

REPORT ON THE AWARENESS AND LEGAL CLINIC PROGRAM
PUBLIC DEFENDER'S OFFICE KANO (GREATER ACCESS TO
DEFENSE AND JUSTICE PROJECT)

27TH FEBRUARY, 2018

HELD AT SABON-GARI, FAGGE LOCAL GOVERNMENT, KANO
STATE

Background

The Rule of Law and Empowerment Initiative known as Partners West Africa-Nigeria (PWAN) initiated the project Public Defender's Office Kano (PDO). The goal of the project is to provide legal aid services to indigent residents in Kano State with legal education, advice and representation.

The project had its awareness and legal clinic on the activities of the PDO which was held at Sabon-Gari, Fagge L.G.A Kano area as it was discovered that the area is one of the densely populated areas in Kano with indigents living in the area. The program was organized to offer free legal assistance and educate them on the activities of the PDO and sexual based violence offence.

The Awareness program took place on 27th February, 2018 and the program commenced at 11:00am with brief opening remark about Partners West Africa Nigeria (PWA-N) by Minoe Duamwan Program Officer PWAN. She stated that PWAN is a non-governmental organization located in Abuja and is dedicated to enhancing citizen participation in security governance and also try to improve security and enhance participation of citizens. PWAN is implementing this project with Partners Global and our local partner Democratic Action Group (DAG). The implementation process of PDO began in January 2017 and by June the office was fully functional with lawyers, paralegals, corps members and other Administrative staffs.

Her remark was followed by Mrs. Kyunni, PDO Administrator, who began by introducing PDO and its activities. She began by stating that the purpose of implementing PDO was as the result of the court observation project organized by PWAN sometime in 2016-2017 in Kano which the statistic result revealed lack of legal aid services to indigents in Kano Sate. PDO renders legal assistance to indigent residents in Kano, the office attends to any and everybody that goes into the office and it was decided on the project is to carry out awareness programs in various local

government areas in order to have benefit of the office. Since the establishment of the Office, it has received about 200 cases and has concluded more than 40 cases, (both wins and losses).

The Awareness

The session on ‘Knowing your rights’ was done by L.O.E. Umar, a senior lawyer at the PDO who began by saying that Fundamental Human Rights are those rights incorporated in the constitution which are enjoyable by every individual. These rights were adopted in 1948 after the third world war where people came together and agreed on the rights which was universally recognized everywhere in the world. People’s rights were codified under the Universal Declaration of Human Rights which Nigeria is a signatory and African Charter which Nigeria is also a signatory. She added that in court, there is reliance on the African Charter and the Constitution. It is advisable for every Nigeria to get a copy of the constitution and understand its contents.

The rights included in the Nigerian Constitution are binding to all Nigerians. The Government cannot abuse these rights and is encumbered with the responsibility of obeying and protecting those rights. In two chapters of the Constitution, fundamental rights are categorized into two; justiciable and non-justiciable rights. Non-justiciable rights are the rights that one cannot enforce. Examples of non-justiciable rights are

- Right to Education
- Right to Health etc.

The non-justiciable rights can be demanded from the government but cannot be enforced by the citizens. Justiciable rights are those rights that can be enforced and they are contained in chapter 4 of the 1999 constitution (as amended) namely:

- Right to Life: Every person has a right to life and no person shall be depriving of his life. The only exception is in execution of judgment of Federal Republic of Nigeria to death sentence. When a person commits a punishable offence and is found guilty by the court of law, only the government of Nigeria, under those circumstances can deprive the person of his/her rights.
- Right to Dignity: Every individual is entitled to respect and dignity. No person is to be tortured either by government or individual and when such cases are reported to the PDO, the Office will assist in enforcing this right. Individuals have to respect this right and treat each other with dignity and no person shall be held in slavery. No person shall be forced to perform forced labor except a person is serving it as part of his punishment as stated by the law. The constitution emphasizes that, there is no

discrimination as to age, gender and religion. Nobody should be discriminated against – domestic violence; husband to his wife or issue of rape of child by an adult; women and child abuse.

- **Right to Liberty:** Everyone has the right to walk freely, to go and come as possible, in exception to when person is being arrested as a suspect, his liberty ceases. However, the law made a provision under which a person's liberty can be taken from him when he is arrested and suspected for committing an offence. There is a period of time set for a person to be detained. If the person is arrested, he/she will be taken to court if there is a court within 40 kilometers. He should be detained for not more than 48 hours, if person is detained beyond that period without reasonable cause, his right to liberty has been abused and can be enforced and the PDO takes measures to assist that person. The right to liberty can be ceased where the government declares a state of emergency. She added that the primary place to enforce rights is a court of law. The law is conscious of the fact that not everyone can afford the services of a legal practitioner to assist in enforcing their rights. As a result, the Constitution made a provision for legal aid services. The Federal Government established the Legal Aid Council which has offices in every state. Where an indigent has a need for the services of a lawyer, he can go to legal aid council to assist him or the court can refer persons to legal aid for their assistance. However, these offices lack staffs in their numbers, which is where the PDO come in. The PDO offer free legal assistance to indigent residents in Kano and the law permits the office to do so. When people have conflict with the law, have legal issues, advice and legal assistance, the PDO come in and offer the same services as the Legal aid Council. Primarily, PDO offers free legal services to indigents resident in Kano only. The proper place to report issues of assault is the police, the National Human Right Commission (NHRC) who are also our partners.

At the end of the presentation, the following questions were asked;

- What is the time limit that one can stay in prison awaiting trial?
- The presenter stated during her presentation about a man forcefully having intercourse with a women. If a man has forcefully intercourse with his wife against her will, can that be regarded as rape?
- Is it possible for a wife rape her husband?
- Can a person use his position to lock someone up in prison without following the court processes?

Answers

- When a person is in prison for long period of time awaiting trial, the case should be reported to the PDO, Kano at no. 70 Lamido Crescent. The law has provided steps to be taken for a person who is accused and detained before he can be released.
- Where a husband forcefully has intercourse with his wife, it can be considered as rape.
- Yes, it is possible for a wife to rape her husband.
- As earlier stated, no one should use his/her authority to abuse a person's rights. Where such happens, it thus amounts to abuse of the person's rights. Prisons only admit people who come through the court and every individual in prison has what is called "remand warrant" that is properly signed by a judge. When such a matter exists, report to PDO.

After the presentation, a clinician from the Police Academy in Wudil (POLAC) introduced the work of the PDO on what has been observed on issues happening in various communities around Kano State. A representative from the National Human Rights Commission (NHRC), Mr. Shehu Abdullahi, began on protection and enforcement of human rights. Following Mr. Shehu's presentation, Dr. Tukur Muhammad Ali, a clinical psychologist and medical doctor, gave a brief talk on 'Sexual and Gender Based Violence (SGBV); basically on the cause of rape and other sexual abuse.

The awareness end and the legal clinic started where some participants were heard and referred to the PDO office for further assistance. The program ended at 1:50pm.