

# THE PRESIDENT'S NEWSLETTER

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# From Digital to Print

Safeguarding Edo State's Laws and the  
Constitutional imperative of Accessibility

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HISTORICAL FACT ON MALALA YOUSAFZAI

AND MORE.....



**RUDILAC**  
Rural Development, Information And Legal Advocacy Centre

A PUBLICATION OF FOI COUNSEL/RURAL DEVELOPMENT  
INFORMATION AND LEGAL ADVOCACY CENTRE (RUDILAC)

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## Editor's Note

Access to the law is fundamental to justice and democracy. This edition, From Digital to Print: Safeguarding Edo State’s Laws and the Constitutional Imperative of Aecessibility, examines the legal and constitutional need for free and open access to laws.

As digital transformation reshapes governance, legal accessibility must not be restricted by cost of technology. This publication highlights key legal perspectives and FOI Counsel’s commitment to ensuring that laws remain public, accessible, and inclusive for all.

At FOI Counsel, we remain committed to fostering transparency, legal empowerment, and accountability. We invite you to engage with this discourse, share your insights, and join us in championing a legal system where accessibility is not a privilege but a right.

**President Aigbokhan**  
Editor-in-Chief

# The Constitutional Imperative of Legal Accessibility and Publication



***A law can be said to be premium when access to it is on payment of fees.***

Laws must not only be accessible and comprehensible but also published in hard copy to satisfy the requirements of the 1999 Constitution of the Federal Republic of Nigeria. The purpose of publication extends beyond ensuring compliance, facilitating access, or generating revenue—it is a constitutional imperative. A law becomes “premium” when access to it requires payment, which raises serious concerns about equity and legality. The European Court of Human Rights (ECHR), in *Sunday Times v. United Kingdom* (1979), affirmed that the rule of law mandates that laws must be both accessible and foreseeable. Similarly, in *The Constitutionality of Enactments Case* (1997), the Supreme Court of India held that laws must be published in the Official Gazette to be deemed valid.

From a jurisprudential perspective, Jeremy Bentham, a renowned English philosopher and jurist, laid the intellectual foundation for the principle of access to law. He contended that laws should be clearly written, publicly available, and understandable, in order to serve the greatest good. Likewise, Sir William Blackstone’s *Commentaries on the Laws of*



England democratized legal knowledge by offering a comprehensive and accessible account of English common law. Former U.S. Chief Justice Harlan Fiske Stone reinforced the notion that justice and legal access must be available to all in order to uphold fairness. Legal philosopher Jeremy Waldron emphasized that the legitimacy of any law hinges on its clarity, accessibility, and openness. In a similar vein, Charles Sumner advocated for transparent governance and public access to legal and governmental records.

In the recent case of Initiative for Rural Development, Information and Legal Advocacy (RUDILAC) v. Attorney General of Edo State (Suit No: B/28m/2024), the applicant challenged the imposition of a One Thousand Naira fee for accessing an electronic copy of the Edo State Persons Living with Disability Law from the official website of the Edo State Ministry of Justice. The applicant argued that restricting access to digital copies behind a paywall—and the unavailability of hard copies—violates the right to legal information and impedes justice. Efforts to obtain a printed copy from the Edo State High Court and State Library proved futile, as none were available. After seeking clarification from the State Governor without receiving a satisfactory response, the applicant sought judicial intervention. The crux of the argument is that the failure of the Edo State Government to print and distribute hard copies of its laws constitutes a violation of the constitutional right to receive information. There is an inherent governmental duty to ensure citizens have unrestricted access to legislation—free of charge—in both digital and physical formats. When laws exist solely online, requiring internet access, or only in hard copy without broad distribution, meaningful access remains limited. Although Nigerian law mandates the publication of legislation, there is currently no official policy for the provision of free electronic versions. Given that laws are instruments of governance and social order, limiting access undermines voluntary compliance and discourages civic participation.

A central issue in the case is the absence of hard copies of Edo State laws in public institutions. The applicant's affidavit clearly stated this fact, while the respondent, in its counter-affidavit, denied the claim, asserting that hard copies were available. However, the respondent failed to present any evidence to support this assertion. As the burden of proof lies on the government to demonstrate facts within its exclusive knowledge, and in the absence of such evidence, the issue should be resolved in favor of the applicant.

Moreover, the applicant contended that imposing fees for digital access to laws introduces a financial barrier that disproportionately affects economically disadvantaged individuals. He emphasized that legal development thrives on transparency, open access, and progressive research. Ensuring that laws are freely accessible—both online and in print—would empower legal practitioners, scholars, students, and the broader public, positioning Edo State as a progressive center for legal innovation in an evolving jurisprudential landscape.



## Access to Law and the Question of Payment: Examining the Edo State Government's Justification

The Edo State Government's defense is that for every constitutionally guaranteed right, there exists a corresponding duty or obligation. The government argued that the charge of #1,000 to access the law constitutes such an obligation on the part of the applicant in order to enjoy the right to information as guaranteed under Section 39(1) of the 1999 Constitution. They further contended that the purpose of the #1,000 fee is strictly administrative—to support the maintenance of the website and server. Hon. Justice Mary Nekpen Asemota of the High Court of Justice of Edo State, who presided over the matter, held as follows:

*"In the circumstance, can the applicant be said to have been denied access to the Disability Law of Edo State? I do not think so. If one may ask, had the applicant gone to a bookshop to purchase a hard copy rather than an e-copy from the website, would the applicant not have paid for it? In my view, it would be stretching the rights guaranteed under Section 39 of the Constitution too far for an applicant to insist on getting free access to an e-copy of the Edo State Persons Living with Disability Law—or any other law for that matter—without paying a token fee. This certainly would not be the intendment of the framers of the Constitution."*

While laws are public documents intended to be accessible to all, payment should only be required when an individual seeks to own a physical copy. Access to the content of the law, especially in digital format, should not be commodified. The costs of internet connectivity already represent a personal expense incurred by the user in accessing a soft copy online. Therefore, charging an additional fee to view or download legal documents online undermines the spirit of open governance and public access.

Technology undoubtedly enhances the dissemination of legal information, fostering inclusivity. While digital publication increases accessibility, exclusive reliance on soft copies may inadvertently exclude individuals without internet access or digital devices. In the present case, the applicant maintained that no hard copies of the law were available at the Edo State High Court Library or the State Library. The court, in evaluating the credibility of the applicant's affidavit, ought to have independently verified this claim by consulting the libraries in question before drawing its conclusions.

# Breaking Barriers: Ensuring Equal Access to Law for Persons with Disabilities in Nigeria

Persons with disabilities face a range of barriers—physical, technical, and social. When laws designed to protect these individuals are accessible only online or placed behind a paywall, it creates additional layers of exclusion. Challenges such as the high cost of internet access, inadequate internet infrastructure, and the prohibitive expense of adaptive tools (such as screen readers, braille devices, and specialized keyboards) significantly impede their access to legal information.

**FOI Counsel** has consistently been at the forefront of advocating for the rights of persons with disabilities through strategic legal action. In 2019, the organization filed a suit against the Federal Government of Nigeria, challenging the failure to reserve a minimum of 5% employment opportunities for persons with disabilities in the 2020 Department of State Services recruitment. This omission was in direct violation of multiple legal instruments, including the United Nations Convention on the Rights of Persons with Disabilities, the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Persons with Disabilities in Africa, the 1999 Constitution of the Federal Republic of Nigeria, and the Discrimination Against Persons with Disabilities (Prohibition) Act, 2019.

No law can be said to exist unless it is written. The Nigerian Constitution mandates that for a law to be binding, it must be codified. As provided under Section 36(12) of the 1999 Constitution, it is only when a law is written and made public that the principle "*ignorance of the law is no excuse*" can fairly apply. It is important to distinguish between access to law and access to legal documents. The latter is governed by frameworks such as the Freedom of Information Act, the Evidence Act, and various international instruments. However, access to the law itself is a fundamental constitutional issue rooted in the principle of legal certainty.

Currently, Nigeria lacks a clear legal framework for the e-publication of laws. This case underscores three critical issues: the monopolization of digital access, the imposition of fees for access, and the unavailability of hard copies of the law in public institutions. A law affected by these three barriers cannot be deemed truly published and, in essence, does not legally "*exist*." It is arbitrary and unjust to commodify the law as though it were a regular textbook. Imposing financial barriers on citizens for accessing electronic versions of state laws undermines their legitimacy. Equally, the absence of hard copies in public repositories such as libraries and courts compromises the public's right of access to the law. These failures breed non-compliance, as citizens cannot obey laws they cannot access or even verify.

# Legal Accessibility and Inclusion: Bridging the Gap for Persons with Disabilities

Access to the law is a fundamental human right, yet for many persons with disabilities (PWDs) in Nigeria, this right remains a challenge. Legal accessibility is not just about the ability to read statutes or attend court proceedings—it encompasses the availability of legal information in accessible formats, inclusive legal procedures, and the removal of systemic barriers that hinder full participation in the justice system.

## The Challenges of Legal Accessibility for Persons with Disabilities

Persons with disabilities face multiple barriers when it comes to accessing the law. These barriers include:

**Lack of Accessible Legal Documents:** Many Nigerian laws are published in formats that are not accessible to people with visual impairments, such as Braille or audio versions. Additionally, legal texts are often written in complex language that makes comprehension difficult for individuals with cognitive disabilities.

**Limited Physical Access to Legal Institutions:** Many courthouses, law offices, and public institutions lack ramps, elevators, or sign language interpreters, making it difficult for persons with mobility impairments or hearing disabilities to seek legal redress.

**Financial Constraints:** Legal representation and access to legal materials often come at a high cost, which disproportionately affects persons with disabilities, many of whom face economic hardship due to employment discrimination and social exclusion.

**Digital Barriers:** With legal information increasingly being digitized, the absence of screen-reader-compatible websites and legal resources in accessible formats further alienates PWDs from exercising their rights.

## The Need for Legal Inclusion

Ensuring equal access to legal information and justice for persons with disabilities is crucial for upholding their rights and fostering an inclusive society. A legally inclusive system would mean:

- **Publishing Laws in Accessible Formats:** Legal documents should be made available in Braille, large print, audio, and simplified formats to accommodate various disabilities.



- **Making Courtrooms and Legal Services More Inclusive:** The judicial system should incorporate sign language interpreters, provide wheelchair-accessible courthouses, and implement assistive technologies to support PWDs.
- **Providing Free or Subsidized Legal Aid:** The government and legal aid organizations should offer free legal services to persons with disabilities to ensure they can defend their rights regardless of financial limitations.
- **Leveraging Technology for Accessibility:** Legal websites and databases should be designed to meet international accessibility standards, ensuring that PWDs can easily access legal information online.

## Policy Recommendations and the Role of Government

The Nigerian government has a constitutional duty to ensure that laws are accessible to all citizens, including persons with disabilities. To bridge the gap, policymakers must:

1. Enforce the Discrimination Against Persons with Disabilities (Prohibition Act, 2018) which mandates accessibility measures in public institutions.
2. Strengthen Legal Aid Programs specifically tailored for PWDs to ensure they receive adequate legal support.
3. Invest in Public Legal Education by promoting awareness campaigns on the rights of persons with disabilities and available legal resources.

## Conclusion

Legal accessibility and inclusion are essential for a just and equitable society. By addressing the barriers that prevent persons with disabilities from fully participating in the legal system, Nigeria can move towards a legal framework that upholds the rights of all citizens, regardless of ability. Bridging this gap requires a collaborative effort from the government, legal institutions, civil society, and technology innovators to create a system where justice is truly accessible to all.

# Law Nuggets

## 1 **There is automatic membership of the Bar Association on a lawyer upon being called to the Bar.**

This means that once a person is officially called to the Nigerian Bar (i.e., they have completed law school, passed the Bar exam, and are formally admitted to practice as a lawyer in Nigeria), they automatically become a member of the Nigerian Bar Association (NBA). They don't need to apply separately or take any further steps to join the NBA — their membership is by virtue of being called to the Bar.

*CHINWO V OWHONDA (2008) 3 NWLR (pt. 1074) 341 CA @ 359, paras. E-F*

## 2 **A judgment obtained against a party in the presence of their counsel cannot be deemed to have been obtained in their absence.**

This principle emphasizes the legal representation rule: If a lawyer (counsel) is present in court to represent a party, then the party is considered to be present — even if they are physically absent.

So, if a judgment is delivered in court while the party's lawyer is present, that judgment is validly obtained and cannot later be challenged on the ground that the party was absent. The law sees no distinction between the physical presence of the party and that of their counsel in this context.

*CHRISRAY (NIG.) LTD V. ELSON & NEIL LTD (1990) 3 NWLR (Pt. 140) 630 at 641, paras. F-G*





3

**If the only evidence presented in court comes from the plaintiff or their witness, and the court rules in favor of the plaintiff, the defendant cannot argue in their appeal that the judge failed to evaluate the evidence.**

If only one side (the plaintiff) brings evidence and the other side (the defendant) brings nothing or fails to counter it, then the court has no choice but to base its judgment on the only available evidence. So, if the trial court rules in favour of the plaintiff based on unchallenged evidence, the defendant cannot later appeal and claim that the judge did not properly evaluate the evidence.

*Chrisray (Nig.) Limited v. Elson & Neil Limited (1990) 3 NWLR Pt. 140. CA. 630. P. 643, paras. E – F; P. 643, paras. G – H*

4

**Forgery cannot be grounded in respect of a document in the absence of its original.**

This means that If you're accusing someone of forging a document, you must present the original version that the alleged forgery is being compared to.

Let's say someone claims a certificate or birth document was forged – they can't just show multiple versions and claim one is fake. They have to identify the real/original one first. Without that reference point, the court has no way of knowing which is genuine and which is forged. In legal terms, you can't prove a document is fake if you haven't shown what the real one looks like.

*AGI v. PDP (2017) 17 NWLR (Pt. 1595) 386 SC, P. 457, paras. G–H*

# The Right to Know: Overcoming Obstacles to Legal Information in Nigeria

Access to legal information is a fundamental right that empowers citizens to understand, assert, and defend their rights. In Nigeria, however, many individuals face significant barriers to obtaining legal materials, court decisions, and legislative documents. These obstacles, ranging from limited publication of laws to financial constraints and technological inaccessibility, hinder the democratic principle of transparency and equal justice.

One of the major challenges is the unavailability of laws in accessible formats. Many legal documents remain in hard copy only, making them difficult to obtain, especially in rural areas. Additionally, when laws are digitized, they are often placed behind paywalls, requiring fees for access—effectively restricting the rights of low-income individuals. This practice contradicts the constitutional principle that laws should be public and easily accessible to all citizens.

Language and legal complexity further compound the problem. Many legal documents are written in technical terms that are difficult for the average citizen to understand. Moreover, a significant portion of Nigeria's population communicates in indigenous languages, yet legal texts are rarely translated into these languages, leaving many without the means to comprehend their rights.

To overcome these barriers, the government must prioritize the free and widespread publication of laws in both hard and digital formats. Court judgments and legislative acts should be available online without financial restrictions. Additionally, efforts should be made to translate legal materials into major Nigerian languages and present them in simplified formats for broader understanding.

A transparent legal system strengthens democracy and ensures that citizens can engage with the law effectively. By removing these barriers, Nigeria can foster a more informed society where justice is truly accessible to all.

Furthermore, collaboration between legal institutions, civil society organizations, and technology developers can enhance access to legal information. Establishing free online legal databases, creating mobile-friendly legal resources, and integrating artificial intelligence for legal translation and interpretation can help bridge the knowledge gap. A more informed society leads to stronger civic engagement, ensuring that justice is not a privilege for the few but a right for all.





# Historical Fact

## Facts About Malala Yousafzai:



## Malala Yousafzai: A Beacon of Hope and Education

Malala Yousafzai is an icon of courage, resilience, and unwavering commitment to education. Born on July 12, 1997, in Mingora, Pakistan, Malala became an advocate for girls' education at an early age, inspired by her father, Ziauddin Yousafzai, an educator who believed in equal learning opportunities for all.

Her journey as an activist began in 2009, at the age of 11, when she started writing a blog for BBC Urdu under a pseudonym. She documented the challenges faced by girls in the Swat Valley under Taliban rule, who had banned female education. Despite the risks, she continued to speak out, gaining recognition for her fearless advocacy. This made her a target for extremists.

On October 9, 2012, Malala was attacked by a Taliban gunman who shot her in the head while she was on a school bus. Miraculously, she survived and was flown to the United Kingdom for medical treatment. Instead of succumbing to fear, Malala emerged stronger, becoming a global voice for the right to education.

In 2013, she co-founded the Malala Fund, a non-profit organization dedicated to ensuring every girl has access to 12 years of free, safe, and quality education. Her efforts earned her the Nobel Peace Prize in 2014, making her the youngest-ever Nobel lau-

reate at the age of 17. Malala's advocacy has taken her to the United Nations, refugee camps, and countries worldwide, where she continues to champion girls' rights. In 2020, she graduated from the University of Oxford with a degree in Philosophy, Politics, and Economics (PPE), further solidifying her role as a leader and changemaker.

Her autobiography, "I Am Malala," is an international bestseller, inspiring millions with her story of resilience and hope. Today, Malala remains an influential figure, proving that education is the most powerful weapon against oppression and inequality. Through the Malala Fund, she continues to advocate for millions of girls worldwide, proving that education is a fundamental right, not a privilege.

Malala Yousafzai's story is a testament to the power of one voice to change the world. She reminds us that one book, one pen, one child, and one teacher can make a difference. Her unwavering fight for education continues to inspire generations to dream, learn, and break barriers.

Her activism extends beyond education, as she continues to advocate for gender equality, refugee rights, and social justice. Malala's influence has earned her numerous accolades and recognition from global leaders.





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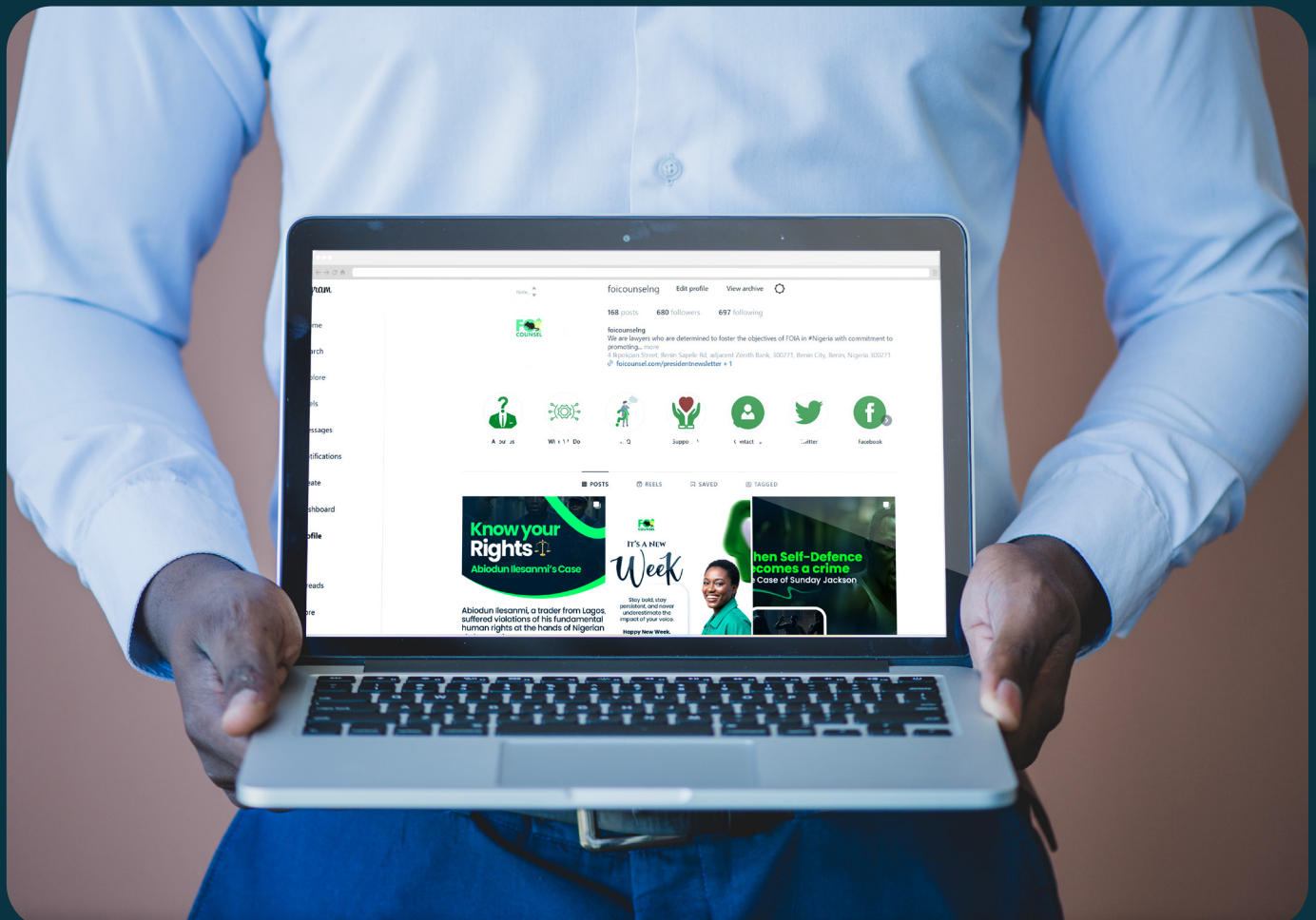
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