



# Training Manual for Paralegals

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the Embassy of Switzerland in Nigeria



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### Abbreviations

VAW – Violence Against Women

GBV – Gender-Based Violence

ADR – Alternative Dispute Resolution

## **PREFACE**

The International Federation of Women Lawyers (FIDA) Nigeria is a non-profit, non-political, voluntary association of women called to the practice of law in Nigeria. Established in 1964, FIDA Nigeria's primary role is to protect, promote and preserve the rights of women and children in Nigeria and to establish friendly international relations on a basis of equality and mutual respect for all peoples; promote the study of comparative law; promote the principles and aims of the United Nations in its legal and social aspects.

FIDA Nigeria actualizes its objectives through free legal representation for indigent women, advocacy, policy campaigns, mediation and counselling services, publishing, and information resources. FIDA Nigeria has been at the forefront of providing primary justice in urban and rural areas of Nigeria. It has pioneered a method of delivering justice to communities through our various advocacy and sensitization visits. FIDA Nigeria is implementing a 2-year project titled "Mitigation of Gender-Based Violence through the training of Community Paralegals in the Federal Capital Territory" sponsored by the Embassy of Switzerland in Abuja Nigeria.

FIDA Nigeria has contracted FIRST-RATE Consultants to develop a training manual for the implementation of this project. This manual sets out to identify who a Paralegal is, qualities and ethics of the concept, including duties of a Paralegal; identifying challenges in dealing with issues of Violence against women; identifying crimes against women; gender issues, and the role of the law in protecting Women and Children and basic concepts of the Nigerian legal system.

The Consultancy team gratefully acknowledges the leadership of the International Federation of Women Lawyers (FIDA) Nigeria in this project. We thank the committed staff of the FIDA NIGERIA National Secretariat for their support and we are also grateful to the Swiss embassy that funded this project.

### **Lead Consultant**

## **Introduction**

### **Why a training manual for Paralegals working with FIDA NIGERIA?**

FIDA Nigeria has branches in 32 States of the Federation and the Federal Capital Territory Abuja including some Local Government Areas; these offices run free legal clinics and are daily inundated with reports of violence against women and children. One in three Nigerian women experience at least one form of violence during their lifetime and these acts of violence and discrimination continue because there is inadequate legislation criminalizing gender-based violence.

FIDA Nigeria is, therefore, proposing to utilize their experience working on the Violence Against Persons Prohibition Act and other related laws to support the training and engagement of 30 community paralegals across 3 Area Councils of the FCT.

This training manual will develop the capacities of paralegals to better contribute to protecting the rights of women and children with a better understanding of the laws that protect women and children. This will help enhance their effectiveness in the prevention and response to Gender-based issues.

The main objectives of this training manual are to:

- Develop an understanding of what exactly constitutes violence against women;
- Explain the construct of gender to participants;
- Make the Paralegals aware of their role in countering this violence;
- Familiarize them with the structures of court and police.
- Help the paralegals understand the laws concerning women through information sharing and discussion.
- Develop better skills of counselling in cases of violence against women and children.

**The manual will spur the facilitator to use case studies, simulations, and role-playing for the training.**

**Ground rules:**

Set ground rules (5 – 10 mins) -. These are a set of basic rules for the group at the beginning of the workshop. They include:

- Switch off cell phones or turn them on silent/vibrate
- Do not receive calls during the training
- Respect time—start on time, end on time
- Be respectful of other participants and the facilitators
- When contributing, talk loud enough for all to hear
- Talk one at a time
- No side talks, etc.

**Closing and Evaluation** - Closing the training workshop involves reviewing the workshop content and outcomes. The facilitator shall evaluate the workshop using the attached evaluation forms.

## **SECTION 1: THE NOTION OF PARALEGAL**

### **1.1 Definition and Concept**

Para legalism is the art of training and equipping non-lawyers with the basic knowledge of the law and legal procedures to enable them to enlighten their community members.

Paralegals bridge the gap between the Community, Lawyers, Judicial system, and the Police. They help to pass on the legal information to the Police; follow up and investigate the cases, among other duties. Paralegals perform tasks requiring knowledge of the law and legal procedures.

For effectiveness and a better working relationship, a paralegal should live in the area in which he or she will work, this will encourage acceptability by the people within the community and assist the paralegal to have a good understanding of the problems of the local people and their environment.

### **1.2 Who can be a Paralegal?**

**The following persons may be trained as paralegals:**

- Community leaders/Members of community-based organizations
- Retired teachers or civil servants
- Retired Police officers
- Urban/rural youth leaders
- Religious leaders
- Student volunteers/Law students/Law graduates.

### **1.3 Functions of a Paralegal**

A Paralegal has an important role to play in encouraging respect for human rights and the rule of law. He or she promotes peace and positive change in the community.

A Paralegal bridge the gap in the legal system by acting as a legal first aid service provider or first responder.

The following are specific functions of a Paralegal:

#### **i. Examination of Facts**

Paralegals must examine the facts of a problem or complaint to enable them to decide

whether they can handle the case, or they need to refer. A paralegal must ensure that only useful information is sought for and information received must be put to expert use.

In discharging this function, a paralegal must interview the people involved in a problem and take notes he can use or can serve as a fact sheet for a lawyer and other relevant institutions with a referral.

**ii. Record-Keeping**

The Paralegal opens a file for each complaint once they find the client to be eligible for free services and records as much information about the client as possible in the case file. Paralegals must ensure that every communication with the client including service provided, dates, and times of meetings are recorded in the client's file. They must also document information on actions taken and the next appointments in the file.

**iii. Conducting Legal Clinics**

Based on the problem encountered, paralegals provide legal first aid to people by providing immediate and preliminary solutions in emergencies like assault or any other form of violence or accident. The legal clinics are operated using counselling or mediation methods.

**iv. Community Capacity-Building**

The paralegal also helps in educating community people about their rights and basic laws that affect them. They create awareness of services that paralegals provide and how to get in touch with the relevant institutions when they have a problem. Capacity-building and information sharing can be done through social group meetings, town hall meetings, awareness creation campaigns, and the use of Information Education Communication (IEC) materials.

**v. Networking and Advocacy**

Paralegals need to establish contact with other relevant stakeholders e.g. co-paralegals, government institutions, and Non-Governmental Organizations (NGOs), etc. They require this to help them raise awareness about the opportunities available to community people through their services and to garner support for problem-solving. A paralegal also advocates for positive change within the community by mobilizing people towards changing their attitudes and behaviour on societal ills that inhibit progress and development in the community and the country.

## 1.4 Qualities of a good paralegal

A good paralegal should have/be:

- i. **Patience:** The ability to listen carefully to complaints or problems for a long time without become annoyed or tired.
- ii. **Discipline:** This is the quality of being able to behave and work in an orderly way that would make a complainant or victim respect the paralegal.
- iii. **Humble:** A paralegal should submit herself/himself to the listening of the complainant or victim in such a way that the victim or complainant will feel comfortable to discuss what she/he is suffering or has suffered.
- iv. **Trustworthy:** This is the ability to be honest and to keep secrets of complainants or victims even when pressured to reveal them.
- v. **Courageous:** A paralegal should not be afraid to take the reports of complainants or victims to the police or any other relevant authority.
- vi. **Knowledge of local customs:** A paralegal should have a good understanding of the culture and traditions of the community to know whether the community has structures for settlement of disputes.
- vii. **Effective communication:** The ability to communicate effectively in the common language(s) of the community or territory where her/his service is rendered so that all the important information is understood for necessary steps to be taken.



**A Paralegal must:**

**Never** claim to be a lawyer or take the position of a judge. You could be charged with impersonation.

**Never** charge fees for services. Do not accept any kind of payment from your client including presents. If you do, you may make the paralegal scheme fail.

**Never** meddle in complex legal problems or issues. Kindly refer.

**Activity 1**

*Use 10 minutes to engage participants in their understanding of the concept of a paralegal. Write their answers on a flipchart*

*The following can guide the effective running of this session:*

- 1. Ask participants to state who a paralegal is.*
- 2. Discuss the differences between a paralegal and a lawyer.*
- 3. Mention things/ actions a Paralegal should not engage in.*

## **SECTION 2: CONFLICT RESOLUTION AND COUNSELLING SKILLS**

### **2.1 Conflict Resolution**

Conflict resolution is usually a solution to a disagreement. There are various conflict resolution methods. The method used depends on the conflict and the parties involved in the dispute.

### **2.2 Methods of Resolving Conflicts/Disputes**

#### **1. Litigation**

The more common method for resolving a dispute is litigation i.e. taking legal action by going to a court of law. In litigation, parties in a conflict take their cases before a judge and retain the services of lawyers to argue their cases before the judge who then decides on the outcome of the case. It is usually expensive, time-consuming, and energy-sapping; the procedure can be clumsy, complex, unpredictable, and rigid for the non-lawyer.

#### **2. Alternative Dispute Resolution (ADR)**

ADR covers a wide range of alternatives to litigation that involve a third-party intervention to facilitate communication between or among Parties and assist with resolving disputes. It provides other means of conflict resolution that eliminate the difficulties encountered during litigation and creates a win-win result for parties to the conflict.

ADR is flexible and adaptable. There are different types of ADR methods which include Negotiation, Mediation, Conciliation, and Arbitration.

#### **3. Counselling**

Counselling is the act of helping someone identify, accept, and resolve problems. It is a process based on a relationship that is built on empathy, acceptance, and trust. Within this relationship, the counsellor focuses on the client's feelings, thoughts, and actions, and then empowers the client to:

- Cope with their lives and explore options for solving their problems;
- Make their own decisions and take responsibility for those decisions.

Every counselling session should end in a set of actions to be taken. For example, reporting the matter to the community head/local judiciary system (e.g., council of chiefs, ruling council, women leaders, etc), taking the client to the Police, linking the client with FIDA.

## **2.3 Counselling Ethics**

- i. The counsellor needs to identify with the feelings of the client. This requires the counsellor to be unbiased and free from prejudice.
- ii. The client should be able to express him/herself freely, especially negative feelings. This will serve as a therapy that helps to relieve tension and clarify an understanding of the problem.
- iii. The counsellor needs to give the client a sense of acceptance, maintaining a sense of their innate dignity and personal worth and be non-judgmental, allowing him/her to make his or her own choices and decisions.

### **3.3.2 Stages of a Counselling Session**

#### **1. Creating the Relationship**

Introduce yourself and explain your role and the time you have together and assure confidentiality.

#### **2. Trust Building**

Remember that counselling is a relationship and building trust is part of developing a relationship. Building trust continues throughout the counselling relationship for as many sessions as a counsellor and client work together.

#### **3. Understanding the Problem**

This is where you will spend most of your time. Let the client talk about the problem he/she is experiencing. Often clients are so stuck in their own emotions, experiences, and they cannot find solutions for their problems or even think straight to sort it out. During this stage, you can help the client organize his/her thoughts and feelings and explore some choices.

#### **4. Decision-Making**

Towards the end of the counselling session, you move to resolve the problem. It is often important that the counselling process generates some kind of focus or plan for problem-solving or future action. Sometimes this plan or focus is a change in perspective or choosing to accept the situation. The decision-making must come from the client. The counsellor can help the client explore the options, but it is ultimately the client's decision to make. The client might not be ready to decide by the end of the counselling session. If that is the case,

let the client leave with the resolution to decide before he/she returns. Do not force the client to decide before the end of the session.

## 5. Conclusion

Summarize what was discussed during the session; include the focus and any decisions or plans that were made. This is important to make sure the client stays focused on what he/she has control over and ignores what he/she cannot change. Highlight any referrals that were provided to the client.

Discuss any future counselling sessions, and make necessary appointments.

## 6. Record-Keeping Skills

Accurate information is very vital to the work of paralegals. An organization such as FIDA NIGERIA needs written records of matters. Records give information for effective decision-making, assessing progress towards goal achievement and quality control. Since record-keeping is very crucial to the paralegal's works, records kept should have the following characteristics:

Be comprehensive and understandable

Be accessible

Be simple and in suitable language.

***It is important to state the Date, Time, Name of Complainant, Age, Address and Phone Number, Complaint, Against Whom, Address and The phone of Defendant, Comments.***

Filing of Records maybe alphabetically, numerically, or topically. If you are filing hard copies of written information, it is important to provide storage facilities like cabinets or file holders for safekeeping. Records may also be kept as software on a computer or a compact disc as a backup in case something happens to the computer. In keeping records, it is safe to have both soft and hard copies.

### **Activity 2: Small group work and Presentation**

**Procedure / Steps / Process:** 1. Ask participants to work in pairs: one plays the professional, the other takes the role of the victim; the victim seeks help for the first time, the professional tries to listen and understand her story. The trainer should list the questions below on the flip chart for consideration after the

**Questions for the paralegal:** How did you feel? Was it hard or easy to listen? What did you observe about the woman?

2. Identify the conditions required to talk about painful experiences. Enact a telephone call or a visit from a victim. One who plays the role of the victim, calls or visits the professional and is initially very reluctant to tell her story. The professional tries to make her feel confident until she trusts him enough to share.

The following questions are to be answered by the "victim":

How did I feel? What helped to relate my experiences? Which questions were helpful and which less helpful?

## **SECTION 3: NETWORKING AND ADVOCACY SKILLS**

### **3.1 What is Networking?**

It is the action or process of interacting with others to exchange information and develop professional or social contacts. Networking is a skill and while it may not mean the same thing in every sector, networking can be a very useful strategy in legal and development work. You must set networking goals to succeed.

**To set your networking goals, you need to:**

- I. Identify the issue that you intend to tackle
- II. Identify groups or networks working on the same issue (NGOs such as FIDA, The Police, Community Leaders)
- III. Identify the person (s) or the groups you need to contact.
- IV. Identify exactly what you want from them, or what you want to give them
- V. List suitable questions or networking strategies to achieve your desired goal

### **3.2 Strategies of Networking**

Networking strategies are the tools used to achieve laid down networking goals. There are various strategies of networking but to determine which strategy to apply, you have to first identify the Organisation's purpose. For FIDA Nigeria, they include:

- (a) Improving women's access to legal services
- (b) Reduction of incidences of gender-based violence
- (c) Promoting good governance and the rule of law, etc.
- (d) Protecting and promoting the rights of children

Networking goals are what you need to achieve. Those goals will ultimately bring the fulfilment of the vision. The attainment of each goal will also motivate and inspire the vision.

Goal setting helps the paralegal organize his/her time and resources effectively. They provide a means of tracking and evaluating progress. It answers whether we have achieved the desired outcomes.

### 3.3 What is Advocacy?

Advocacy is speaking out and seeking support for whatever cause you to believe in. It is not a Competitive advantage, Confrontation, Adversarial Protests, Strikes, or Petitions. In FIDA's context, it is about advocating for rights; especially as it relates to women and children. When you advocate, you speak out in a representative capacity: representing not just your interest but the best interest of others. It is important to note that advocacy can also be done through writing and actions.

#### 3.3.1 Types of Advocacy.

There are distinct types of advocacy, but we will discuss three types of advocacy.

**(i) Formal Advocacy** – Also known as Structured advocacy occurs when staff or representatives of an organization advocate for someone or a group of people, especially the vulnerable who have their rights trampled upon.

**(ii) Informal Advocacy** - Informal advocacy occurs when someone stands up for a family member, friend, or neighbour. For instance, many people with a range of relationships have spoken out and persistently advocated for those who are vulnerable. By their relationship with members of that community, they have some experience on the issue and can explain it to other people.

**(iii) Systemic Advocacy**–This is provided by associations with specific interests that represent the rights and interests of a group of people with similar concerns and issues. This form of advocacy is primarily concerned with influencing and changing the system (legislation, policy, and practices) in ways that will benefit people within society. Systemic advocates encourage changes to the law, government and service policies, and community attitudes. Systemic advocacy influences social and political systems to bring about changes for the benefit of people.

### 3.4 Communication

Because of the importance of advocacy and its key role in the work of a Paralegal, a paralegal needs to be an effective communicator.

Communication is imparting or exchanging information through speaking, writing, or other modes. Effective communication is achieved when it is in a common language. It has been established that only 7% of what is communicated through the spoken word; 38% through tone of voice and 55% through non-verbal means, such as body language and facial

expressions. A Paralegal should possess good and diverse communication skills (verbal, non-verbal, and written) for effectiveness. Below are a few tips that may be helpful:

- ❖ Use simple words.
- ❖ Watch your manner of speech - Don't talk too fast or too slow. Be clear.
- ❖ Know the receiver's background – by understanding where your audience is coming from, so you can communicate at their pace of understanding.
- ❖ Comport yourself and be courteous.
- ❖ Use relatable examples to bring your points to life with creativity.
- ❖ Be concise and still communicate complete and correct information.
- ❖ Be consistent.

### Activity 3

*Ask participants to form two groups and assign to each group the following:*

1. *Identify some traditional practices in the community and how they breach the law.*
2. *Propose how to advocate for a change of the harmful and obnoxious traditional practices in the Community, what steps can be taken to cause a change.*
3. *Who should the advocating go to?*

*Use 15 minutes for this exercise.*

### **Note to Facilitator:**

***FIDA Nigeria Branch and paralegals should discuss how the partnership would work, types of cases to refer, how to communicate, how to transmit client files/reports, how often to report to FIDA.***

## SECTION 4: COMMUNITY ENGAGEMENT

### 4.1 Community Engagement

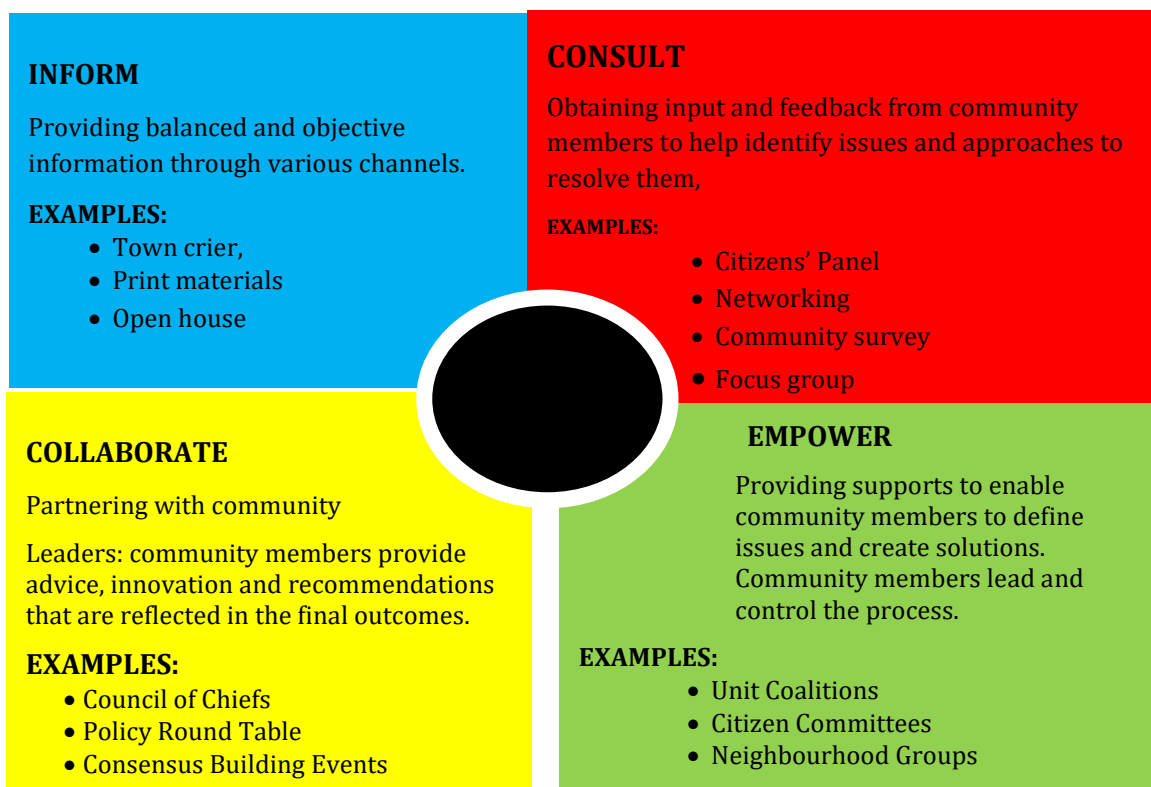
This is the process through which the **community** is informed about and/or invited to contribute to proposals or policy changes relating to strategic **plans**, issues, and development through consultation or involvement.

As you consider starting to work in a community, establish working relationships with NGOs and community-based groups who offer services that you may refer clients to.

To build legitimacy and trust in the community while you are planning your paralegal work, notify influential community members about the program and ask them to disseminate information about the services it will offer, introduce your services to the community by holding a public information session. Once you provide services, the program's presence should spread through the community by word of mouth.

In discussing figure 1 below, we will address the various steps to be taken to engage the community in assisting the paralegal in his or her work.

**Figure 1: Community engagement methods Based on varying levels of participation.**



**ACTIVITY 3:** Participants should be divided into two groups; each group should develop a community engagement plan.



## SECTION 5: LAW AND ITS SYSTEM

### 5.1 What is Law?

Essentially, we all live in a society where our individual or communal actions affect the lives of others in the community or society. Undoubtedly, this calls for regulation of our conduct. This regulation is done with the law.

Law is defined in distinct ways. It is a set of rules which regulate the conduct of people, to create an orderly society. It expresses the will of the people and their aspirations in life. In this respect, it must serve the people, and, ideally, cannot be forcibly imposed on them. We can classify law as Domestic Law, International Law, Public Law, Private Law, Criminal Law, Civil Law.

### 5.2. Sources of Law

- Constitution
- International Treaties
- Acts/ laws of Parliament
- Subsidiary legislation of Government Agencies
- African Customary Law
- Case Law (Judicial Precedent)

### 5.3 Importance of Law

- It ensures peace and order
- It guarantees the rights of individuals, group and community
- It ensures equality and freedom of citizens of a nation
- It ensures that offenders or violators do not go unpunished
- It helps in defining the structure of Government
- It aids in the preservation of lives and properties

### 5.4 COURTS IN NIGERIA

**i. Supreme Court:** This is the highest court in Nigeria. It hears appeals directly from the court of Appeal. It, however, has original jurisdiction to the exclusion of any other court in any dispute between the Federation and a State or between States if and in so far as that dispute involves any question on which the existence or extent of a legal right depends.

**ii. Court of Appeal:** There is only one Court of Appeal in Nigeria with divisions in the various geo-political zones in the country.

**iii. High Courts:** High Courts comprise Federal High Courts and High Courts of States. Both the Federal High Court and the High Court of States have concurrent jurisdictions in criminal and civil matters. Both courts have criminal jurisdiction over offences.

**iv. Magistrate/Area court:** The Magistrate Court (as known in southern Nigeria) or Area Court (as known in northern Nigeria) is a court of summary jurisdiction. This means that it can give summary judgment against a claimant or defendant on the whole of a claim or a particular issue if it considers that the claim or defence has no real prospect of success and there is no other reason the case or issue should be disposed of at a trial. The court hears both criminal and civil cases. The criminal jurisdiction of the court covers virtually every offence in the criminal code (used in Southern Nigeria) or penal code (used in Northern Nigeria) except offences carrying life sentences or capital punishment upon conviction.

#### **V. Customary Sharia Court**

Questions relating to the customary laws of the community or people are usually decided by the customary court (as known in Southern Nigeria) or Sharia court (as known in Northern Nigeria). Legal practitioners rarely appear for litigants in the customary court. The customary court judge or Sharia Court Khadi is usually someone who has a vast and deep knowledge of the customs of the people and decides the questions by the customs. Appeals against the court's decisions are made to the Customary or Sharia Court of Appeal and not to the Magistrate or Area court.

#### **vi. Juvenile Court**

A juvenile court is a special court set up for the trial of young offenders and the welfare of the young people. Children and young persons are supposed to be protected and they are not allowed to mix with adults right from the time of arraignment and trial to their sentence and even prison custody.

#### **5.5 Who May Arrest?**

Under the law, several people have the power to arrest a suspected offender:

(i) A citizen can arrest a person who commits a serious offence in his presence; or who has destroyed his property. On arresting the suspect, the citizen must immediately transfer him to police custody. Failure to do so would amount to unlawful detention. The Law gives the Police the widest powers of arrest.

(ii) A police officer can arrest any person who is suspected of having committed an offence;

(iii) A magistrate has powers to arrest a person who commits a crime in his presence, and within his area of jurisdiction. On effecting the arrest, the magistrate has to hand over the suspect to the police.

## 5.6 What are Human Rights?

Human rights are rights inherent to all human beings, regardless of race, sex, nationality, ethnicity, language, religion, or any other status. Human rights include the right to life and liberty, freedom from slavery and torture, freedom of opinion and expression, the right to work and education, and many more. Everyone is entitled to these rights, without discrimination.

The United Nations set a common standard on human rights with the adoption of the Universal Declaration of Human Rights in 1948. Although the Declaration is not automatically a binding international law on all countries, its acceptance by any country gives moral weight to the fundamental principle that all human beings, whatever the nationality, place of residence, sex, ethnic origin, colour, religion, language, or any other status, are to be treated equally and with respect.

## 5.7 Features of Human Rights

They are inseparable from humans; they are not conferred, earned, bought, or inherited.

They are interrelated and connected. Often, when one person's right is abused, one or several others are also affected. Also, when one right is protected, one or several others are promoted.

**Activity 4:** Watch the less than 7minutes 2016 award winning Indian video on human rights by Anuj Ramachandran (<https://youtu.be/dQEs2NvNAHY>) and discuss the following: What 3 things strike you the most about the film and why? Compare the different responses in the group

- ✓ In what ways might the film be different or same as Nigeria?
- ✓ What symbols did you notice and do they mean anything to you?

## **SECTION 6: GENDER AND SEXUAL BASED VIOLENCE**

### **6.1 What is Gender?**

Gender can be seen as the full range of personality traits, attitudes, feelings, values, behaviours, and activities that society ascribes to the two sexes differentially. It refers to roles that men and women play and the expectations placed upon them. These differ among societies and changes.

### **6.2 Gender Equality and the Obstacles to Achieving Gender Equality**

Gender Equality connotes the elimination of differences which ascribe lower value to choices and perpetuate unequal power and resources. It also refers to equal representation, rights, responsibilities, and participation of women and men in all spheres of private and public life. Gender equality does NOT mean that women and men will become the same but that the rights, responsibilities, and opportunities of persons will not depend on whether they are born male or female. It implies that the interests, needs, and priorities of both women and men are taken into consideration, recognizing the diversity of women and men.

The major hindrance to gender equality is unequal power relations between women and men. Patriarchy is deeply entrenched in Nigerian society. Gender discrimination is manifested in various degrees and forms in all spheres of life – social, political, religious, cultural, and economic. In Nigeria, it is manifested in:

- Harmful traditional practices
- Gender-Based Violence
- The low value for women
- Gender stereotypes
- Double standards for men and women especially regarding morals, responsibilities, etc.

### **6.3 Strategies to Achieve Gender Equality**

Achieving gender equality involves implementing a range of strategies, these include:

- 1) Initiatives to increase women's visibility in the community, for example using quotas or affirmative action.
- 2) Organization of Capacity-building activities, including gender training at various levels, and making gender issues an integral part of communal planning processes.

3) Advocacy for increased gender budgeting.

**Activity 5:**

1. *Put the participants into four groups.*
2. *Ask two of these groups to examine the life span of a girl or woman, beginning from the time she is in the womb. Tell them to discuss and review:*
  - a. *What happens in her life at different stages (b.) How is she treated by family, society, and state*
  - c. *Physical, psychological and other changes she experiences*
  - d. *Problems and challenges she has to face (e). Style of her upbringing*
3. *Tell the groups that one way of dividing the entire life span could be by looking at the major age division in which noticeable changes take place. Other divisions can also be used.*
4. *Ask the other two groups to do the same for boys/men.*
5. *After discussion, ask them to make their presentations before the larger group.*
6. *Identify and collate the major differences in the lives of boys and girls throughout their life span. Present the reasons for these differences to show the connections between who enjoys control and power and who does not and why; what contributes to the gender variations in perceptions of discrimination and violence, is the levels of its acceptance and tolerance and in the reactions towards it.*

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#### **6.4. What is Violence Against Women?**

The official definition of violence against women comes from the Declaration on the Elimination of Violence against women adopted by the General Assembly of the United Nations in 1993—The term violence against women means any act of gender-based violence that results in or is likely to result in physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion, or arbitrary deprivations of liberty, whether occurring in public or private life. Violence encompasses but is not limited to physical, sexual or psychological violence occurring in the family, including battering/battery, sexual abuse of female children, dowry-related violence, rape, defilement, female genital mutilation and other traditional practices harmful to women, infanticide, non-spousal violence, and violence related to exploitation.

## **6.5. Gender-Based Violence (GBV)**

Gender-based violence includes any physical, verbal, emotional, economic, or social abuse which is directed against a person based on gender or sex and has its roots in gender inequality. GBV largely affects females in most societies but males are also victims or survivors of GBV, however most gender discrimination occurs against females because they are disempowered in most societies when compared to their male counterparts.

GBV also involves the abuse of power. It includes – domestic violence/violence against women, battery, sexual harassment, manipulation within the home, the workplace or schools, sexual assault, exploitation and trafficking, rape, attempted rape, emotional abuse, pornography, harmful traditional practices (i.e. Female Genital mutilation (FGM)/female circumcision), early/forced marriage, dowry abuse, widowhood ceremonies, punishments directed at women for defying cultural norms, denial of education, food and clothing to girls/women, etc. The impact of GBV is far-reaching both for the victim and society at large.

## **6.6 Harmful traditional practices**

Harmful traditional practice is a form of GBV and given our clime, it is important to specifically deal with this. They include:

- Widowhood rites and practices
- Male child preference
- Early and forceful marriages
- Female Genital Mutilation

## **6.7 Causes of GBV**

- i. Religious beliefs
- ii. Cultural and traditional practices
- iii. Gender Inequality and power imbalance between men and women
- iv. The collapse of family support
- v. The desire for power and control
- vi. Poverty
- vii. Alcohol/drug abuse
- viii. Impunity of perpetrators

## 6.8 Why many survivors of VAW do not seek help?

A lot of women do not report incidences of violence for a variety of reasons including:

- i. Shame, victim blame and fear of reprisals
- ii. Lack of information and inaccessibility of services
- iii. Poor response or inappropriateness of services
- iv. Lack of finance
- v. Family/cultural influence
- vi. Perpetrator's/Partner's threats.

## 6.9 Remedies available to Victims of GBV or VAW

- Report to the police - Victims can report the incident to the police for investigation and prosecution of the assailants.
- Recourse to court and taking advantage of the legal system: Victims can go to court to enforce their fundamental rights against torture, degrading and inhuman treatment, and seek compensation. Finance should not be a constraint to seeking redress as victims can go to the Legal Aid Council, Office of Public Defender, or NGOs such as FIDA.

### Activity 6

**Use this scenario to explain Violence against women and the role of power and control in VAW**

1. Ask participants to role-play the scenario below.
2. Discussion issues raised noting gender stereotypes and powerplay that contribute to VAW.

#### Scenario

*A couple is seen engaged in what appears to be a discussion. The discussion is quiet in the beginning. However, as it progresses, the man gets agitated and raises his voice. The woman gets angry with the man's response and also raises her voice. The discussion turns into an argument. The man gets very angry that the woman responds to him. He starts to get physical by pushing the woman around and ends up slapping her, the woman then holds his shirt and screams at him. The man ends up beating the woman.*

## 6.10 Sexual Offences

Some sexual offences in Nigeria's laws include:

### 1. Rape:

Section 1 of the Violence Against Persons (Prohibition) Act defines Rape as

*“Anybody who knowingly uses force, warning, or lie to enter the private part, mouth, or any other delicate part of another person's body when the person did not agree commits an offence called rape and will go to prison for the rest of his or her life. (simplified)*

Section 357 of the Criminal Code, further defined it as;

*“any person who has unlawful carnal knowledge of a woman or girl, without her consent, or with her consent, if the consent is obtained by force or using threats or intimidation of any kind, or by fear of harm, or using false representation as to the act, or, with a married woman, by impersonating her husband is guilty of an offence which is called rape”.*

The offence of rape is punishable with **life imprisonment** while an attempt to commit the offence of rape is punishable with **fourteen years'** imprisonment. To prove the offence of rape, the slightest penetration is sufficient, and it is unnecessary to prove an injury or the rupture of the hymen to establish the offence.

According to the Child Rights Act, Part 3, Section 31- any sexual act with a minor is rape because a child cannot give consent. Therefore, it is a criminal offence in Nigeria and those found guilty could face life imprisonment.

### What can a rape victim do?

- Report to the Police, and they will give you a Police medical form for you to take to a Government hospital for treatment and if the victim lacks the courage, they can report to a Paralegal who will link them up with FIDA.
- Consult a doctor and narrate your experiences so that the doctor will know how and what to treat.
- Remember to give the doctor the medical police report, as he or she will document his observations and diagnosis on the form.
- Tell the victim not to destroy or wash the clothes and underwear you had on during the attack as they are pieces of evidence. You may also postpone taking a bath no matter how irritated you feel, till you have reported to the Police and seen by a doctor.
- To be certain, ask the doctor for Post Exposure Prophylaxis (PEP) within 72 hours to cut your risk of contracting HIV to the barest minimum level.



- i. **Defilement:** This refers to the unlawful carnal knowledge of a girl under the age of sixteen years. The offence attracts life imprisonment if the girl defiled is under the age of thirteen years but two years imprisonment if she is above thirteen years but below sixteen years.
- ii. **Indecent Assault:** This covers all forms of abuse of a woman's body such as forcing a woman to perform a sexual act which she is uncomfortable with; touching a woman's sensitive parts or forcefully exposing her nakedness.
- iii. **Abduction:** Absconding with an unmarried woman under the age of eighteen years intending to have unlawful carnal knowledge of her is an offence punishable with two years' imprisonment.
- iv. **Unlawful Detention:** Detaining or confining a girl or woman against her will with an intent to have unlawful carnal knowledge of her is an offence punishable with two years' imprisonment.
- v. **Operating Brothels:** Keeping women in brothels or any place for prostitution or procuring men to have carnal knowledge of them is an offence punishable with one-year imprisonment.

#### 6.11 National Laws addressing GBV

- Child Rights Act
- The Constitution of the Federal Republic of Nigeria 1999.
- Trafficking in Persons (Prohibition) Law Enforcement and Administration Act– a law against trafficking in persons
- Violence Against Persons (Prohibition) Act of 2015.

#### **Activity 7:** *Small group discussion*

1. *Ask participants to state what according to them constitutes violence and make a list as they mention on a chart.*
2. *Then, divide participants into small groups, of 5-6 members each. Divide the listed responses equally among the groups and ask them to differentiate the impact of those forms of violence on men and women.*
3. *Ask each group to share their analysis.*
4. *Add the aspects that have been left out and take inputs on them.*
5. *Summarise the observation of participants.*
6. *Highlight the reasons for the varied impact of violence on men and women and factors that perpetuate such violence.*

## **SECTION 7: MARRIAGE AND RELATED ISSUES**

**7.1 Introduction:** There are two types of marriages in Nigeria and the rights of women under the two types of marriage differ. They are:

1. Monogamous i.e. one man, one wife, this marriage is usually called statutory; and
2. Polygamous i.e. one man and more than one wife or one woman and more than one husband, this type can either be under the customary or Islamic law.

### **7.2 Forms of Marriage**

- a. Statutory marriage or marriage under Act
- b. Customary law marriage
- c. Islamic Law marriage

### **7.3 Legal Characteristics of a Statutory Marriage**

- It must be voluntary – i.e. there must be free consent of the two parties. Where this is absent, the marriage can be annulled.
- Parties must be unmarried at the time of contracting the marriage.
- The marriage must be monogamous in the sense that it must be between one man and one woman so that neither spouse can contract another marriage so long as the original marriage subsists.
- Parties to the marriage must not be closely related by blood.
- Where the parties are below 21 years of age, the consent of their parents or guardians is required before the celebration of the marriage.
- The parties to a marriage contract cannot dissolve it except through a formal legal act of dissolution or divorce by a court of competent jurisdiction or by the death of one party.
- For a marriage to be valid, it must be conducted in a licensed place of worship or specially allowed places after a Registrar's certificate or a special license has been obtained.

**7.4 Dissolution of Marriage under Statutory Law** –A marriage can be dissolved by one of the following means:

**7.4.1 Nullity:** A decree of nullity is a declaration that there has never been a marriage. The party seeks to establish that owing to some defect; the marriage is invalid. It differs from the other matrimonial reliefs like divorce, judicial separation, and restitution of conjugal rights, which are available regarding valid and existing marriages. In nullity proceedings, the ceremony of the marriage must be strictly proved.

#### **7.4.2. Void and Voidable Marriages.**

**Void Marriage:** A void marriage is one that has never existed. Such a marriage is void from the beginning and the parties, therefore, have never gained the status of husband and wife.

**Voidable Marriage:** is one that is good while subsisting but may be annulled by a Court at the instance of one or both parties owing to some existing defect, such as

- a) Inability to consummate the marriage.
- b) Unsoundness of mind, mental disorder, and the recurrent attack of epilepsy. However, these issues will not affect the validity of the marriage if they arose after the celebration.
- c) Disease: if at the celebration of marriage one party was suffering from the disease and it is communicable.
- d) Pregnancy by a person other than the husband.

#### **7.4.3 Divorce**

Either party to a marriage may petition for divorce because the marriage has broken down irretrievably. Instances where the Court could hold that a marriage has irretrievably broken down:

- a) Willful and persistent refusal to consummate the marriage;
- b) Adultery and intolerability;
- c) Desertion: the separation of one spouse from the other to bring cohabitation permanently to an end. The partner must have deserted for a continuous period of at least one year immediately preceding the petition;
- d) Presumption of death: Where a party has been absent from the petitioner for such a time and in such circumstances as to provide reasonable grounds for presuming that the respondent is dead.

#### **7.4.4 Judicial Separation**

Judicial separation may be based on one or more of the facts that may grant a petition for dissolution of marriage. It relieves the petitioner from the obligation to cohabit with the other party, but they remain for all other purposes husband and wife.

## **7.5 Maintenance for the Wife and Children**

A husband has a moral and legal obligation to meet the needs of his wife and children. If he fails to do so, the wife can apply to a court, and the court may compel him to meet this obligation. It suffices to note that the courts mostly make maintenance orders during the subsistence (continuation) of the marriage. After the divorce of parties, the court prefers dividing the existing matrimonial property between the spouses.

In making maintenance orders, the court considers several relevant factors, including the income (earnings) of the spouses; the financial needs of the applicant; and the financial needs of the children, if any.

Any party aggrieved by the court's order may apply for a variation of the order. Similarly, where, after the order was made, the circumstances change, the affected party may apply for a variation of the order (e.g., where the husband loses his job).

## **7.6 Custody of Children**

Every system of marriage has rules that determine questions of custody of children (where the parents are separated or divorced). Going by the spirit of the Child Rights Act 2003, the principal legislation governing the rights and welfare of children in Nigeria, all would turn on the best interests of the child. In sections 41,42 and 43, the Act outlines several factors to be taken into account (by the courts) when making Protection and custody orders.

## **7.7 The Rights of Children**

As a vulnerable group in society, children have specific rights, besides other rights inherent in them as human beings. A glance at the international, regional and national human rights instruments reveals that all children ("persons under the age of 18 years") have a wide spectrum of specific rights, including —

- the right to a name and a nationality from birth;
- the right to free and compulsory basic education;
- the right to basic nutrition, shelter, and healthcare;
- the right to be protected from abuse, neglect, harmful cultural practices, all forms of violence, inhuman treatment and punishment, and hazardous or exploitative labour;
- the right to parental care and protection.

The Child Rights Act provides for these rights and more.

## **RESOURCES:**

1. Constitution of Nigeria as Amended (1999).
2. Child Rights Act of 2003.
3. Paralegal Training Manual by JARSO, James Forole (HSC) of Saku Accountability Forum – February 2016.
4. A Training Manual for Paralegals by Centre for Social Justice Ahmedabad.
5. The Matrimonial Causes Act of 1970.
6. Paralegal Training in Nigeria- a harmonization of manuals.

## PRE- TRAINING EVALUATION

### Reading ability

1. What is your educational level? -----
2. How complex is the language in the training manual? -----
3. Which other educational aid can be of assistance, either in order to clarify points, or to introduce additional information (for example, drawings, photographs, personal recollections, and newspaper clippings)? \_\_\_\_\_

### Writing ability

1. What is your writing ability? \_\_\_\_\_
2. What is the maximum length you can write? \_\_\_\_\_

### • Background knowledge

1. What background knowledge do you have of Law/ legal practice?  
\_\_\_\_\_
2. Which basic concepts do you have knowledge of?  
\_\_\_\_\_

### Background attitudes

1. What fixed conceptions, or even prejudices do you have of women or girls?  
\_\_\_\_\_
2. Which custom do you think will prevent you from effectively carry out this function?  
\_\_\_\_\_
3. Who do you think should also receive this training?  
\_\_\_\_\_
4. Will you be comfortable training and working with the opposite sex?  
\_\_\_\_\_

**Post Evaluation Form for Training Module: Role of Paralegals**

Location of Training: ..... Date of the Workshop: .....

Name of the Participant: ..... Date of Evaluation: .....

1. Define the term 'Violence on Women': .....

2. Define the terms 'Gender' and 'advocacy'. .....

3. Mention one law that speaks on violence against women? .....

4. Define the term 'counselling'. What are the characteristics of a good counsellor?

.....

5. List the role of police concerning cases of violence against women.

.....

6. What is your understanding of Alternative Dispute Resolutions?

.....

.....

7. Give an example of how a case of domestic violence can be handled to provide justice and maximum relief to the victim. What will be your role in the same?

.....

.....

8. Do you agree that women's rights are human rights? If yes, state any 3 relationships between the two. If no, give your reasons: .....

.....

9. Who is a Paralegal? .....

10. Why do you think you will be a good Paralegal?

.....

.....

Signature of the Participant

.....

Signature of the Facilitator

**The score obtained in Evaluation:**

**APPRAISAL OF THE FACILITATORS AND TRAINING**

Name: .....

Address: .....

My expectations from this Workshop: \_\_\_\_\_

How far were my expectations fulfilled?	1	2	3	4	5	6
How do I rate the Facilitators?	1	2	3	4	5	6
How do I rate the learning materials?	1	2	3	4	5	6
How do I rate the session contents?	1	2	3	4	5	6
How do I rate the methodology?	1	2	3	4	5	6
How do I rate the venue?	1	2	3	4	5	6
How do I rate the food?	1	2	3	4	5	6

My three most significant learnings from this program:

- 1. \_\_\_\_\_
- 2. \_\_\_\_\_
- 3. \_\_\_\_\_

How do I intend to apply this learning in my work? \_\_\_\_\_

Three topics that I would like to get further training on:

- 1. \_\_\_\_\_
- 2. \_\_\_\_\_
- 3. \_\_\_\_\_

What support do you need to implement my work?

From FIDA: .....

From the Facilitators: .....

From other Agencies/State officials: .....