff are not faced with any imminent threat of inequality or discrimination.

The ancient practice of “there is no female in the legal profession” might account for the neglect to create a gender policy or action plan and neither does the judiciary orient its staff

on the commitment to gender equality, sexual harassment or gender-related policies and procedures. It was observed that there is a respectful working relationship between men and women staff with no difference in how women and men view gender issues.

4 Unavailability of Institutional Structure or Mechanism for Engaging Women led Organizations.

The Benue State Judiciary has no established institutionalized structure or mechanism for engaging women led organizations, NGOs, and the Ministry of Women Affairs, whether formal or informal. This may have contributed to low collaborative efforts of the judiciary with other organizations and ministries to ensuring gender issues are placed

on the front burner of discussion in the judiciary. It is likely contributory factor to the low knowledge, awareness and difficulty in the implementation of the UNSCR 1325 and the Nigerian NAP (2007 – 2020) in the judiciary. The absence of internal mechanism like gender desk office has hampered the judiciary's awareness to the Resolutions and Action Plans on gender issues.

5 **Conscious practice geared towards balanced gender representation in decision-making positions.**

Though there is no specific policy at addressing gender imbalance in the Benue state judiciary, recent practice show that more responsibilities are now being given to women. The Chief Judge of Benue State noted that equal opportunity is given to

everyone and that everyone is put on the same pedestal. During interviews with key respondents, it was discovered that in forming Committee and decision-making, there have been conscious efforts and practice of including women.

6 **Lack of Statistics and Record on Gender Related Crime or Abuses**

From the data and information gathered, one will quickly discover that the judiciary doesn't have record or statistic of gender related crime. Respondents interviewed all said there has never been any complaint of SEA/SGBV against any personnel of the judiciary whether from within or outside the judiciary. In as much as there has not been any formal or informal report of SEA/SGBV Where there is any such

complaint of SEA/SGBV it would be treated as misconduct and handled in line with the Public Service Rules. Such cases would be investigated and punishment prescribed accordingly if the culprit or aggressor is found guilty. The punishment may include dismissal. One of the respondents said there has never been any situation of gender-based violence described the environment as a self-disciplined environment. From statistic and feedbacks from a respondent the records of disciplinary issues received are work related misconduct like bribery and corruption.

Although there is a register for all convicts, there is no separate record or register for convicted sex offenders. The FGD with the CSOs noted that outside the judiciary, there is high rate of sexual abuses,

¹⁴⁹ One of the Female Judges during the FGD for Female Judges on the 27 th February, 2020.
¹⁵⁰ Interview with the Chief Judge of Benue State, on the 3 rd March, 2020
¹⁵¹ Interview with an Area Court Judge on the 3 rd March, 2020.

particularly rape of underage girls (in a month, at least ten new cases are recorded). Corroborating the prevalence and increase in gender based crime is the response of an Area Court Judge who that “he handles ten (10) gender related crime cases monthly. A setback for the implementation of the NAP is that most of the cases involving gender based crime or abuses are not being reported and when reported, most are compounded or compromised before getting to court. This has led to lots of perpetrators escaping justice; a situation which does not encourage prosecution and protection of females who have suffered abuses.

7 Lack of Facilities to Support Victims of Gender-Based Violence.

Observation revealed that The Benue state

judiciary does not have any facilities that provide support to victims of gender-based violence. There is no designated court official assigned to attend to victims, suspects or witnesses of gender-based violence. The respondents with an emphatic “NO” said there is no sexual assault referral centre. Those in the Judiciary believed that the Hospitals and the Psychiatric Homes or Centres should be able to handle matters relating to medical and psychological support.

8 Lack of Specialized Training on the Adjudication and Handling of Gender Related Crimes.

There is no specific training given to judicial staff on the adjudication and handling of SEA/SGBV. However, a judge noted she participated in a training on gender-based violence organized by

the UNODC. It is observed that there are other training available for judicial officers as well as non-judicial officers but the trainings are not regular. The provisions of trainings depend on availability of resources as well.

9 Non-Discriminatory and Discriminatory Gender Practice.

Respondent noted that there is no adverse discriminatory practice in the Benue state judiciary. Observations indicate that women on the same rank and level with men receive the same salaries and remuneration, treated equally and promoted the same time (if they passed the promotion exams). Also, the disciplinary processes operative within the judiciary has no gender dynamics and that the disciplinary actions for men are the same as that of women. The Benue state judiciary

¹⁵² Interview with the Permanent Secretary of the BSJCS on the 27 th February, 2020

¹⁵³ A respondent during the FGD with the CSOs on the 6 th March, 2020.

¹⁵⁴ Interview with an Area Court Judge on the 3 rd March, 2020.

¹⁵⁵ Ibid; A respondent during the FGD with the CSOs on the 6 th March, 2020.

¹⁵⁶ One of the Magistrates during the FGD with the Magistrates on the 28 th February, 2020

¹⁵⁷ Interview with a Judge of the Customary Court of Appeal on the 12 th March, 2020

appointed of a “non-indigene” of Benue State as a female Judge of the High Court of Benue State.

It was also revealed that female Magistrates not from Benue state by birth and married to Benue state indigenes have been appointed in the magistracy of the Benue State Judiciary. On the other hand, a worrying practice in the Judiciary as revealed during the FGD with CSOs is that sensitive cases are given to male Judges rather the female Judges. This assertion was corroborated by a respondent who said that most litigants prefer their cases to go before a male judge, and their cases are assigned to a female judge, they would abandon it for it to be struck out so that they could refile it for it to be assigned to a male Judge. This is borne out of the erroneous perception

that female judges may not withstand the rigors and pressure that come with the handling of sensitive cases.

10 Women-Friendly Practices within the Judiciary.

The repeated echoes of equal opportunity given to staff irrespective of the gender is what the judiciary prides itself in. Most female judges the Benue State were first employed as casual staff rose to become High Court judges.

The Benue State Judiciary policy on maternity leave is 16 weeks which is higher than that of the Public Service Rules which provides for 12 weeks of maternity leave. Also, nursing mothers upon resumption from their maternity leave are allowed to close by 2pm earlier than the closing

hours. Visit to all Benue State Judicial institutions revealed that the environment is children-friendly as women would be seen with their children during working hours, particularly after school hours. There is however no crèche facility within the buildings to cater for these children.

“NO FEMALE IN THE LEGAL PROFESSION”

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

11 Recruitment Restriction, In-House Sourcing of Staff and Lobby.

There is currently a ban on recruitment by the Benue State Government for a very long time. Due to the ban on recruitment, the Judiciary has not made any open recruitment since the ban. The Benue State Judicial Service Commission responsible for the staffing and discipline of judicial officers has also placed on hold open recruitment. However, due to the shortage of staff, resulting from retirements and death, there was an approval by the State Government for the Judiciary to employ in 2015.

The practice since the ban on open recruitment has made the judiciary to recruit junior staff (which they have powers to) who in turn rise to the senior cadre. This

practice, which is described as in-house sourcing of staff is applicable to both male and female.

Despite the restriction on employment or recruitment, where there is the opportunity to employ staff or appoint Magistrates and Judges, the Judiciary holds that, being a professional body, they execute such employment and appointment on merit.

12 Inadequate Infrastructure, Equipment and Facilities Available to the Staff.

An area of concern where the practice seems not to favour women is the lack infrastructure and facilities. It was revealed that the Judiciary has no separate and secure washing and changing facilities for women different for that of men.

Observation revealed that there is no adequate accommodation for most of the judicial staff. Though the Judges are provided with houses but no consideration is given to its suitability to the families of the Judge: no consideration is given to its proximity to schools, childcare and health facilities. It is discovered also that only Magistrates who are posted outside Makurdi are assigned accommodation.

13 Judiciary - a Conservative and Closed Sector

The Judiciary by its constitutional mandate is charged with the responsibility of interpretation and adjudication. However, the feeling within the judicial sector is to the effect that they are not permitted by the Constitution to act outside the constitutionally defined

¹⁵⁸ <https://benuestate.gov.ng/history-of-benue-state-judiciary/>. Accessed on the 17 th March, 2020.

¹⁵⁹ Interview with a key informant of the High Court of Benue State on the 11 th March, 2020

¹⁶⁰ A respondent during the FGD with the CSOs on the 6 th March, 2020.

¹⁶¹ Interview with a respondent on the 12 th March, 2020.

¹⁶² Interview with the Permanent Secretary of the BSJCS on the 27 th February, 2020

¹⁶³ One of the female Magistrates during the FGD with the Magistrates on the 28 th February, 2020

¹⁶⁴ Interview with the Permanent Secretary of the BSJCS on the 27 th February, 2020

role. Interfacing with other organizations and outsiders may be detrimental to justice delivery because when they mingle it may create a feeling of doubt and bias in the mind of outsiders and litigants who come before the Court, particularly when they might have seen the judicial officers together with their opponents. A respondent in confirming the close nature of the judiciary when asked if there are any formal or informal mechanism for engaging women led organization, NGOs and the Ministry of Women Affairs, simply responded “NO” - because the judiciary is like a closed sector and does not engage in advocacy.

Response from the Ministry of Women Affairs infers that the close nature of the judiciary may have accounted for the low interaction between the

Judiciary and the Ministry of Women Affairs and Social Development. This low interaction might have accounted for the unsuccessful establishment of the family Court. The failure to establish the family court has affected the Divisional Social Welfare Offices in handling gender matters where people are reluctant to go to Court. Due to the conservative and closed nature of the judicial sector, the Ministry of Women Affairs and Social Development seem not to be keen on involving women in the judiciary in most of their plans for women generally.

BRIEF OVERVIEW



Low Gender Representation



Gender Sensitivity and Responsiveness within the Judiciary.



Lack of Statistics and Record on Gender Related Crime or Abuses



Lack of Specialized Training on the Adjudication and Handling of Gender Related Crimes.

¹⁶⁵ interview with Director of Planning, Research and Statistics, Benue State High Court of Justice on the 26 th February, 2020

¹⁶⁶ Ibid

¹⁶⁷ Ibid

¹⁶⁸ A female Judge during the FDG for the Female Judges on the 27 th February, 2020.

¹⁶⁹ Ibid.

¹⁷⁰ Ibid

¹⁷¹ Interview with the Director of Planning, Research and Statistics, Benue State High Court of Justice on the 26 th February,2020

ACTS OF DISCRIMINATION AGAINST WOMEN IN THE APPOINTMENT OF STATE CHIEF JUDGES AND ELEVATION TO THE HIGHER BENCH

It has earlier been stated that although this study is focused on the Federal level, FCT, Bauchi and Benue states, its findings and recommendations have ramifications for the entire country. It is in this context that this study examines recent developments in the polity pertaining to the appointment of Chief Judges to replace retiring ones, or in the elevation of judges to the higher bench in which women have suffered discrimination in several states.

The tradition of the legal profession and the judiciary has been to respect the order of

seniority in the appointment of heads of courts. Thus, when the head of an institution of the judiciary leaves office either by reason of retirement or other factors, the next in order of seniority automatically steps into the vacant position. This practice has been given constitutional imprimatur in section 271(4) which provides as follows:

If the Office of Chief Judge of a State is vacant or if the person holding the office is for any reason unable to perform

the functions of the office, then until a person has been appointed to and has assumed the functions of that office, or until the person holding the office has resumed those functions, the Governor of the State shall appoint the most senior Judge of the High Court to perform those functions.

Such an appointment is valid for three months from the date of the





appointment and the Governor shall not re-appoint a person whose appointment has lapsed, except on the recommendation of the National Judicial Council (NJC). The rationale for these provisions are not far-fetched. The first is to ensure certainty and ease of transition without undue external interference and considerations, while the second is to avoid a situation where a Governor refuses to confirm someone in an acting capacity, and continues to renew the stay in office in an acting capacity. However, recent transitions in State

judiciaries across several states have been plagued by controversies from the retirement of Chief Judges and the appointment of a successor.

In Gombe state, the Governor had appointed Justice Beatrice Lazarus Iliya in an acting capacity following the retirement of the State Chief Judge but after the three-month period, the Governor of the state refused to confirm her as the acting Chief Judge and instead, appointed a junior male judge in her place. This elicited a lot of outrage and condemnation from

several quarters. A statement released by FIDA reads as follows:

“FIDA Nigeria unites with other groups and strongly condemn the non-confirmation of the Acting Chief Judge of Gombe State, the Hon. Justice Beatrice Lazarus Iliya, as the Chief Judge of Gombe State, having completed her statutory three months' period as Acting Chief Judge. “Hon.

¹⁷² S. 271(5) of the 1999 Constitution (as amended)

Justice Beatrice Lazarus Iliya, a noble lady is not due for retirement for another three years' minimum period; and has served diligently. "We therefore strongly object to the planned swearing in of a junior male judge as Chief Judge in her place for whatever reason.

The same fate befell Justice Elizabeth Asabe Karatu of the Kebbi State High Court who was not sworn in after the expiration of her three-month acting period. In her own case, she alleged in a petition to the NJC that her non-swearing in was as a result of her being a Christian, whereas Kebbi is predominantly a Muslim state.

The case of Justice Akon Ikpeme in Cross River

state is quite intriguing as the State House of Assembly refused to confirm her appointment on the grounds that she is originally from neighbouring Akwa Ibom State by birth. This is despite living all her life, including her working life in Cross River from where she also married. This creates a double jeopardy for her as to whether to claim being an indigene of her place of birth or her place of marriage. The NJC has directed the State Governor to swear in Justice Ikpeme and the Governor has now sent her name to the State House of Assembly for confirmation. It is yet to be seen if the same House of Assembly that initially refused to confirm her on the grounds that she is not from Cross River state by birth despite working in the state all her life will tow the part of honour and do so, or whether



The case of Justice Akon Ikpeme in Cross River state is quite intriguing as the State House of Assembly refused to confirm her appointment on the grounds that she is originally from neighbouring Akwa Ibom State by birth. This is despite living all her life, including her working life in Cross River from where she also married.

¹⁷³<https://www.thecable.ng/lawyers-hit-the-streets-over-attempt-to-block-emergence-of-female-chief-judge-in-gombe> (Accessed on May 20, 2020).

¹⁷⁴Jamilar Nasir 'Bagudu failed to confirm me for being Christian' The Cable June 24, 2019, available at: <https://www.thecable.ng/kebbi-acting-chief-judge-bagudu-failed-to-confirm-me-for-being-christian>(Accessed on May 20, 2020).

¹⁷⁵Bassey Inyang 'Justice Ikpeme and the cry for justice' The Cable March 18, 2020, available at: <https://www.thisdaylive.com/index.php/2020/03/18/justice-ikpeme-and-the-cry-for-justice/> (Accessed on May 20, 2020).

they will persist in their discriminatory stance. In a related development, the President of Nigeria has not confirmed and sworn-in substantively, the Acting President of the Court of Appeal Justice Monica Dogban-Mesem following the retirement of Justice Zainab Bulkachuwa. The fact that the acting President is in her second three-month term in an acting capacity indicates that all is not well. The fact that the immediate-past President of the Court is

a woman, leaves one with a feeling that other considerations are responsible for her not being appointed in a substantive capacity. There are speculations that her non-confirmation is as a result of her being a Christian while her predecessor is a Muslim. The refusal to confirm women as Chief Judge of states or objections to their being elevated to the higher bench on the grounds of their marital status or place of origin amounts to discrimination against

women. In tracing the origin of these discriminatory practices, regard should be had to section 147(3) which requires that the President in appointing Ministers shall appoint at least one Minister from each state, who shall be an indigene of the state and section 171(5) which enjoins the President to have regard to the federal character of Nigeria and the need to promote national unity in making presidential appointments. The failure of the Constitution to define



Research reveals that there is only one decided case that involves a challenge to judicial appointment on the basis of marital status. In the case of Tolani v. Kwara State Judicial Service Commission & Others

what constitutes indigeneity is at the centre of many these controversies. For women who are married to men from states other than their state of origin, the challenge is whether they are entitled to claim to be indigenes of their primary states of origin or states of their husbands.

Research reveals that there is only one decided case that involves a challenge to judicial appointment on the basis of marital status. In the case of *Tolani v. Kwara State Judicial Service Commission & Others*, the facts are as follows:

The respondent herein was employed by the appellant as a Magistrate Grade II. Shortly after her employment, the appellants received a petition from one Abdul-Rasaq Tunde Raji alleging that the respondent

misrepresented her marital status. The appellant sent the petition to the respondent for her response in line with the rules of fair hearing. The respondent's reply was not satisfactory to the appellant who terminated her employment which was still on probation. The respondent, dissatisfied, approached the trial Court to challenge the termination and or withdrawal of her appointment. The trial Court held inter alia that the termination of the respondent's appointment was wrongful and she should be paid her salaries, allowances and other entitlements for the period of 27/12/2004 up to 11/2/2005 for which she legitimately worked before her appointment was wrongfully terminated. The 1st appellant herein was also ordered to pay the

respondent one-month salary in lieu of notice being the reasonable length of notice she would have been entitled to bring her contract of employment with the 1st appellant to the end. Dissatisfied with the judgment of the trial Court, the respondent herein appealed to the Lower Court.

One of the three issues raised for determination was whether the Lower Court was right to have come to the conclusion that the appointment of the respondent was terminated on account of her marital status. The Court of Appeal held that the facts above amounted to discrimination against the appellant. The extensive quote from the judgment of the court is instructive:

"Therefore, in my view the Appellant's marital status as enshrined in our

¹⁷⁶ (2019) LPELR-47539(SC)

¹⁷⁷ Per Sotonye Denton-West pp.34 – 50, paras A – E.

domestic laws with special reference to the 1999 Constitution of the Republic of Nigeria and particularly since we are a nation amongst the committee of nations, I am of the view that her marital status rights as protected by International Human Rights domiciled laws as applicable to this country ought to be reflected in this appeal, otherwise the appellant may still be deprived of fundamental justice. For the benefit of the appellant and many other women who are constantly subjected to this type of discrimination.

I seek to refer to some salient provisions of International Laws that has been domiciled and ratified as part of our law in Nigeria. Optional protocol to the convention on the elimination of discrimination adopted by 6th October, 1999 by United Nation General Assembly Resolution 54/4

and ratified in Nigerian 22nd December, 2000; the preamble in the Introductory of this Protocol sets out the Principles of Equality and non-discrimination of women as embodied in the United Nation Charter, the Universal Declaration of Human Rights, and other International Human Instruments, including the convention on the elimination of all forms of discrimination against women. It further asserts the determination of state parties which adopt the protocol to ensure the full and equal enjoyment by women of all Human Rights and Fundamental freedom and to take effective action to prevent violations of these rights and freedom.

There is also now ratified on 3rd day of May, 2008 as part of our law, the Convention on the Rights of Women with disabilities, especially when discriminated against in

their place of work. Article 3 of this Convention states: "The principles of the present Convention shall be: (a) Respect for inherent dignity, individual autonomy including the freedom to make one's own choices, and independence of persons; (b) Non-discrimination; (c) Full and effective participation and inclusion in society; (d) Respect for difference and acceptance of persons with disabilities as part of human diversity and humanity; (e) Equality of opportunity; (f) Accessibility; (g) Equality between men and women; (h) Respect for the evolving capacities of children with disabilities and respect for the right of children with disabilities to preserve their identities." ? There are so many laws but suffice to mention maybe one more that is the Vienna Declaration and programme of Action adopted by the World Conference on Human Rights in Vienna on 25th

day of June, 1993. The Vienna Declaration confirms and reaffirms the commitment of the World body on Human Rights and reaffirms their commitment which includes our great country Nigeria to the purposes and principles contained in the Charter of the United Nation and the Universal Declaration of Human Rights. Part of the Vienna Declaration states - "The human rights of women should form an integral part of the United Nations human rights activities, including the promotion of all human rights instruments relating to women. The World conference on Human Rights urges Governments, the Judiciary, other institutions, intergovernmental organizations to intensify their efforts for the protection and promotion of human rights of women and the girl-child. "

Women's rights have been

unduly subjected to the background and they have suffered all sorts of discrimination arising from this unwholesome act of relegation in their places of employment. It is further observed that women in some cases have been derided because of their marital status and would have lost their jobs or even appointments but for the timely intervention of bodies like the National Judicial Council. This had happened in the legal profession. In order to able to do effective justice, I hereby invoke Section 16 of the Court of Appeal Act 2007 and Inherent powers of the Court to do justice and proceed to declare that the appellant was indeed discriminated against when the respondents believed the petitioner accused and or refused to believe their employee who was not even given opportunity to confront her accuser."



Women's rights have been unduly subjected to the background and they have suffered all sorts of discrimination arising from this unwholesome act of relegation in their places of employment.

In his concurring judgment, Justice Nweze J.C.A. (as he then was) made a cautionary exhortation about placing reliance on international instruments that were yet to be domesticated in Nigeria as envisaged under Section 12 of the 1999 Constitution. This issue was made an issue on further appeal to the Supreme Court which

nonetheless upheld the decision of the Court of Appeal.

The constitution of the Federal Republic of Nigeria in section 2 outlines the prohibited grounds for discrimination to include ethnic groups, place of origin, sex, religious or political opinion. The implication of this is that denial of judicial appointments to women on the grounds of sex, marital status or place of origin amount to a

violation of the anti-discrimination provisions of the Constitution and should therefore be struck down by the courts.

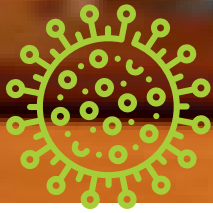
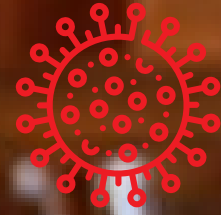
In all these cases, the reasons for non-confirmation had nothing to do with the competence of the judges, but with their gender, 'place of origin' and religion. This reflects the lived realities of women in Nigeria where gender intersects with a whole lot of other factors

to increase their vulnerability to discrimination. Political interference in the appointment of Chief Judges, or other Head of Court positions, which are decision-making position in the judiciary has also limited the participation of women in the judicial process and by extension peace and conflict resolution as envisage by the UNSC Resolution 1325 and the NAP.





OBSERVATION ON THE IMPACT OF COVID-19 ON THE JUDICIAL SECTOR



This part of the assessment aims at highlighting the impact of the pandemic on the judicial sector in general, and its impact on women as it relates to speedy trials and dispensation of justice in cases of sexual and gender-based violence in particular. The socio-economic consequences and the significance of having women in decision-making positions were explored. The following were considered:

1. Government responses to the pandemic and

implications for the judiciary.

- 2.** Exploring the efficiency and effectiveness of the judiciary in the light of the COVID-19 pandemic.
- 3.** Gender analysis of the impact of the COVID-19 pandemic.
- 4.** Impact of the pandemic on the financial resources, workforce and judicial institutions.
- 5.** Recommendations of best-practices for more efficient and effective judicial service-

delivery.

From the foregoing, it can be seen that the COVID-19 pandemic has serious impact and grave implications for the delivery of judicial services across the country

In furtherance of this, the National Judicial Council (NJC), at its 91st Meeting held online on 22nd and 23rd April, 2020, constituted a 10-man Committee made up of a Justice of the Supreme Court, Heads of Courts and seasoned lawyers to come up with urgent

practical strategic measures to be put in place in order to ensure Courts continue to function despite the lockdown and Covid-19 challenges. Following the receipt of the report of the Committee, the NJC, directed Heads of Courts to be guided by the Guidelines in adopting or formulating, Rules, Directives and Guidelines, as appropriate to the legal and material circumstances of their Courts, with a view to achieving the goal of safely delivering justice in these unprecedented challenging times. While some of these measures

are aimed at mitigating the impact of COVID-19 of the judiciary, we must not lose sight of the fact that they represent pointers to the future of legal and judicial practice in Nigeria.

The judicial sector in Nigeria must be able, ready and willing to adapt to post-COVID-19 realities. It is also important to develop strategies aimed at mainstreaming gender in the judicial sector. This is to redress the limited involvement of women in the decision-making process in the judiciary and ensure the adoption of gender-sensitive policies and practices.

These practices if adopted and implemented will narrow the gender equity gap and advance the quest for the enthronement of an egalitarian society. It is surprising to note that despite the glaring impact of the COVID-19 pandemic on women and girls, the Ministry of Women Affairs was left out in the composition of the Presidential Task Force on COVID-19. The Civil Society Alliance on COVID-19 has therefore called on the president to strengthen the Presidential Task Force by including the Women Affairs Ministry and other stakeholders.



KEY FINDINGS & RECOMMENDATIONS

Key Findings

It can be gleaned from the foregoing findings that there appears to be a convergence and concurrency of findings from the three geographical territories in which the studies were conducted with limited variations. This is revealed from the similarities in the findings from the respective locations. Thus, despite the divergence of the

geographic contexts, the judicial institutional contexts remain analogous. This lays credence to the assertion that although the study is not a national study, the findings and recommendations can be validly extrapolated to other states of the federation to inform policy and programmatic interventions. In any case, some of the

institutions responsible for the implementation and operationalisation of both the UNSC Resolution 1325 and its domesticating counterpart, the National Action Plan, are national institutions. It is therefore necessary to distil the commonality of findings from the three studies carried out at the federal level, in the Federal Capital Territory, Bauchi and Benue states.

1

Limited knowledge of gender concepts, issues and pervasive stereotyping



The judiciary does not exist in isolation of the environment in which it operates. As an institution, it reflects the values and ethos of the society in which it is

situate. These values form the basis of certain actions which may amount to gender discrimination. Sometimes, there appears to be a mixing

up of the concepts of sex and gender. Whereas sex relates to the biological distinction between male and female, gender refers to the societal constructs of

how both women and men are expected to conform to the roles and behaviours that have been assigned to them. These constructs often result in prejudices and stereotypes.

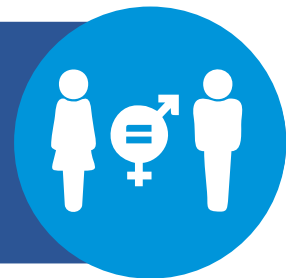
There is a correlation between attitudes informed by prejudices and stereotypes on the one hand and discriminatory action on the other. Stereotyping is

the process of ascribing to an individual general attributes, characteristics, or roles by reason only of his or her apparent membership in a particular group. Stereotypes produce generalisations or preconceptions concerning attributes, characteristics or roles of members of a particular social group, which renders unnecessary

consideration of any particular individual members' abilities, needs, wishes and circumstances. The limited knowledge of how prejudices and stereotypes based on gender result in discrimination against women in the society generally also impacts on gender discrimination in the judiciary.

2

Non-implementation of the National Gender Policy



The Nigerian government adopted the National Gender Policy in 2006 to provide a framework for the implementation of its obligations under international human rights treaties, particularly, CEDAW. However, despite its lofty ideals and in spite the

modest efforts of the Federal Ministry of Women Affairs, not much has been done to ensure its implementation. The lack of political will and the non-establishment of a robust framework and needed resources have been largely responsible for this state of affairs.

As a result, most state institutions including the judiciary have not lived up to expectations in terms of gender representation, sensitivity and responsiveness and there is no institutional framework to monitor and enforce compliance with its provisions.

3

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



The UNSC Resolution 1325 urges member states to ensure increased representation of women at all decision-making levels in national, regional and international institutions and mechanisms for the prevention, management and resolution of

conflict. The NAP is also an instrument for the domestication of the UNSCR 1325. Ensuring compliance with obligations arising from these documents presupposes good knowledge and understanding of their content. In all three

locations, the survey revealed a very low level of awareness and understanding of the UNSCR 1325 and NAP by both judicial officers and staff of judicial institutions.

4

Inadequate representation of women in judicial institutions



One of the key objectives of this research is to ascertain the level of gender representation in judicial institutions in the three locations. From the Key Informant Interviews and the Focus Group Discussions held, it was seen that there is

presently a low level of representation of women in judicial institution both in terms of quantity (population) and quality (decision-making positions). Another major challenge noted in the course of the study is the lack of

properly established data collection and disaggregation systems in the various judicial institutions. Data collection, review and analysis is paramount in the formulation of policy as well as monitoring progress or otherwise

¹⁷⁸ B Madunagu 'Gender rights and gender politics in the fourth republic' in M Gidado et al (eds) Constitutional essays Nigeria beyond 1999: stabilising the polity through constitutional re-engineering (2004) 155.

¹⁷⁹ T Makkonen 'Is multiculturalism bad for the fight against discrimination' in M Scheinin & R Toivanen (eds) Rethinking non-discrimination and minority rights (2004) 162.

¹⁸⁰ R Cook & S Cusack Gender stereotyping: transnational legal perspectives (2010) 1.

towards indicators, benchmarks and target set out in the National Gender Policy. In Bauchi state, the entire Sharia Court system was made

up of 100% male staff until recently when only 20 women were employed as cleaners, clerks and other junior staff cadres bringing the

percentage of female staff to 10%. It is only at the magistrate level that women seem to be fairly represented.

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



The attainment of gender equality requires a deliberate, conscious and dedicated formulation and implementation of policy. Institutions like the judiciary need to put in place such policies to ensure that gender issues are properly addressed. One of the manifestations of gender discrimination, particularly in conflict settings is sexual and gender-based violence. The UNSCR 1325 calls on all parties to any armed conflict to take special

measures to protect women and girls from gender-based violence, particularly rape and other forms of sexual abuse.

While the judiciary has a role to play in the prevention and accountability for SGBV, it is not also immune from such abuse taking place within the institution. It is disheartening to observe that none of the institutions in any of the surveyed locations has any internal mechanism

for dealing with such cases. Without such a confidential and credible mechanism, victims will not be encouraged to come forward with complaints resulting in a culture of silence and impunity in relation to such abuses. Resort to the Public Service Rules for the complaint, investigation and adjudication of SGBV cases is inadequate as the rules are general and do not take into consideration the peculiar nature of SGBV.

6

Limited access to justice for women and girls



There are several environmental and institutional factors that inhibit access to justice for women and girls in Nigeria. Poverty, illiteracy, ignorance and patriarchy all combine to

inhibit the ability of women to access justice through enforcement of their rights and punishment for perpetrators of SGBV. The unwillingness of law enforcement agencies to

take up SGBV complaints, especially in cases of domestic violence and the absence of pro-bono legal services to victims also exacerbates the situation.

7

Absence of collaborative frameworks with other gender-focused institutions



The quest for improved gender outcomes for women is a collective responsibility. It requires coordination and cooperation between different institutions to be achieved. The judiciary is known for its conservatism and do not comeingle freely with the public. However, this does not preclude

engaging in mutually-beneficial cooperation to achieve gender balance and mainstreaming. The judiciary can institutionally develop a framework for cooperation with groups like CSOs, Ministry of Women Affairs and Social Development, FIDA, NBA, SARCs etc. This will promote the

exchange of ideas and establish clear-cut referral pathways for victims of gender discrimination and SGBV. These institutions may take up advocacy for the reform of policies that may impact on the ability of the judiciary to fulfil its mandate in ensuring gender equality in all spheres of life. These and

many more, are ways in which the judicial sector can leverage on existing collaboration, networks and relationships to

beneficial effect. In Benue for instance, the absence of such a framework has inhibited the campaign by the

state Ministry for Women Affairs for the establishment of family courts in the state.

8

Lack of gender-friendly work environment



Gender sensitivity and responsiveness also entails the recognition of the role women play as wives, mothers and homemakers, in addition to the unpaid care work which they render in our

respective families. The absence of gender-sensitive toilets, changing rooms and crèche facilities inhibits the ability of women to deliver optimally. Reports of children who

have been picked from school but have to remain in their mothers' offices awaiting close of work to return home reinforces the need for such services.

9

Lack of gender-disaggregated data collection and warehousing



Data collection, collation, storage and analysis is of paramount importance in the formulation and implementation of policy. The determination of the level of gender representation in all

institutions surveyed relied on gender disaggregated data. It is equally important that data relating to SGBV are collected by the courts to help track crime trends. In addition, keeping

records of cases where perpetrators are convicted would form the basis of the compilation of sex offenders register, where names of convicted sex offenders are entered and

Key Recommendations

The findings above provide an insight into the level of gender representation, sensitivity and responsiveness of the judicial sector in the Federal Capital Territory, Bauchi and Benue states. It also confirms the level of awareness of the UNSC Resolution 1325

and the NAP by judicial officers and staff of judicial sector institutions, as well as the absence of institutional mechanisms for handling SGBV complaints in practically all the institutions. In the light of these findings, it is apposite to outline certain

recommendations aimed at addressing the gaps and challenges with a view to ensuring that women play an active role in the prevention, management and resolution of conflicts in line with the recommendations of both the UNSCR 1325 and the NAP.

1

Gender capacity building and awareness creation on UNSCR 1325 and NAP



One of the key findings of this study is the abysmally low level of knowledge by relevant stakeholders in the judicial sector of gender issues and the provisions of the UNSCR 1325 and

NAP. If the staff of the institutions saddled with the responsibility of ensuring the participation of women in the prevention, management and resolution of conflicts are

oblivious of the extant legal and policy framework, how then can vulnerable women and girls advocate for themselves? The required capacity building can be

undertaken at two different levels: one way is to mainstream gender issues into the training curriculum of the National Judicial Institute (NJI) that has statutory responsibility for the

training of judicial officers; the other, is to engage in the conduct of robust refresher and in-service training for both judicial officers and staff of judicial institutions. The UN Women, Civil

Society Organisations and heads of judicial institutions at the federal and state levels can collaborate to develop training manuals and deliver the trainings.

2

Implementation of the National Gender Policy and gender quota



Despite the adoption of the National Gender Policy (NGP) in 2006 by the Federal Executive Council, and the development of the Strategic Results Development Framework in 2008, not much has been done to ensure the full implementation of the policy. Limited resources and political will on the part of the government have been largely responsible for

this. The non-passage of the Gender and Equal Opportunities Bill by the National Assembly and the consequent non-establishment of the Gender and Equal Opportunities Commission provided for in the bill creates an implementation gap as there is no institution with the responsibility of following up and demanding accountability for non-

compliance with the provisions of the policy. It is also important to deploy gender desk officers to different government establishments to monitor implementation and compliance with the NGP.

The passage of the Violence Against Persons Prohibition Act 2015 at the federal level, and the recent passage of the

Violence Against Persons Prohibition Law in both Bauchi and Benue states provide a fitting legal framework for promoting access to justice for victims of sexual and gender-based violence, and indeed, all other forms of violence. The challenge however lies in the implementation of the various laws. The judiciary as an institution cannot determine for the prosecuting agencies the charges to be brought against perpetrators of

violence in the courts. For instance, in a case of defilement, a prosecutor may exercise discretion as to whether to bring charges under the existing criminal code law (which provides that cases of defilement must be commenced within two months), or the Child Rights Act or Law, which does not provide for any time limits; or under the VAPP Act or Law as the case may be. Judicial officers however have an inherent duty to ensure substantial justice and

may query prosecutors who appear not to be diligent in the performance of their duties or those who exercise their prosecutorial discretion in a perverse manner. They may also in appropriate cases recommend disciplinary action against such prosecutors by the head of the prosecutorial agencies.

3

Increased participation of women through quotas



Participation is one of the key elements of women's involvement in the peace process, at the decision-making level and otherwise. As victims of conflicts, women play a mediating and

harmonising role to better manage and resolve conflicts. The findings of this study reveal that the number of female judicial officers and staff of judicial institutions leaves much

to be desired as it falls below the 35% being advocated. It is therefore important that steps are taken to improve the quantity and quality of gender representation in the sector.

One strategy for achieving this is the adoption of the affirmative action principle to improve representation for underrepresented groups. While the study indicates that equal opportunities are given to both men and women

in the judicial sector, it is important to point out that sometimes gender-neutral policies can have unequal outcomes for different people depending on the vulnerability factors like gender, race, poverty etc. Tracking the level of gender representation

requires a good data collection and documentation system. Increasing the participation of women will ensure the realisation of the objectives of the UNSCR 1325 and the NAP.

4 Data on gender disaggregation and gender-based crimes



Knowledge of the extent of gender representation in any institution is dependent on an accurate data gathering system which is disaggregated in such a way to capture all relevant indices. Data is

very important in policy formulation and implementation. It also helps to track progress or otherwise and to determine whether policy choices are having the desired effects or

need to be reviewed. Gender-sensitive data gathering should be mainstreamed in all government institutions including the judiciary to help monitor the participation of women.

5

Establish institutional mechanisms for dealing with SGBV complaints



By its very nature, SGBV is not usually a public occurrence. It is perpetrated discreetly and oftentimes by persons exercising some measure of authority over the victim and this explains the culture of silence that pervades it. It is therefore important to provide for a mechanism for victims of SGBV to complain

against fellow staff or officials who engage in it. The existence of a confidential means of filing complaints without fear of prejudicial consequences will encourage victims to come forward, thereby breaking the culture of silence that characterises SGBV. Respondents at the various interviews and FGDs denied

knowledge of any incidences of SGBV within their respective institutions, but acknowledged the absence of any institutional mechanism for handling such complaints. Developing such systems will act as a deterrent to perpetrators while building confidence of victims to report cases when they occur.

6

Framework for external partnerships



The conservative nature of the judiciary as an institution that should be seen but not heard was aimed at maintaining its independence as an arbiter. The institution also tends to avoid going cap in hand to the

executive in order to receive what is ordinarily due to them. In situations like this, bodies like the Nigerian Bar Association, International Federation of Women Lawyers (FIDA) Civil Society

Organisations and Association of women Judges can take up the campaign for such issues through constructive engagement based on established partnerships between them and the judiciary.

7

Improved access to justice for women and girls



There is limited access to justice for women and girls in Nigeria. This situation is exacerbated by lack of access to education, poverty, discrimination and prejudicial stereotypes experienced over the years. This limitation is aggravated in the context of conflicts and insecurity. It is therefore important to put in place

social and legal protection mechanisms that support women to access the judiciary as bastions of justice. The provision of medical and counselling services for victims of SGBV and free legal services for those who may want to vindicate their rights in the courts can result in improved access to justice for women,

thereby promoting their participation in the management and resolution of conflict. Successful arrest, trial and prosecution of perpetrators of violence against women will serve deterrent purposes and bring closure to the trauma of victims.

8

Develop institutional gender policies, SOPs, operational guidelines and infrastructure



The gender sensitivity or responsiveness of an institution may well depend on the development and implementation of

gender compliant policies. Without such gender policies, staff of the organisation tend to exhibit gender perceptions developed

and ingrained over years of socialisation in a patriarchal society like ours. Sexist conduct in the workplace may often be tolerated in the

absence of such policies.

Beyond the integration of values of gender equity, regard must be had to the recognition of special needs of women. Rules regarding maternity can be developed in recognition

of biologically assigned roles as a recognition of the role of women as home makers and care providers.

Contemporary gender discourse recognises the need to accommodate women and support them to play these roles

effectively. The provision of crèche facilities at the workplace is one way of doing so. Others include the provision of female toilets and changing rooms within the premises of the judiciary.

9 Building inter-sectoral infrastructure to support women's issues



While this recommendation is not the directly the responsibility of the judiciary, its existence will complement the work of the judiciary in preventing, management and resolution of conflicts. It will also go a long way towards ensuring the safety of women from SGBV and where it occurs to support the process of holding perpetrators accountable. The

infrastructure includes setting up shelters capable of providing temporary shelter for victims of domestic violence, Sexual Assault Referral Centres (SARCs) to provide medical and counselling services for SGBV victims, as well as the Offices of the Public Defender for the provision of legal support services to victims. It is also important to establish family court divisions to

ensure that trials for SGBV cases comply with specialised procedures that guarantee confidentiality and reduce stigmatization. These infrastructures will improve the implementation of the Violence Against Persons Prohibition Act of 2015 at the federal level and the FCT, as well as states who have passed its equivalent into law.

10

General sensitization of the public to change perceptions and precipitate attitudinal change.



Most institutions of state are a reflection of the environment or society in which they operate. Because we live in a hugely patriarchal and gendered society, these biases reflect in our day-to-day lives. To effect the required attitudinal change, a massive sensitization campaign which targets the general

public is necessary. The National Orientation Agency, Federal and state Ministries of women Affairs, Ministries of Information, Civil Society Organisations and the mass media have very important role to play in this regards. Traditional, community and religious leaders are also necessary

stakeholders in this sensitization exercise. Strengthening the gender awareness and capacity of the judiciary, without a corresponding sensitization of the general public who utilise their services will create a big gap on the demand side of justice.

CONCLUSION

CONCLUSION

Women make up approximately half of Nigeria's population. However, this population strength has not been reflected in decision-making positions in government institutions and processes. The gender discrimination which women have been subjected to over the years necessitated the advocacy at international, regional and national fronts to remedy the situation. This has led to the development of various instruments that seek to advance the rights and dignity of women. The Convention on the Elimination of All Forms of Discrimination Against

Women (CEDAW) is a standard-setting instrument in that regard and the Protocol to the African Charter on the Rights of Women in Africa adopts an African context to the issues. Festered conflicts in several parts of the world and Nigeria in particular have had a negative impact on women. Beyond the humanitarian crisis they are forced to experience, access to nutrition, health, shelter and dignity becomes an illusion. The consequential displacement further exposes them to exploitation and abuse. The strategic targeting of women with the aim of inflicting violence on them in prosecution of

conflict has been globally recognised as Crimes Against Humanity. This follows the decision of the Trial Chamber of the International Criminal Tribunal for Rwanda (ICTR) in the Akayesu case, and confirmed in the case of Delalic and others by the International Criminal Tribunal for Yugoslavia (ICTY). Under the Rome Statute of the International Criminal Court (ICC), Crimes Against Humanity include rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilisation, or any other form of sexual violence of comparable gravity. The import of this classification is to manifest a near universal consensus on the abhorrent nature of the

CONCLUSION

various conducts with a view to ensuring accountability for perpetrators of such crimes and justice for the victims.

It is in recognition of the disproportionate impact of conflict on women, their subjugation and exclusion in the prevention, management and resolution of conflicts and peace processes, that the UN Security Council in October 2000, adopted Resolution 1325. The adoption of Nigeria's National Action Plan in 2013 and its subsequent revision in 2017 represent an intention not only to be bound by the Resolution, but also to domesticate and operationalise it.

This study set out to unravel the level of awareness of the Resolution and NAP, participation of women and gender

representation in the judiciary, the extent of gender sensitivity and responsiveness in the institutions surveyed, as well as the existence of policy frameworks that advance gender equality.

The study found that the level of awareness was low, just as gender representations, sensitivity and responsiveness fell short of the desired levels. It also revealed that the low representation of women in the judiciary, absence of gender-sensitive and responsive policies mirrors what exists in the Nigerian society at large. Cultural and traditional stereotypes are deeply rooted and will require sustained sensitisation and behavioural change to overcome. The mistaken perception of the legal profession as a masculine one limited the desire and willingness of women to

join in the past. However, things have changed. Increasingly, women are found more in the magisterial level than in other cadres of the judiciary. While this may reflect the lower prestige attached to the position, it will over time, become relevant in determining who occupies decision-making positions in the judicial sector as many of them ascend to the higher bench. This is feasible as long as the tradition of using seniority to determine certain judicial appointments is maintained.

Recent developments in several states have highlighted the discrimination against women in the appointment of state Chief Judges by the respective state Governors. In Rivers, Gombe, Cross River and Kebbi states, women who were the next in line

by seniority to take over the position of state Chief Judge following the retirement of the office-holders had been denied the opportunity of assuming the position based on their gender, religion, state of origin by birth or marriage, and other political non-justifiable considerations. In all these cases, the Governors refused to follow the prescriptions of Section 271(4) of the 1999 Constitution (as amended). It is hoped that the signing of Executive Order No. 10 by the President of Nigeria, Muhammadu Buhari which seeks to guarantee the independence and autonomy of state Houses of Assembly and state judiciaries will limit the extent of interference by the executive arm of government in judicial affairs.

In the light of the findings of this study, and after a review of the current political, social and economic contexts in which the judiciary operates, this study proffers modest but detailed recommendations, which if implemented, will go a long way towards addressing the gaps identified in gender representation, sensitivity and responsiveness within the judiciary in accordance with the objectives of the UNSC Resolution 1325 and Nigeria's National Action Plan in relation to women, peace and security.

¹⁸¹ S. 7(1)(g) of the Rome Statute of the International Criminal Court, adopted in Rome on July 17, 1998.

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ANNEX





1. KEY INFORMANT INTERVIEW QUESTIONS

Part A: Background Inquiries

Respondents- All key informant interviewees at the state and federal level include but are not limited to the National Judicial Council (NJC), National Judicial Institute (NJI) State Judicial Service Commissions, Federal High Court, State High Courts, Magistrate courts, Sharia courts, Customary courts, Area courts, Nigerian Bar Association, Federation of International Women Lawyers (FIDA), National Association of Women Judges, CSOs working on gender issues and SGBV and Ministry of Women Affairs and Social Development.

1. What is the statutory role/ function your organization performs?
2. What is your specific role/ function within the organization?
3. Can you provide some information on the current gender composition of the judiciary within your location?
4. Is there a gender imbalance in the composition of the judiciary in your location?
5. If so, in favour of which gender?
6. How has your organization and specific office contributed to changing the current situation?
7. Have you heard about the UNSCR 1325 Nigerian National Action Plan (2017-2020)?

	Yes	[GO TO Q8]
	No	[GO TO Q10]

8. If you have, what specifically do you know about the National Action Plan?
9. How has your organization and specific office contributed to its implementation?
10. What do you understand by gender sensitivity and responsiveness?
11. Would you describe your organization as gender- sensitive and responsive?

	Yes	[GO TO Q10]
	No	[GO TO Part B]

12. If you believe your organization is gender sensitive, please provide some insight as to why.
13. What are the internal institutional structures to support this? eg. Gender focal points.
14. Are there any formal and informal mechanism for engaging women led organizations / non-governmental organizations, and the Ministry of Women Affairs?
15. If you believe your organization is **not** gender sensitive, please provide some insights as to why?

Part B: Federal Level Specific Evaluation Questions

Respondents - *Federal Level Heads of Institutions/ Units/*

1. Recruitment, Promotion, Assignment, Remuneration and Retirement within the judiciary

- I. What was the proportion of male to female applicants during your most recent appointment exercise?
- ii. Has this number increased, decreased or remained the same as compared to previous recruitment exercises?
- iii. What active steps if any, have been taken to elicit a change in these figures from 2007 till date?
- iv. If there was any action taken, how has this impacted the representation and appointment of women?
- v. Are there male vs female targets for appointment of judicial officers and other staff?
- vi. Are attrition rates measured?
- vii. What was the proportion of male to female successful applicants recruited during the last recruitment exercise?
- viii. Has this number increased, decreased or remained the same as compared to previous appointments?
- ix. What active steps if any, have been taken to attract more female applicants from 2007 till date?

- x. What was the proportion of male to female applicants promoted during your most recent promotion exercise?
- xi. Has this number increased, decreased or remained the same as compared to previous promotion exercises?
- xii. What active steps if any, have been taken to elicit a change in these figures from 2007 till date?
- xiii. Are gender issues taken into consideration when posting judicial officers to various courts and locations?
- xiv. How is gender parity taken into consideration during assignment and posting of judicial officers?
- xv. What policies have been developed to address retention challenges for female staff of the judiciary seeking a successful long-term career?
- xvi. Are you aware of the existence of any female staff associations or a women's section of a staff association?
- xvii. Can you provide some insight into the salary structure of your organization?
- xviii. Do male staff of the judiciary earn less/ more than female staff?

	Yes	[GO TO Q xix]
	No	[GO TO Q xx]

- i. If remuneration is distinguished based on gender, what is the rationale for doing so?
- ii. What is the proportion of male to female judicial staff that have retired (compulsorily or otherwise) from 2007 till date?
- iii. In what ways can your organization improve in this regard?

2. Gender policies and operations

- i. Does your organization have a gender and/or other related policies?
- i. Please provide the policies the organization has e.g *Institutional gender policy, human resources policies, existence of specific sexual discrimination, sexual harassment and/or sexual exploitation and abuse policy for judicial personnel and reporting/investigating mechanisms*
- ii. When were they developed?
- iii. What has been your specific role in the implementation of the policy or

policies?

- iv. Where a gender and/or other related policies exist, what has been the process of getting colleagues in the organization (management, operational and tactical) informed about the policies?
- v. Does your organization have a unit that is tasked with the responsibility of ensuring implementation of the gender and/or other related policies in the organization?

	Yes	[GO TO Q vi]
	No	[GO TO Q vii]

- i. If this unit exists, how do they interact with other units/ departments within your organization?
- ii. How many officers are in these units?
- iii. What resources are available to them?
- iv. Please provide some examples of impact and challenges.
- v. Have the gender focal persons participated in any specialized training?
- vi. Are the gender focal persons represented in senior management bodies?
At what level are their recommendations provided/implemented?
- vii. Apart from the policies identified above, what other policies/ regulations exist that have gender component/considerations particularly in respect of service delivery and/or accountability?
- viii. What are either the internal or external oversight mechanisms to investigate issues of discrimination, or harassment and gender-based violence. Maybe as a separate section
- ix. Are there any gender restrictions with regards to roles or responsibilities that apply to male or female staff?

	Yes	[GO TO Q xvi]
	No	[GO TO Q xvii]

- x. Please elaborate on the gender restrictions.
- xi. Does your organization have mechanisms for in house reporting of allegations of discrimination/ sexual exploitation and abuse/sexual harassment among the personnel?

	Yes	[GO TO Q xviii]
	No	[GO TO Q xi]

- xii. How many cases has been a. reported b. investigated c. prosecuted from 2007 till date?
- xiii. Is there a gender disaggregation strategy for personnel in the implementation offices tasked with the responsibility of effective service delivery and/or accountability?.

	Yes	[GO TO Q xii]
	No	[End]

Part C- State Level Specific Evaluation Questions

- I. Please elaborate on the gender disaggregation strategy
- ii. Is there a specialized training model for these officers? How is there performance monitored / reviewed?

Respondents- *State Level Heads of Institutions/ Units/ State Judicial Service Commission, State Judiciary (High court, Magistrate court, sharia court, Customary court and Area courts) (Bauchi and Benue states)*

1. Structure of the state institution

- I. What is the current ratio of male to female officers within the state judiciary?
- ii. How is gender disaggregation of specific roles implemented within the state judicial service?
- iii. What gender sensitive practices have been implemented to ensure equal access to opportunities?
- iv. Are there measures geared towards a balanced gender ratio during decision making?

	Yes	[GO TO Q v]
	No	[GO TO Q 2]

2. Prevention and Response to gender related crimes

I. Are statistics compiled and published on gender-based violence complaints if any, against the institution's personnel whether made by members of the public or by other personnel?

	Yes	[GO TO Q ii]
	No	[GO TO Q iii]

II. Please elaborate on such statistics

iii. What is the institutions approach/ response to gender- based violence within its ranks?

iv. In what ways can your organization improve in this regard?

v. Does your organization undertake any activities to prevent SGBV e.g public campaigns? Please provide specific examples.

Specific questions for judiciary on gender related crimes

vi. Do crime statistics record the sex and age of the victim and aggressor when they come before the courts?

Yes No

vii. Do crime statistics in respect of cases charged to courts reveal which crimes are acts of gender-based violence?

Yes No

viii. How many gender-based violence cases are prosecuted on a monthly basis within your court(s)?

ix. How have gender-based violence crime statistics changed over time?

x. Are there court officials (female / male) to attend to victims of gender-based violence, suspects and witnesses?

Please provide specific numbers.

xi. Is there a problem with the provision of medical evidence to assist in

proving cases of SEA/SGBV that come before the courts?

- xii. Is there a sexual assault referral centre (SARC) in the state where victims of SEA/SGBV are referred to for medical and psychological support?
- xiii. What training have judiciary staff received on the adjudication and handling of SEA/ SGBV e.g human trafficking, family violence and sexual assault etc. (including the need for the protection of the identity and privacy of victims, for example ensuring closed hearings in such cases)?
- xiv. Do you believe the training provided is sufficient?
- xv. Please provide insight on Existence and nature of gender training, such as specific training sessions on gender-awareness, sexual harassment or sexual exploitation and abuse.
- xvi. Is the training compulsory for all personnel?
- xvii. Are other trainings sessions available (human rights, code of conduct etc) regularly?
- xviii. Are there facilities that provide support to victims of gender-based violence?
- xix. Is there a sex offenders register where names of convicted sex offenders are entered?

Specific questions for the Judiciary on gender related crimes/sexual harassment

1. Disciplinary processes

- I. What are the gender dynamics of disciplinary processes within your institution? Do disciplinary actions for men differ from that of women?
- ii. What strategies are used in enforcing the required disciplinary action on gender-based violence and sexual offenders?
- iii. How is gender discrimination handled and how sensitive is your organization to women's rights?
- iv. In what ways can your organization improve in this regard?

2. Gender sensitive practices within the state judiciary

- I. What protocols do judicial staff need to comply with when getting married or having children? Do these policies apply to both male and female officers?

- iii. Are there child-friendly crèche facilities in the state judiciary premises for use by judicial and other staff of the judiciary?
- iv. Are women actively involved in crisis management and decision making?
- v. In what ways can your organization improve in this regard?

3. Gender discrimination within the judiciary

- i. In your opinion, do you believe there is gender discrimination in the judiciary?
- ii. If yes, what factors do you think play an important role in gender discrimination in the judiciary?
 - Politics
 - Customary/traditional/religious beliefs and practices
 - Marital status
 - Place of origin versus spouse's place of origin
 - Others (specify)
- iii. Do these factors play any role in the recruitment and posing of women in the judiciary?
- iv. If yes, how?
- v. Do you believe that women themselves decline responsibilities and postings to certain judicial divisions or locations?
- vi. What reasons do they proffer as justification for this?

2. FOCUS GROUP DISCUSSION QUESTIONS

Part A: Background Inquiries

Respondents- *State Judicial Service Commissions, National Judicial Council (NJC), National Judicial Institute (NJI), Federal High Court, State High Courts, National Industrial Court, Sharia, Customary and Area Courts, Customary Courts of Appeal and Sharia Courts of Appeal.*

1. What is the statutory role/ function your organization performs?
2. What is your specific role/ function within the organization?
3. Can you provide some information on the current security situation/ predominant security challenges within your location?
4. How has your organization and specific office contributed to improving security and justice?
5. Have you heard about the UNSCR 1325 Nigerian National Action Plan (2017-2020)?

	Yes	[GO TO Q6]
	No	[GO TO Q8]

6. If you have, what specifically do you know about the National Action Plan or other gender related policies?
7. How has your organization and specific office contributed to its implementation?
8. What do you understand by gender sensitivity and responsiveness?
9. Would you describe your organization as gender sensitive and responsive?

	Yes	[GO TO Q10]
	No	[GO TO Q11]

26. Are expressions of gender inequality in the workplace discouraged or accepted (for example disrespectful computer screensavers, posters and jokes), and how? Give examples.

27. Are gender stereotyping and discrimination common within the institution?
Yes No

28. Is sexual harassment common within the institution? Yes No

29. What are the most common types of sexual harassment that occur within the institution, against women and men? Give examples.

Infrastructure and equipment

30. Are there separate and secure washing and changing areas for female and male staff in all of the institution's facilities? Yes No

31. Is there appropriate dressing for female personnel, including pregnant women? Yes No

32. If housing is provided by your institution, what measures are taken to ensure that it is suitable for families (e.g. proximity to schools, childcare, health facilities)?

33. Is all equipment needed by female personnel appropriate for female personnel (e.g. flak jackets, vehicle seat adjustability)? Yes No

Part B: Focus Group Discussion 2

Respondents- *Community members and Influencers, Traditional and Religious Leaders, Women Leaders and Civil Society Organizations (to include CSOs working on gender issues and SGBV), Federation of International Women Lawyers (FIDA), National Association of Women Judges, Legal Aid Council of Nigeria (LACON), National Human Rights Commission (NHRC) and Nigerian Bar Association (NBA).*

1. What judicial and security agencies do you engage with regularly?
2. Have you been a victim/ know a victim of gender related crime/ violence?

13. Please elaborate on this gender disparity.
14. In what ways can your organization improve its gender sensitivity with regards to participation, representation and responsiveness? What would be required for this to be done effectively e.g training needs?

Questions for Federal Level actors

15. Is there standard/compulsory training on Sexual Exploitation and Abuse, Gender Based Violence etc?
16. Does your organization have a gender focal person?

	Yes	[GO TO Q17]
	No	[GO TO Q18]

17. What are their roles and responsibilities?
18. Are there different approaches to handling gender-based crimes?
19. Does your organization engage regularly with women organizations and structures in the community? If yes, please provide specific examples.

Understanding of gender issues and relations between male and female personnel

20. Is there an understanding among male and female staff at all levels of why it is important to address gender issues? Yes No
21. If there is already a gender policy or gender action plan, is it widely known about? Yes No
22. What differences are there between how women and men view gender issues within the institution?
23. What information are new staff given about the institution's commitment to

gender equality and human rights, its gender-related policies and procedures, the national legal and policy context, sexual harassment, etc.?

24. Are there respectful working relations between men and women?

Yes No

25. Are there more men than women in your institution? Yes No

	Yes	[GO TO Q3]
	No	[GO TO Q6]

26. Can you provide information on specific incidents?

27. Who was the case reported to?

28. What services did the victim receive from the relevant security and justice institution?

29. Are you aware of any incidents of SEA/ SGBV that were perpetrated by personnel of security agencies or the judiciary?

	Yes	[GO TO Q7]
	No	[GO TO Q10]

30. If yes, are you aware of any structures that exist where these kinds of cases are reported?

31. Did you report the case to any of the above structures?

32. Did you find their services satisfactory? How could the service improve?

33. Do the security institutions and the judiciary provide services that cater specifically to the safety and security of women? If yes, what is the impact of these services in your opinion?

34. Which of the agencies do you believe is most gender sensitive?

35. Are you aware of any existing gender policies within the judiciary?
36. Do you believe these gender policies are implemented effectively?
37. Do perceptions of the institution and its role in the community differ between men and women?
38. What do you think the institutions should do to become more gender sensitive, particularly towards women?
39. In your opinion, do you believe there is gender discrimination in the judiciary?
40. If yes, what factors do you think play an important role in gender discrimination in the judiciary?
 - Politics
 - Customary/traditional/religious beliefs and practices
 - Marital status
 - Place of origin versus spouse's place of origin
 - Others (specify)
41. Do these factors play any role in the recruitment and posting of women in the judiciary?
42. If yes, how?
43. Do you believe that women themselves decline responsibilities and postings to certain judicial divisions or locations?
44. What reasons do they proffer as justification for this?



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