

**LIMITING ACCESS TO COURT TO ENFORCE
FUNDAMENTAL HUMAN RIGHTS IN NIGERIA: THE
CASE OF KALU ONUOHA VS. THE STATE REVISITED**

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Abstract

Access to court is an enduring and irrevocable element that shapes us as human being. It is trite that anarchy and collapse of the society will be occasioned where right to access to court is suspended or removed. Thus, the fabric of the society is held together by the ability of an individual to approach the court and get justice for any wrong visited on him either by an individual or a corporate body. Consequently, this paper examines the various measures through which access to court is being restricted or curtailed. It also sheds light on the various limitations using *Kalu v The State* as a cases study. The writers rely on published and unpublished materials like statutes, decided cases and internet materials. The paper finds that access to court is severely shortened through measures which were supposedly intended to protect both the applicant and the court. The study also revealed that adequate remedy has been put in place to protect the applicant in the event of the breach of his fundamental human rights. In conclusion, the 1999 Constitution and various statutes provide some basic remedies to be explored by the applicant where his fundamental human right has been violated. It is recommended that various provisions in our laws and statutes that

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act as clog which slow down the realization of justice be repealed or amended accordingly.

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1.1 Introduction

Fundamental Human Rights in Nigeria are rights enshrined in the Nigerian Constitution and various international treaties to which Nigeria is a signatory. These rights are justiciable. In the case of *Uzoukwu v Ezeonu*³ the Court of Appeal held that there is a clear distinction between Fundamental rights and Human rights. Human rights are rights, which were derived from the wider concept of natural rights. They are rights which civilized society must accept as belonging to each person as human being irrespective of citizenship race, religion and so on.

Thus, Human rights have now formed part of International Law. Fundamental rights on the other hand, remain in the realm of domestic law. They are fundamental because they have been guaranteed by the fundamental law of the country, that is, the Constitution.

1.1 Remedies for Breach of Fundamental Human Rights

The judicial power of the court under the Constitution (as amended) is the foundation upon which all remedies are built. The remedies available for this breach include the following:

(a) Judicial Powers

The institutions consisting the judicature under the 1999 Constitution⁴ are stated to include the Supreme Court,⁵ Court of

³ (1991) 6 NWLR (pt 200) 708 CA

⁴ Constitution of the Federal Republic of Nigeria (as amended)

⁵ Sections 230-236 of the Constitution of the Federal Republic of Nigeria (as amended)

Appeal,⁶ the Federal High Court,⁷ State High Court,⁸ Sharia Court of Appeal⁹ and Customary Courts of Appeal¹⁰. Also included are the various tribunals established to adjudicate on criminal and civil matters¹¹. The Nigerian Constitution (as amended)¹² provides thus:

1. The Judicial powers of the Federation shall be vested in the courts to which this section relates, being courts established for the Federation;
2. The Judicial powers of a State shall be vested in the courts to which this section relates, being court established, subject as provide by this Constitution, for a State;
6. The judicial powers vested in accordance with the foregoing provisions of this section-:
 - (a) Shall extend, notwithstanding anything to the contrary in this Constitution, to all inherent powers and sanctions of a court of law; and
 - (b) Shall extend, to all matters between persons, or between government or authority and to any persons in Nigeria, and to all actions and proceedings relating thereto, for the determination of any question as to the civil rights and obligations of that person.

(b) Special Jurisdiction over Human Rights

If the judicial power of the courts was ever in doubt, the provisions for the enforcement of the Fundamental Rights under the Constitution are very explicit. Section 46 of the Constitution confers a special jurisdiction on the High Courts thus: Section 46 (1) - any

⁶ Sections 237-248

⁷ Sections 249-253

⁸ Sections 270-274

⁹ Sections 275-279

¹⁰ Section 280-284

¹¹ Sections 285

¹² Section 6. the Constitution of the Federal Republic of Nigeria 1999 (as amended)

person who alleges that any of the provisions of this chapter has been, is being or likely to be contravened in any state in relation to him may apply to the High Court in that state for redress. Section 46 (2) – subject to the provisions of this Constitution, a High Court shall have original jurisdiction to hear and determine any applications made to it in pursuance of the provisions of this section and may make such orders, issue such writs and give such directions as it may consider appropriate for the purpose of enforcing or securing the enforcement within the state of any right to which the person who makes the application may be entitled under this chapter.

The Court held in the case of *Ladejobi v Attorney-General of the Federation*¹³ that, fundamental Rights (Enforcement Rules) are not meant to be an exclusive procedure for seeking enforcement of rights. Indeed its provisions are not exhaustive and may be supplemented by the appropriate rules of the High Court concerned where the rules are deficient in any manner. The same position was taken by the court in *Abacha v Fawehinmi*.¹⁴ In *Kalu v The State*¹⁵ the Supreme Court held that the jurisdiction to entertain any suit which seeks to enforce the observance of a Fundamental Rights under chapter 4 of the 1979 Constitution, including the right of any person not to be subject to torture, inhuman or degrading treatment, lies only with the High court of a state or the Federal High Court in the exercise of its original jurisdiction. Thus, the jurisdiction of the Supreme Court on the matter is appellate and not original.

Traditional Remedies for Breach of Fundamental Rights

The Traditional remedies for breach of Fundamental rights include prerogative writ of:-

¹³ (1982) 3 NCLR 563

¹⁴ (2000) 4 SCNJ 400 at 428 and 456

¹⁵ (1998) 13 NWLR (pt 583) at 531 SC

1. **Mandamus:** - This is an order used to compel the performance of a public duty, as a first resort where no other remedy is available¹⁶.

2. **Certiorari and Prohibition:-** These orders are issued against inferior court or other body having a duty to act judicially. It is said that an order of prohibition is a pre-emptive order aimed at prohibiting commencement or circumstances of a wrongful act by a judicial or quasi-judicial body¹⁷. However, the moment the body has reached a decision that has negative implications for the applicant, that decision is only amenable to an order of certiorari.

3. **Habeas Corpus:** - This is a prerogative process for securing the release or liberty of the subject. It ensures his immediate release from unlawful custody or unjustifiable detention.

1.3 Limiting Access to Court to Enforce Fundamental Human Rights

In the continuing struggle for supremacy and superiority amongst the arms of government. over the years, certain principles or doctrine have come into being or being used to bar access to the remedies available in the court.¹⁸ The same ideology of restricted access to justice continues to be perpetuated through the archaic devices of locus standi, ouster clauses and immunity delay in administration of justice. The paper shall discuss extensively on these clogs here above mentioned.

(a) Jurisdiction

In every Constitution, written or unwritten, democratic or autocratic, there has always been a department of the government to which is entrusted the determination of disputes between citizen and

¹⁶ Nigeria Institute of Advanced Legal Studies, Individual Rights under the 1999 Constitution p. 132

¹⁷ Ibid p. 134

¹⁸ Ibid p. 137

the state. This is according to our Constitution, the function of the judiciary. The instruments through which it exercises this control function are the courts. The essential purpose of resting the power of determining disputes in a different body is to ensure justice according to the system under which the contending parties are governed. Jurisdiction is the legal authority which a person, usually sitting as a court, has to hear and determine an issue or a dispute in judicial proceedings.¹⁹ Where a court comes to the conclusion that it lacks jurisdiction in a matter, it will refuse to adjudicate on it. This is as a result of where a law or Constitution has taken the jurisdiction of the courts in the matter. In *Pan African bank Ltd. V State*,²⁰ the court held that the general principle of practice in our court is that a court of law is entitled to make any order on any matter of which the court is seized provided that while making the order the court is satisfied that it has full jurisdiction over the persons and subject matter involved in the litigation process before it. The implication of jurisdiction is that where there is a breach or likely breach of a fundamental right, the court cannot entertain such a matter where the Constitution has taken away the jurisdiction of that court to entertain same. An example is rights to life and its exception on grounds of conviction.

In *Kalu v State*,²¹ the appellant sought and obtained leave to raise the issue of the constitutionality of the death sentence in Nigeria. After granting the said leave, the Supreme Court invited eminent counsel as *amicus curie* to assist it by proffering argument on the constitutional issue raised. However, the appeal was unanimously dismissed. The court held that having regard to the combined effect of the provision of the sections 30(1), 213(2)d, and 220(1)c of the Constitution, it cannot be seriously argued, as the appellant now appears to do, that section 319(i) of the Criminal Code of Lagos

¹⁹ Honorable Justice Oluwadare Aguda: Understanding the Nigerian Constitution of 1999 (Professional Publishers Ltd.) 2000 at p. 317

²⁰ (1996) 2 NWLR (pt 430) 332 at 333

²¹ (1998) 13 NWLR (pt 583) 531

State which prescribes death sentence is inconsistent with section 31(1)a of the Criminal Code of Lagos State or with any other section of the Constitution. The Court further held that the arguments against capital punishment may be proper basis for legislative abolition of the death penalty and that, the authority for any action abolishing the death penalty is clearly not a matter of the law courts. The court is not entitled to repeal or revoke laws ostensibly based upon notions of public policy or sanctions simply because such laws for one reason or the other are said to be unacceptable to a group of persons or a section of the society. Such repeal or revocation is within the exclusive jurisdiction of the legislature except, of course; such laws are attacked by due process of law on grounds such as unconstitutionality, illegality or the like. In the case of *Senator Adesanya v the President, Federal Republic of Nigeria and 7 Ors.*²² Obascki J.S.C. said; *the debate in the National Assembly cannot and should not be transferred to the court for conclusion.*

It is pertinent to state that where the constitutional provisions for enacting a law have been satisfied. the question of the expediency for the law is beyond the competence of the court as in the case of Criminal Code Law of Lagos State afore cited. This is because the court cannot question the reason for legislation. This is a political decision entirely within the purview of the power vested with the legislature. Similarly, and more fundamental is the lack of jurisdiction of a court to question the source of authority of the Constitution, the source from where all other institution including the court derive their power.²³

Similarly. in Singapore Tochi Amara Iwuchukwu, a Nigerian was executed in 26th January, 2007 in Singapore for drug trafficking.

²² (1981) 52C 112

²³ Nigeria Institute of Advanced Legal Studies: The Relevancy of the Judiciary edited by Karibi Whyte (1987) p. 29

Tochi was hanged and cremated in Singapore for trafficking in 727 grammas of heroine worth S970,000 to the country,²² before his execution he had spent 24 months in Singaporean detention since his arrest in November 2004 at Changi Airport on arrival from Dubai. All available option were exhausted by the Nigerian government to save the youths life but unfortunately the letter written by Nigerian government to the Singaporean government appealing for clemency was turned down. Singaporean government said they would not bend the law and the law had to take its course. It is worthy of note that, in United Nations, death penalty is illegal. Thus, Resolution 65/206 adopted in 21st Sept, 2010 by United Nations General Assembly calls upon all states that uphold moratorium on executions to suspend the death penalty with a view to abolishing it.

(b) Locus Standi

In *Senator Adesanya v The President, Federal Republic of Nigeria & Anor*²⁵, Justice Bello, JSC at p.148 defined Locus Standi to mean: *"The right of a party to appear and be heard on the question before any court or tribunal"*. The rule of locus standi is still applied in courts in all cases including human right matters. It is a barrier to enforcement of fundamental human right for any person who can show that the subject matter of the dispute is one justiciable in courts. In *Senator Adesanya v The President, Federal Republic of Nigeria & Anor*, supra at p.132 Fatayi Williams, CJN (as he then was) said: *"In the Nigerian context, it is better to allow a party to go to court and be heard than refuse him access to our courts. Non-access to my mind will stimulate the free for all in the media as to which law is constitutional and which is not. In any case, our courts have inherent powers to deal with vexatious litigants or frivolous claims"*²⁶.

²² Guardian Newspaper. Feb. 1st 2007 p.2

²⁵ (1981) 52C 112

²⁶ Ibid

There is often the confusion between the declining jurisdictions because the plaintiff has no locus standing and the different consideration is that, there is no justiciable dispute before the court. Where the plaintiff before the court does not establish any interest in the subject matter of the dispute, he cannot establish a locus standi even if the subject matter is one that is justiciable²⁷. In *Senator Adesanya v The President, Federal Republic of Nigeria & Anor*, supra Senator Adesanya was held not to have locus standi because he as a senator has no sufficient interest to challenge the constitutionality, appointment more than any citizen. The reason has been criticized on the ground that a senator by reason of his oath "to preserve, protect and defend the Constitution" has a greater interest than an ordinary citizen in the preservation of the Constitution and in ensuring that the senate of which he is a member does not confirm the appointment of an unqualified person.

The most effective criticism of the operation of locus standi rule is that unconstitutional government acts may go unchallenged and the Attorney-General whose constitutional duty is to protect these rights is usually a member of the executive responsible for the unconstitutional act which is sought to be challenged. In *A.G. Kaduna State v Hassan*,²⁸ the Solicitor-General in violation of the provision of section 191(2) of the Constitution for discontinuing a prosecution, an exercise of description personal to the Attorney-General, purported to discontinue a prosecution of murder. The respondent, the father of the deceased brought an action for a declaration in the high court seeking to declare the exercise of the power of the A.G. by the Solicitor-General null and void. He was successful. The Solicitor-General appealed to the Court of Appeal where the majority taking a liberal view of the locus standi rule, held that:

²⁷ Nigeria Institute of Advanced Legal Studies O.P.C.N. 20 at p.87

²⁸ (1985) 2 NWLR (pt 8) 483

“A father had sufficient interest in the life and death of his son and that those who killed his son were tried according to the law”.

Also, *Senator Adesanya v The President, Federal Republic of Nigeria & Anor.*, supra, the Court of Appeal held at pg. 310 that in relation to civil rights and obligation of any person, that person must satisfy the court that his own personal rights and obligation have been affected or infringed or threatened before he can ask the court to declare any action by the National Assembly or legislative or by the executive as unconstitutional.

Even though locus standi is a barrier to the enforcement of fundamental right, the rationale for it is to disallow, or discourage everybody from bringing any suit they want or to defend one whatever their legitimate interest in it, in order to prevent litter chaos in the judicial system. In *Fawehinmi v Akilu*²⁹ the Supreme Court held that the purpose for the rules in insisting on leave being sought for and granted is for the court to ascertain the locus standi of the applicant and also to prevent the time the court from being wasted by frivolous, misguided or trivial complaints.

(c) Ouster Clauses

Ouster of court's jurisdiction constitutes a complete and flagrant erosion of court authority,³⁰ it is a derogation of the fundamental right access to court. To deny a citizen of freedom of access to court through ouster clause is a deprivation of fundamental right of fair hearing by an important arbiter. Access to court, apart from being an imperative prerequisite of the attainment of social order is one of the fundamental rights in the Constitution since 1960. Section 36 of the 1999 Constitution provides for the right to fair hearing. One of the worst and indeed most devastating ouster of court's jurisdiction is on the preclusion of the operation of several sections of the

²⁹ (1987) 4 NWLR (pt 67) 797

³⁰ Chief Gani Fawehinmi. *Ouster of Court Jurisdiction in Nigeria* (Nigerian Law Publication Ltd.) 2004 Vol. 1 p.1

Constitution and due process of law.³¹ This type of ouster was started by the first military dictatorship that begun in 1966 and continued as a serious aberration to our legal system with each successive military rule in the country.

An example is the State Security (Detention of Persons) Decree No. 3 of 1966. This Decree was made as a result of 12 Nigerian politicians who were made subject of a Detention Decree and their constitutional rights under chapter 3 of the 1963 Republican Constitution and some other provisions of the said Constitution (Section 115 and 117(i)(d)) were removed from the glare of the court.

The Ouster sections 6(a) of the Decree provides thus:

6. Chapter 111 of the Constitution of the Federation is hereby suspended for the purpose of this decree and –

(a) the question whether any provision therefore has been or is being or would be

contravened by anything done or proposed to be done in pursuance of this decree shall not be enquired in any court of law and accordingly sections 115 and 117(i)(d) of that Constitution shall not apply in relation to any such question; and

(b) an application for a writ of habeas corpus shall not lie at the instance of a person detained under this decree, or on his behalf”

It is necessary to refer to Decree No.28 of 1970 (Supremacy and Enforcement of Powers) of 9th day of May, 1970 enacted by General Yakubu Gowon. In *Lakanmi v Attorney-General (Western State)*³² the Supreme Court held that Legislative and Executive powers exercised by the Federal Military Government as a result of January and July, 1966 coup de-tats were limited to powers

³¹ Ibid p.93

³² (1974) 4 ECCLR 713

exercisable under the doctrine of necessity, hence were not absolute powers. The court held further that what took place in 1966 was not a revolution but a forceful seizure of power simplicity. The Supreme Court nullified the decree of the military and found it to be legislative judgments. The military government then hurriedly enacted decree no 28 of 1970 which annulled the decision in *Lakanmi's case*.

The Constitution (Suspension and Modification) Decree 1984 passed on 9th February, 1984 suspended sections 32(3-7) and section 41(3) which deals on right to personal liberty.³³ Also, section 2(3) of Offensive Publication (Proscription) Decree No. 35 of 1993 had a clause on the Constitution. It provides thus: section 2(3) for the purpose of this section, the question whether any provision of Chapter IV of the Constitution or of any enactment including the African Charter on Human and Peoples Rights (Ratification and Enforcement) Act has been, is being or would be contravened by anything done, being done or proposed to be done in pursuance of this Decree shall not be inquired into in any court of law or tribunal.

(d) Immunity Clause

Immunity clause is also a barrier to the enforcement of the fundamental human rights in court. Section 302(1) and 3³⁴ gives the President, Vice President, Governor and Deputy Governor but no other public officer, complete immunities from all suits, court proceedings and court processes while they are in office. If any process is applied in court for their appearance, the court is prohibited from issuing it.

In order to give effect to the immunity granted to these executive office holders, application in respect of fundamental rights (Chapter

³³ Nigeria Institute of Advanced Legal Studies, *New Dimensions in Nigeria..*
edited by M. Ayo Ajomo (1989) p.11

³⁴ Nigerian Constitution of 1999 (as amended)

IV) are suspended in relation to their actions during the period of immunity. However, the immunity is only granted to these executive office holders in their personal capacities by virtue of section 308(2) of the 1999 Constitution, the immunity does not apply to civil proceedings instituted against any of them in their official capacity or to civil or criminal proceedings in which such a person is only a nominal party. The citizen's right to institute an action against them is not permanently abrogated but only suspended for the duration of their period in office. For example the Governor of Anambra State, Mr. Mbadinuju was charged to court in Abuja after he had left office as executive Governor of the State for the murder of former chairman of Anambra State Nigerian Bar Association.

(E) Corruption

The Judiciary is subject to political influence and is hampered by corruption and inefficiency³⁵ at the lower level of the court structure, a variety of corruption means are used to prevent justice system,³⁶ these include influencing the investigation and the decision to prosecute before the case even reaches the court, inducing court officials to lose files, delay cases or assign them to corrupt junior judges and bribing opposing lawyers to act against the interest of their clients.³⁷ These corrupt practices by the law enforcement agents and the courts hamper the access to court to enforce the fundamental rights. Justice Eso's review panel report revealed that Justice Bukar, then Chief Registrar of Borno State, misappropriated the sum of N1.4million granted to Borno State Judiciary in 1992, subsequently he was promoted to a Judge of Borno State High

³⁵ U.S. Department of State, Country Report on Human Rights Practices 2000

³⁶ Nigeria Institute of Advanced Legal Studies, Strengthening Judicial Integrity and Capacity in Nigeria edited by Dr. Peter Langseth & Abba Mohammed (For U.N. Office for Drug Control and Crime Prevention 2002) p. 88

³⁷ Ibid p.88

Court.³⁸ Also revealed was Magistrate T.O. Azebeozine who ordered the flogging of a policeman in court without any trial whatsoever.³⁹ Equally, the police in Lagos were anxious to send a controversial lawyer to jail for stealing, Justice Olugbani was approached and told to freeze the chambers account of the lawyer. He froze the account without due process of the law. The court of appeal overruled this decision and castigated him for his callousness and un-judicial behavior. Justice Eso's finding on justice Olugbani was characteristically forthright. The panel described Olugbani as being guilty of 'general and persistent reputation of corruption.'⁴⁰

(f) Poor Economy

By the provision of section 36 of the 1999 Constitution everybody has the right to fair hearing to enforce his or her fundamental rights. However, due to poverty many Nigeria find it difficult and sometimes impossible to enforce their fundamental rights. It is against this background that the Legal Aid Act⁴¹ was enacted to provide free legal services to indigent Nigerians who cannot afford the services of a lawyer. Legal Aid (Amendment) Decree No. 22 of 1994 extended the jurisdiction of the council to cover cases involving gross abuse of fundamental human rights.

Section 9 of the Act provides that only a person whose annual income does not exceed N1,500 is eligible. This has recently be increased to N60,000 by the Governing Council at its 76th meeting to bring it in line with the prevailing economic realities.⁴² As a result of the condition for assistance it is rare and difficult for any person to benefit from the scheme except when there is a fraudulent

³⁸ Dr Olu Onagoruwa. *Law & Contemporary Nigeria: Reflections (Inspired Communication Ltd) 2004 p. 148*

³⁹ *Ibid* p. 148

⁴⁰ *Ibid* p.148

⁴¹ Chapter 205 *Laws of the Federation of Nigeria 1990*

⁴² *Op Cit* No. 38-59

concealment by the prospective beneficiary taking a look at minimum wage of N7,500 introduced by the Federal Government.

Prof. A.A. Adeyemi in a paper presented at the 2nd Conference of body of Attorney-General in 1991 stated thus: "*whilst the criminal justice authorities are in a position to grant adequate time to the accused person for the preparation of his defense, are they really in a position to grant his adequate facilities, to which the Constitution says he is entitled? Yet again how can a poor, uneducated, unconnected Nigerians really be said to be entitled to defend himself in person or by legal practitioner of his own choice when we all know that he has no resources to effect such entitlement*".

Due to the inadequacies of the Legal Aid Council to enforce the right of the voiceless in court, Nigerians who cannot afford the services of a lawyer cannot seek redress from the court to enforce their fundamental rights rather they pray to God to take control.

Delay in the Administration Of Justice

Prolong pre-trial detention remains a major problem. Criminal suspects die in detention as a result of neglect and harsh treatment. The government continued a programme of prison decongestion, but prison conditions remain life threatening. The court is often at the mercy of other agencies. When prisoners are not brought to court, they cannot be bailed, when lawyer or witness do not appear, cases cannot be heard.

Consequently, Litigants give up in despair and though the judges are there in court and ready to perform their functions, the blame for the delay get heaped on their shoulders. In *Wakino v Ade John*⁴³ the Court of Appeal held in a case that has taken up to eleven years as a result of series of adjournments, that this present application ought to be refused because the court has a duty to see that cases are speedily determined since justice delayed is justice denied.

⁴³ (1999) 9 NWI.R pt 619 p.403

Conclusion

Despite the ample provision of the Nigerian Constitution of 1999 on access to court to enforce fundamental rights, the barriers already mentioned act as clogs against individual's effort to seek redress or for its enforcement. To encourage the Legal Aid Council to effectively carry out their function, compulsory deductions should be made by the Federal Government from state and local government allocations from the source. This means that the law has to be amended in line with this suggestion. The Nigeria Bar Association as part of their contribution to the administration of justice must require members to render pro-bono legal services to the poor and needy. Having certain number of pro-bono should be made a condition precedent to becoming a Senior Advocate of Nigeria. For lawyers who are unable to spare certain percentage of their time to handling pro-bono cases, they should be subjected to compulsory taxation to be designated as "Legal Aid Development Taxation or levy depending on seniority at the Bar. Law enforcement should carry out campaigns translated into local languages; ensure publicity on the radio, television, newspapers and leaflets to the people on the provisions, remedies and enforcement of fundamental human rights. This will educate the citizens on their legal rights.

Recommendations

In order to improve public safety, access to court and promote public trust and confidence in the justice system:

- a. The presiding judge and court leaders should allocate adequate resources, including those for staffing and education, to ensure the fair and accessible adjudication of cases.
- b. The courts should engage in an ongoing process to develop, monitor, and evaluate procedures and protocols designed to improve the administration of justice in these critical cases, working with justice system entities and community organizations.

- c. As ethically appropriate, the court should participate in coordinating councils or court-convened committees that provide an opportunity for justice system agencies and community organizations to comment on court practices and procedures, as well as providing a mechanism for improving these practices and procedures.
- d. Ethically appropriate councils or committees, at a minimum, should be inclusive in that representatives from all interests and sides of the litigation are invited to participate, presiding judges should ensure that judges and subordinate judicial officers receive regular training and education in this subject area. Ongoing judicial education is very crucial to quality delivery of submissions and pronouncements in the judiciary. It is trite that law and the society is quite dynamic hence the need for judges and officials to be conversant with this changes, each court should consider whether to create dedicated courts or specialized calendars based on the unique circumstances and characteristics of that jurisdiction and the resources available to it.
- e. In making any determination, the court should consider the optimal ways to: ensure ongoing evaluation and monitoring of practice and procedure in domestic violence cases; provide for trained staff and judicial officers; foster collaborative efforts to improve the administration of justice in cases within the court and among other justice system and agencies; promote procedural consistency; promote the safety of all court staff; improve accessibility to the courts for the parties by maximizing convenience; minimizing barriers. and ensuring fairness for a diverse population; promote the use of technology to enhance the administration of justice in cases and emphasize the need for court leadership and adequate resources.