

**THE PARALEGAL SCHEME OF
THE CIVIL RESOURCE DEVELOPMENT AND DOCUMENTATION CENTRE
(CIRDDOC)**

INTRODUCTION: The Civil Resource Development and Documentation Centre (CIRDDOC) Nigeria is an independent, non-governmental and not-for-profit organization established in 1996 for the protection and promotion of human rights and women's human rights and the strengthening of civil society. CIRDDOC is registered under Part C of Company and Allied Matters Act, Laws of the Federation of Nigeria 1990. (RC 10,928).

Structure: CIRDDOC has operational offices in three states: Enugu, Anambra and Ebonyi but implements its programmes in Nigeria as a whole. In addition, CIRDDOC has established 15 Community Information Centres (CIC) and paralegal clinics in the three states to provide a forum for citizens to access information and justice. A Board of Trustees of 3 men and 3 women supported by an Academic Advisory Council of 2 men and 2 women and Executive Committee govern decision-making in CIRDDOC. An Executive Director heads the core of the day-to-day operations of the organisation. CIRDDOC operates through 5 departments: General Services and Administration, Accounts, Training and Programmes, Library/Resource Centre and Legal Services.

In furtherance of our objectives to empower civil society and promote access to justice, CIRDDOC NIGERIA has been involved in the training and deployment of paralegals since 1999 under our Henrich Boll Foundation and Ford Foundation funded projects. Since then we have trained over 150 paralegals who are either working in the CIRDDOC Community Information Centres (CICs) and Legal Aid Clinics, the various traditional rulers' palaces or in their communities.

Our activities under the projects include paralegal training and refresher programmes, deployment of paralegals for the provision of free legal services, referral services, regular monitoring and evaluation of the activities of paralegals, free consultations and training for NGOs who want to engage in the sector, annual evaluation workshops and regular reporting etc.

PROBLEM STATEMENT/NEED: Cost of legal services is exorbitant worldwide. Lawyers including NYSC lawyers are reluctant to work in the rural areas and where legal services are available, they are unaffordable. Where they are not available and that is almost always the case, the people, particularly the women have to walk long distances to have access to them. Furthermore, there is need to demystify and open up the legal system to make it more accessible to the people. One of the fall-outs of the nature of our legal system is congestion of the courts and undue delay of cases in courts. Promoting alternative dispute resolution strategies will be in the interest in the common man and woman who cannot afford the services of SANs.

PROJECT OBJECTIVES:

- To empower non-lawyers with basic legal skills to provide *first aid* legal services at community level.
- To practicalise ADR strategies & reduce the number of cases that go to court.

- To make up for the dearth of lawyers in rural areas & bring legal services to the doorsteps of the grassroots.
- To increase access to justice through emergence of a corps of legal providers that will provide primary legal care to communities.

CIRDDOC PARALEGAL SCHEME: Activities under the scheme include paralegal training, deployment of paralegals to provide free primary legal services at the community level, free consultations and training for NGOs that want to start a paralegal programme, monitoring and evaluation and reporting. Our paralegal training programmes are organised annually for two weeks and the training is residential. We also hold yearly refresher courses for the paralegals to keep them abreast of the developments in the field of law. Selected members of the communities who enjoy the confidence of their communities are trained in skills to provide primary legal care at the community level. In most cases, trainees are nominated by the communities.

CIRDDOC has targeted local government secretaries, traditional rulers (including their wives and secretaries), religious leaders, retired teachers, civil servants, nurses etc, school leavers, secretaries of community groups, NGOs, CBOs etc. Minimum educational qualification must be WASC/SSC and nominees must be persons of integrity who enjoy community confidence.

They are able to offer legal advice and provide simple legal services such as drafting of affidavits, tenancy agreements and leases. They provide bail services and act as a check to police excesses and illegality. In a case, for example, where a parent is arrested on the ground that he/she has failed to make available to the police, a child who has run contrary to the law and wanted by the police, a paralegal is able to inform the police that it is an abuse of right to arrest the parent. The paralegal is in a position to take the said parent on bail. Services at the paralegal clinics are available only to the indigent.

METHODOLOGY: The training methodology adopts a predominantly participatory approach. Workshops are structured to have plenary presentations based on the CIRDDOC Paralegal manual and followed by interactive sessions at which participants ask questions, make comments, share experiences on issues discussed and make contributions. There are also small group discussions, creative methodologies e.g. role plays & games and most of all a gender balanced facilitation team is ensured. An exam is conducted at the end of the sessions followed by results and prizes including reference materials, CIRDDOC publications, etc. Workshops are concluded with formative & summative evaluation.

The legal aid clinics are open to the public five days a week from 9.00am to 4.00pm. Simple cases are dealt with by the paralegals while cases that need to be taken to court are referred to the CIRDDOC's office for filing and prosecution or defence by CIRDDOC's lawyers.

CONTENTS OF TRAINING: The content of the training includes an overview of the paralegal scheme, Nigeria Legal System, Basic elements/principles of the Law of Contract, Tort, Land, Family, Children & young persons, (Child's Rights Act). Others are legal drafting, human rights, Gender, Democracy, leadership, communication & Mobilisation, ADR, interview, etc. Every community is different, so the curriculum is

designed in line with the peculiarities of the community. In the case of Bornu state, because of the peculiar nature of its religious and legal environment, its curriculum will be modified to include administration of Justice under Sharia in the context of HRts, Basic Human rights under Sharia, Islamic Criminal Justice System – Hudud, Qisas related offences etc., Gender Perspective of Sharia, and Marriage, Divorce and succession within Islamic Framework.

Paralegal activities in the Islamic context would constitute awareness creation, empowerment, sensitisation and education tools for the men and women of the community. The emergence of a corps of primary care legal providers to give direction and advice on cases before the Sharia courts which system still remains misunderstood by many will add value to the lives of affected persons.

PLACE OF GENDER: The entire project mainstreams gender perspectives in the process from selection of trainees, content of training, beneficiaries, etc. and promotes gender equality at all stages. It clarifies the difference between gender & sex and explains how gender, as a social construct results in differential access to opportunities & resources for women & men, girls & boys.

OUTCOMES: The emergence of a corps of legal providers able to apply the knowledge & skills acquired in diverse ways: Protect their own rights, the rights of the members of their individual families & neighbours; run legal aid clinics, provide legal & counseling services, avert conflicts through understanding of early warning signs; draft simple agreements, leases, affidavits; provide bail services; and work as assistants in law firms.

Over 250 cases have been settled out of court or referred to partner lawyers for prosecution or defence and there has been a marked decreased use of court services in some of the communities. In other communities, the Paralegal is a source of information on the law, human rights civic responsibilities etc.

MONITORING OF PARALEGAL ACTIVITIES: This is carried out quarterly - a programme officer pays unscheduled assessment visits to the Community Information Centres and Paralegal Clinics to monitor the activities of the paralegals. The paralegals, in turn, submit monthly reports to the office where legal officers scrutinize the reports and approve them before the paralegal officers are paid their monthly stipends. The reports submitted monthly help us to know whether a paralegal officer is working diligently or not.

CAPACITY BUILDING & NETWORKING: CIRDDOC networks with other organizations doing paralegal work. We accommodate free consultations and training for colleagues who wish to start the scheme such as Centre for Women’s Studies International and WRAPA in Abuja. We have also served as resource persons in the training of their paralegals and have shared our training Manual with them also.

CHALLENGES: The two weeks’ duration of the annual paralegal training is insufficient to properly groom them for the work. The training should be made more intensive. This could be done by introducing a 6 months diploma programme to enable paralegals be grounded in important areas of law; this will also go a long way in improving their mediation and conflict resolution skills.

Because of insufficient funding, we are not able to pay salaries to Paralegals. Few of them receive stipends only while others work as volunteers. To qualify for the stipends, a paralegal has to meet certain requirements which include submission of monthly reports. Some of the reports have been found to lack credibility.

Lack of funding also prevents regular refresher courses. Absence of financial reward for the paralegals leads to lack of commitment on their part. There is also the question of age which affects their output adversely. Some of them are retired and elderly and are too weak to carry out duties diligently.

Illiteracy is also a challenge because the work of paralegal requires a certain level of literacy but the literate persons are not willing to take up the job because it is not lucrative.

LESSONS LEARNT: Every community is different & requires a different strategy tailored to its needs. We learnt this bitter lesson when we organized a legal literacy and awareness outreach in a community in Anambra state. The traditional ruler received our team well and pledged his support to the project. After the introduction of the paralegal clinic which was sited in a neighbouring community, the chief rounded off the event by reminding his subjects of the standing order prohibiting women from taking their grievances outside the community without first exploring settlement in the Chief's Palace. He warned them not to use the centre or face the consequences. Our reaction was to target traditional and their secretaries for the training. Traditional rulers are known to run mini-courts in their palaces and their decisions are final in most cases. Targeting them for paralegal training will help them to appreciate the implications of the legal actions they take.

Our initial strategy of training local government staff failed as they were more interested in politics & less committed to welfare of citizens. There is a lot of bickering from the paralegals who work as volunteers and it is evident from the result of their work. We've lost the culture of volunteerism even at community level as a result of high level of poverty. That concept needs to be re-introduced and institutionalized.

Publicity is necessary & important in order to justify the huge funds invested in the programme. For the clinics to be fully utilized there must be sensitization of the communities on the benefits.

BRIEF SUMMARY ON THE ACTIVITIES OF OUR PARALEGALS: The project's pilot areas are ten Local Government Areas drawn from Enugu, Ebonyi and Anambra States. We have a legal aid clinic (housed in the CIRDDOC Community Information Centres (CIC) in each of the pilot LGAs that is run by a paralegal who is trained by CIRDDOC. The paralegal gives "first aid" legal assistance to indigent members of the community and CIRDDOC plays a supervisory role. Each paralegal is expected to submit at least 10 reports each month to the CIRDDOC headquarters, Enugu. It is the duty of the legal officer in CIRDDOC to scrutinize the reports submitted and thereafter recommend the paralegal for payment of his/her monthly stipend.

The paralegal worker has regular hours during which he attends the clinic to see clients. CIRDDOC paralegals are responsible and respectable members of the community. They are either a retired teacher, civil servant, or a serving LGA staff with minimum qualification of WASC and must be ordinarily resident in the community. They run the legal aid clinics full time; those who are not close to a clinic offer their services in the communities they live and in their groups' monthly meetings. CIRDDOC continually monitors and supervises the project. Cases that require litigation are referred to CIRDDOC head office for follow up, free of charge by lawyers in the legal department.

At the legal aid clinics, the office is open to the public daily, particularly the indigent. People visit the legal aid clinics with their problems with high expectation to be assisted. The role of the paralegal worker is to give them legal advice and assist them to decide what action to take next. A file is opened for each client that visits the clinic and a record of the advice given must be made in the file. The files and records of all cases are kept at the legal aid clinic. Where paralegals are unable to resolve a case/dispute, it is referred to CIRDDOC head office where the lawyers in the legal department take over the management of the cases and go to court where need be.

Apart from resolving cases at the legal aid clinic, our paralegals also visit parties at home when they do not respond to invitations to the clinic. All these are measures taken by the paralegals to ensure that cases reported to them are settled amicably. Cases they handle range from matrimonial, land dispute, family dispute, breach of contract, Marriage, Divorce and Succession, Landlord and Tenant, Domestic violence, Widowhood and Inheritance issues, Bail processes, Legal drafting of simple documents, Child abuse, Criminal cases – assault, malicious damage, rape and sexual assault etc.

Paralegal services are very accessible. The presence of paralegals is felt on a daily basis in the 15 Community Information Centres spread across three states – Anambra, Enugu and Ebonyi states. Many work in their communities and some run Paralegal clinics in their communities and within their CBOs. One of them, a nurse, runs her clinic during her weekly anti-natal clinic days.

Paralegals have been one of the channels through which the CIRDDOC legal aid programme receives cases for litigation. At least fifty divorce cases have been successfully undertaken and the women awarded their entitlements in the marriages. Over 25 widows have been restored to their matrimonial homes and the estate of their husbands which was forcibly taken from them, are restored to them. Bail has been secured for several people who have been unlawfully detained by police.

The presence of the paralegals in the communities is a source of confidence to the members and has actually put the police on notice that it is no longer business as usual. Number of arrests in some communities such as Akpofu in Nkanu LGA of Enugu state dropped considerably. Many cases were resolved through mediation and negotiation and in some cases mere legal advice had solved the problem and stopped further abuse of rights. Marital problems have been resolved and agreements signed even where separation resulted.

Awareness creation on the services provided has been achieved through the CIRDDOC Civic Educators who facilitate monthly sessions at their village meetings. They inform

community members of services available at the centres which include the Paralegal services. CIRDDOC holds rallies in communities where the centres exist and people get to know of the existence of the Paralegals. Fliers are also distributed and announcements made at churches and village meetings.

The mere fact of training a paralegal is in itself a huge achievement in the sense that one human person has been equipped with skills, even if it's utilized within the person's small family unit or community. If the paralegal is an influential person e.g. a traditional ruler or a priest or priest's wife who run counseling programmes for their faithful, the skills are put to work in these situations even without anyone thinking of paying salaries.

TESTIMONIES:

Refresher courses are organised for the CIRDDOC Paralegals occasionally. This should actually be an annual event but funding has not been available to do this. At the last Paralegal refresher course in September 2008, participants gave testimonies of their experiences doing paralegal work. Some of them are captured below:

"I was trained in 2005 because I was doing well as a Civic Educator. I have been recommended by our Traditional Ruler and many cases are referred to me. Even in my church my pastor recognizes me. I was once called to give a lecture on gender in the church. After my lecture, the church committee that was made up of all men was disbanded and the committee became gender balanced with 3 men and 3 women. We organize awareness programmes on gender sensitivity for LG chairmen. Two women were made supervisory councillors in my Local Government. The Local Government Chairman called me and said that he likes the Town Hall meetings and would like to start it in his Local Government. We have handled many cases of troublesome tenants. So now when troublesome tenants see us they are scared."

"Before I became a paralegal, I was a civic educator. I was promoted to be a paralegal because of my hard work in the CIC. I have been equipped and I know my rights and the law. Here are the pictures (showed pictures) of the August meeting in which I was called to be a resource person to teach women their rights"

"Since I became a paralegal, I have gained boldness. I single-handedly pushed a Bill on the anti stigma law against people living with HIV/AIDS to the State Assembly and it has become law. I could not have done that without the capacity building I received as a paralegal"

"I was trained as a paralegal in 2000. The training is a great empowerment and In line with the injunction of Jesus to help the helpless, my work is impacting on the less privileged and I am recognized in my state. I was recently called to bail a young boy who was unlawfully arrested. We will continue to touch lives with our work. God is being glorified"

“CIRDDOC has done a lot to train and motivate me. I am now a public figure and I am presently studying criminology at the Nigerian Open University. Sometimes when we have cases, the other parties come with lawyers and most times we feel intimidated. I recommend that CIRDDOC should train more paralegals and also encourage us to be lawyers”

SUCCESS STORIES

Case: Denial of Inheritance Rights.

Summary of the Case

Mrs Catherine is a widow who was married according to the traditional rights and wedded in the Catholic Church. But before this marriage, her husband, Mr Silvanus Okoli had married and divorced his first wife after having three sons by her. Soon after the death of Mr Silvanus Okoli, his first son, Gabriel Okoli ejected Catherine and her children out of her matrimonial home claiming the right of ownership of the father's compound.

The matter went to court and CIRDDOC represented the widow. Judgement was entered in favour of Mrs Catherine Okoli reinstating her in her home and awarding N100,000 (One Hundred Thousand Naira) damages to her.

Case – Family Conflict

Summary of the case

Mrs Vero Ogbu was sent out from her matrimonial home by her husband. Both of them lived in Lagos. She stayed in their village for not less than two and half years. She reported the case to our Community Information Centre, Nara and the Paralegal of the centre; Mr Nathaniel Eze referred it to our head office at Enugu. After series of mediation the husband was persuaded to be giving her monthly allowance for her upkeep and that of the children.

The husband after 2 years now came and reconciled with the wife. Both of them came to our office, thanking us and they took group photograph with CIRDDOC staff. He also assured us that he would be ready to testify or counsel any family out of his own experience.

RECOMMENDATIONS FOR SUSTAINABILITY: In selecting participants for the training, it is necessary to target people who hold positions of authority and who can apply their skills in the course of their normal duties. Secretaries, presidents or other officers of CBOs who are permanent members of the CBOs and whose services can be accessed by other members and their families and friends should be targeted also.

In the case of the CIRDDOC/HBF project, where Community Information Centres have been set up, and the paralegals run their clinics within these centres, arrangements are

underway to reach agreements with Town Unions and other organizations in the communities to play more involving roles in the centres and begin to plan towards taking over the management and sustenance of the centres. This is going to be a gradual process. In the meantime, funders should continue to support the programme.

Paralegal scheme can also be sustained by discussing with universities and Tertiary institutions to integrate paralegal studies in their curricula as certificate courses. The position in the UK and the USA could be explored and best practices adopted. In the US, it is a course in the higher institutions and the Paralegals work in law firms as legal assistants as well as with NGOs to provide free legal services after graduation.

Networking by NGOs doing work in the area is important to avoid duplication of efforts. A lot of work needs to be done in that area and more NGOs should be encouraged to get involved in the area. In the rural areas, rarely do lawyers set up practices and the presence of paralegals is a big relief to such communities. Apart from networking with the police, it will be useful to discuss with the Legal Aid Council for possible cooperation with those running paralegal schemes. The Council is understaffed, yet there is so much work to be done in providing legal services and representation for the indigent particularly those awaiting trial in prisons. If an arrangement can be worked out whereby paralegals offer their services on contract to the Council, it will go a long way in alleviating the suffering of the rural dweller.

Discussions may be opened with the Nigeria Bar Association to introduce the idea of engaging paralegals as legal secretaries in their firms. There is need to create wide awareness of the benefits of paralegals to communities. Paralegal scheme should be professionalized and institutionalized.