

APPRAISAL OF THE LEGAL CHALLENGES FOR PROTECTION AND REDRESS FOR VICTIMS OF CRIME IN NIGERIA*

Abstract

The decline and neglect in the protection, redress and justice to victims of crime in Nigeria and across Africa are alarming and grossly inadequate. The modern or adversarial Criminal Justice System, which only accommodates the State and the offender, has totally neglected crime victims in Nigeria. This is contrary to what we had in the traditional Criminal Justice System where victims of crime were central in the justice process and justice was dispensed in such a manner that all parties involved go home feeling justice was done, because Justice is a three-way Traffic; For the State, Offender and the Victim. A journey through procedural and substantive laws in Nigeria shows that more emphasis is placed on safeguarding the rights of offenders while the legal challenges, for the redress and protection for victims of crime are yet to receive the attention it deserves from the State. This research examines the legal challenges for the protections and redress available to victims of crime, the plight of victims of crime within Nigerian Criminal Justice System, inadequacies of Nigerian laws in addressing the plight of victims of crime and the need to make adequate provision for their protection and redress. The researchers adopted the doctrinal research methodology and utilized both the primary and secondary sources of data drawn from statutes, journal articles, textbooks, newspaper publications and internet materials. This article recommended, amongst others, the amendment of Nigerian criminal laws to accommodate adequate compensation for victims of crime, establishment of compensation scheme dedicated primarily for the compensation and restitution, compensation and protection for victims of crime. Victims have been silent partners in the administration of criminal justice with little or no role other than as witnesses, hence, the need to introduce restorative justice practice into Nigeria Criminal Justice System.

Keywords: Victims of crime, Criminal Justice System, Challenges, Protection, Redress.

1. Introduction

Victims of crime are important and crucial part of the criminal justice system, However, they have not been given due recognition by the system, meant and created to protect and fight for their right. The adversarial Criminal Justice System tends to accommodate only two parties: the State and the offender who engage each other in the combative atmosphere of a formal courtroom,¹ after which an accused, if found guilty is sentenced to a term of imprisonment with little or no compensation to the victim.² Over the years, right before the State assumed the responsibility of providing security and justice to its citizens, the responsibility of the justice system was solely on the victim of a particular crime; victims were responsible for identifying those who wronged them, investigate and prosecute the offender.³ Thus, when a crime was committed and a person banned without witnesses, efforts to identify the assailant became the responsibility of the victims, as no government agency was responsible for investigating crimes.⁴ During this time, a crime was considered harm against the victim and not the State. Nevertheless, as time went on in pre-colonial Africa, people viewed crime as an act against the entire community and not particularly the victim involved.⁵ Various communities met the basic needs of crime prevention, detection, and punishment. When a crime is committed, all that is 'required of the victim is to bring same to the notice of the entire community who would chase and apprehend the culprit and subsequently tried by the elders' council, and if found guilty, 'would be promptly, adequately, and publicly punished'.⁶ Victims have been silent partners in the administration of criminal justice with little or no role other than as witnesses. However, some Jurisdictions like United States, Canada and New Zealand have in recent times made notable progress by implementing victim-oriented policies or programme that would use restorative justice to encourage victims' active participation in the justice process. While some African Countries, not excluding Nigeria still do not have adequate policies for the protection and redress of victims of crimes. The Criminal Justice System in Nigeria and some African countries pay great attention to the

*By Chike Omumuabunike EMEKA, LLM Candidate, Faculty of Law, Nnamdi Azikiwe University, Awka. Email: chikeemka16@gmail.com. Phone number: 08036992409; and

*Matthew Izuchukwu ANUSHIEM, Senior Lecturer, Faculty of Law, Nnamdi Azikiwe University, Awka. Email matthewanushiem@gmail.com. Phone Number: 08032641757

¹YDU Hambali. Finding Voice for Victims of Crime 'in Adversarial Criminal Justice System. Vol.4 No.2 *Journal of Law and Social Sciences (JLSS)* (2015)

²I Obe. *A Synthesis of African Law*. Concept Publications Limited, Lagos (2005)

³*Encyclopaedia Britannica*, Encyclopaedia Britannica Inc, New York (1998) vol.25, 15th ed., at 958

⁴*Ibid*

⁵N T Tamuno, 'Crime and Security in Pre Colonial Nigeria' in T Tamuno, I L Bashir, E E OAlamika, &A OAkano, (eds) . *Policing Nigeria, Past, Present and Future* (Lagos: Malthouse Press Ltd 1993) at 127

⁶*Ibid*

rights and welfare of offenders while there is little or no provision for the needs, rights, and interests of victims and the need to protect victims of crime. In the administration of the criminal justice in Nigeria, victims of crime are faced with the problem of inadequate compensation. Victims who have had their fundamental human rights violated, causing them harm, suffering, health impairment, economic and financial loss, trauma, stress, emotional distress, as well as, dependents or relatives of deceased victims get little or no compensation at all from the State.⁷

Recently in 2015, the Administration of Criminal Justice Act⁸ was passed into law in Nigeria, which paid great attention to the welfare of the offender or accused person and scantily provided for the protection of victims of crime. It is trite that justice is three-way traffic; justice for the Society, justice for the victim, and justice for the accused person. This is well captured in the words of Radcliffe Brown when he said: ‘a Judge is not regarded as having properly settled a case until all Parties concerned are satisfied with the settlement?’⁹ There is, therefore, a need for Nigeria and other African countries to move from the adversarial justice system where victims are at the mercy of the system and have no right of audience other than as witnesses for the prosecution and embrace a justice system that allows victims’ active participation in the justice process. There is also a need for the state to compensate victims of crime who have suffered victimization by the criminal conduct of another person. The claim for compensation from the state is as a result of the fact that restitution from convicted criminals is not sufficient to address victims of crime situation because more often than not, offenders are indigent and sometimes the law enforcement agents are unable to apprehend them.

2. Legal Protection of Victims of Crime in Nigeria

Victim

The word ‘victim’ arises from the Latin word ‘*victima*’, the term used to describe animals sacrificed in religious ceremonies. The original meaning of the word ‘victim’ was rooted in the idea of sacrifice or scapegoat.¹⁰ The idea emanated from the execution or casting out a person or animal to satisfy a deity or hierarchy.¹¹ This concept was well known in the ancient civilizations, especially in Babylonian, Palestine, Greece, and Rome.¹² However, in recent years, the word can be said to mean different things. It can be used to describe someone who has suffered injury, hardship, or loss. In essence, people can become victims of war, injustice, natural disasters, diseases, and accidents.¹³ The 1985 United Nations Declaration of Basic Principles for Victims of Crime and Abuse of Power¹⁴ broadly defines victim of crime as:

persons who, individually or collectively, have suffered harm, including physical or mental injury, emotional suffering, economic loss or substantial impairment of their fundamental rights, through acts or omissions that are in violation of criminal laws operative within the Member States, including those laws proscribing criminal abuse of power.’

The concept of crime in Nigeria criminal justice system process is victim initiated, and there can be no determination of guilt and conviction without victim participation, the punishment of the offender pays very little regard to the inherent dominant participation of the victim. According to Karibi-Whyte, J.S.C. (as he then was), ‘*The sentencing policy in both Criminal Procedure Act, and Criminal procedure Code, pays very little and, indeed, less than marginal emphasis on the participation of the victim*’. The sentencing policy demonstrates a tendency towards deterrent, retributive and little rehabilitative punishment. The punishment attached to the offence by the Criminal and Penal Codes are determined by its nature and gravity and its effect on the political and economic fortunes of the society.

The participation of the victim in our criminal process is limited to his/her role as a witness for the State in the prosecution of the offender. This passive role has been criticized as unsatisfactory and not sufficiently demonstrative of the interest of the victim in the prosecution of the offender. The view is that victims of crime in

⁷Z O Adedeji. & I Ohinoyi. ‘Protection and Redress for Victims of Crime in Nigeria: An Assessment of Extant Regulation’. Vol. 1. *Journal of Forensic Psychology Practice*, (2019) 157-168

⁸ 2015

⁹N V Paranjape. *Criminology and Penology with Victimology*. (15th ed. Allahabad: Central Law Publications 2011) P. 111

¹⁰B Oluyemisi. 2021. Unpublished Lecture Notes on Victimology for the 2020/2021 session

¹¹ *Ibid*

¹²J P Dussich 2010. *Op cit* N. 11

¹³A Karmen. *Crime Victims: An Introduction to Victimology*. (7th ed-United States: Wardsworth Cengage Learning 1990)

¹⁴UNODC Retrieved from Compendium of United Nations standards and norms in crime prevention and criminal justice (unodc.org) on 6th June, 2021

Nigeria have nothing majorly of benefit in criminal proceedings from the beginning to the end. The victim is just a witness, who is traumatized and expended his resources throughout the quest for justice, still no significant benefit allocated to victims of crime in Nigeria¹⁵. In Nigerian criminal justice system, the state gets a conviction, the offender is sent to prison if convicted or discharged and acquitted if not found guilty. Still the victim of the crime goes home empty handed with no adequate compensation from the state. This is the crux of what this article seeks to address¹⁶

The nature of victim participation will depend upon the nature of the Judicial process, the cultural and social content of the subject population and most important of the observance of the fundamental requirements of the principles of Justice. According to Karibi-Whyte, J.S.C. (as he then was):- ‘It seems to me that in considering provisions from victims participation, the essential elements of Justice in the prosecution of the communities should be involved at the earliest stage and to the fullest extent possible in the administration of the criminal Justice process. It has also been suggested that victims who along with the state have suffered injury from the conduct of the offender, should be allowed to file separate criminal or civil actions in respect of the injury. Individuals of course have suffered more from such injuries than the state. In Austria, Belgium, Denmark, France, Portugal, Spain and Germany and in most civil systems of administration of Justice, victims are allowed to join civil claims for damages with criminal prosecutions. In Russia, the victim is allowed to initiate criminal prosecutions in minor cases, such as minor assault and battery and defamation. Apart from the fact that victim participation in the above-described methods results in speediest criminal process, and is considerably less expensive than civil process, it accords the victim an official role. It is also recognition of the interest of the victim in the prosecution of the criminal offender. This is an affirmation of the fundamental principle that crime is an act against the individual, the community and the state. But more important, it accentuates and clearly distinguishes the interest of the individual victim from that of the state.

Accused should remain dominant. The special interest of the victim should only be a relevant factor after the offender had been adjudged culpable and guilty. Hence, in our adversary system it will be clearly inconsistent with our concept of Justice and fairness to make the victim of the offence a co-operator. *Strictu sensu*, there is only the victim in respect of who the offender is liable thereafter and not before there had been a determination of guilt. It is therefore obfuscating the criminal process and polluting the pure stream of Justice by the assumption of his guilt before he was so adjudged after due process of the law¹⁷.’ The above perception of limited victim’s role in our adversarial system has prompted the argument that the rights and legal position of victims of crime and abuse of power are very poorly protected, especially in comparison with the range of rights which are extended to offenders (in theory at least)¹⁸.

3. Legal Redress for Victims of Crime in Nigeria

Attempts have been made over the years to increase focus on the plight of victims of crime to encourage governments to provide them with adequate help and support. When a crime is committed, the victim is the most suffered person among the aggrieved parties, likewise, victims are the most neglected one.¹⁹ The neglect of victim's rights has the following consequences:²⁰

- i. Mistrust in the state's capability to protect the citizens
- ii. Victims are made to cope not only with mental trauma, physical injury, loss of property but also with the insensitive investigation and legal process,
- iii. Lack of faith in Criminal Justice System

To understand how the Nigerian criminal justice system works, it is necessary to grasp the working relationship of all its agencies, the Police, the court and the prison system, since they are the main actors in the administration of criminal justice.

¹⁵ *Ibid*.

¹⁶ *Ibid* p 24.

¹⁷ *Kuti v. A. G. Federation* (1985) 8 NWLR (Pt. 6) 211

¹⁸ J H Merryman & D.S.Clark. *Comparative Law: Western European and Latin*

¹⁹S Amjad & N Riaz. ‘The Concept and Scope of Restorative Justice System: Explaining History and Development of the System for the Immediate Need of Society’. Vol. 5, issue 5, *International Journal of Law*. (2019) p. 100-104

²⁰A Olatubosun. ‘Compensation to Victims of Crime in Nigeria: a Critical Assessment of Criminal-Victim Relationship’. *Journal of Indian law institute* (2002)

Nigerian Police Force

The Police are the first institution that a crime suspect comes in contact with. The Police provide the entry point into the criminal justice system either through crime reports from the public or its own discovery²¹. The policeman could be referred to as the ‘gatekeeper’ of the criminal justice system, and decides who goes into the system, and its decision has wider implications for the other system components. Whether or not the suspect will obtain justice depends on how the Police go about its duty. One area where the Nigerian Police have been bitterly criticised is the area of criminal justice. The policeman or police officer exercises basic powers and performs basic duties²². These powers and duties flow from the status a police officer has under the constitution and not because of his rank²³ in the force. For the Police to be able to carry out its functions effectively, members of the society must be ready and willing to lend support to its efforts. However, it is sad to note that certain elements, like corruption, influence the discharge of these duties, leading to some negative consequences such as charging of innocent people, which in the humble opinion of this researcher could be referred to as victims of circumstance, to court on trumped-up and fictional charges among others. These made the Police to be detested by the majority of the Nigerian public. In Nigeria, law enforcement agencies like the Federal Road Safety Corp (FRSC), Economic and Financial Crime Commission (EFCC), Independent Corrupt Practices Commission (ICPC), Nigerian Security and Civil Defence Corps (NSCDC), also have powers to prosecute specific offences. It is important to note at this juncture that before the enactment of the Police Act in 1943 by the British Colonial Government to make the Nigeria Police have a statutory flavour, the birth of modern police in Nigeria could be traced to the development and role of British traders at the inception of the colonial rule²⁴. The present structure of the Nigeria police is a creation of the Nigerian constitution. Thus, Section 214 of CFRN provides: ‘There shall be a Police force for Nigeria which shall be styled ‘the Nigerian Police Force’, subject to the provision of this section, no other Police Force shall be established for the federation of any part thereof, the members of the Nigeria Police Force shall have such power and duties as may be conferred upon them by law’

Courts of Criminal Jurisdiction

In the triangular relationship, the second most prominent component in the administration of criminal justice is the criminal court. A court has been defined as ‘an agency set up by the government to define and apply the law, to order its enforcement, and to settle dispute points on which individuals or group do not agree’.²⁵ The criminal courts play a pivotal role in the criminal justice system, the adjudication of cases in which there is reasonable cause to believe that an accused person has violated a specific law or laws is a basic role of criminal courts²⁶. It is only the court that determines the guilt or innocence of the accused person, and the decisions of the courts have important consequences for the other components of the criminal justice system. The administration of justice revolves around the court system. A person who violates the criminal law is brought before the court and provided with opportunity to defend himself through trial in the court, and it is followed through with the pronouncement or judgement made by the court accordingly²⁷. The criminal courts have a very symbolic role, as the symbols of justice, depicted by the justice scale (lady *justitia*), the courts is seen as the platform for fairness and impartiality. The Courts are impartial to the extent that they allow each side the opportunity to present its case. The Courts provide the forum for resolving disputes through the application of the law, although not all disputes are brought before them. In resolving disputes, the criminal courts must enjoy judicial independence, free from outside pressure, and judging their cases dispassionately, most especially because citizens perceive them as guarantors of their fundamental rights. A very important characteristic of the courts is the fact that they have asserted the right to be the arbitrate interpreters of the constitution. Section 6 of the Constitution of the Federal Republic of Nigeria, 1999 (as amended) provides for the establishments of courts.

Victims and the Prison

The prison is obviously the last port of all the components of the criminal justice. There is not much to be said as of the right and involvement of a victim within the correctional institution other than the fact that a victim ought to be informed when a criminal is to be released from the correctional facility to avoid friction from the previous relation of the offender – victim. And as of right to remuneration/restitution by the offender to the victim, the offender is expected to make restitution to a degree to satisfy the victim; this is in a situation where incarceration must have prevented the offender from the fulfilment of his full duty to retribute.

²¹ A.B. Dambazau . 2007, *Criminology and Criminal Justice* 2nd ed. Spectrum Books Limited p. 178

²² Section 4 of Police Act Cap 359, Laws of Federation of Nigeria, 2004.

²³ See Regulation 273 of the Nigerian Police Regulation Cap 359 Laws of Federation of Nigeria, 2004.

²⁴ Kunle Aina, *The Nigerian Police Law*, Princeton, Lagos, 2014, p.3

²⁵ G.F Cole. & C.E Smith. *American System of Criminal Justice*, 8th ed. Ward worth Publishing Company (1998) pp.234.

²⁶ J. Jackson, Justice for all Putting Victims at the heart of Criminal Justice? *Journal of Law and Society*. (2003) 30.2: pp. 309 – 326

²⁷ J. Abonika. & M. Alewo Delay in the Administration of Criminal Justice in Nigeria: Issues from a Nigerian Viewpoint. *Journal of Law, Policy and Globalisation* (2013) 26: 112.

4. Legal Challenges for Protection and Redress for Victims of Crime in Nigeria

The victim has not been given the kind of recognition and attention that he ought to have. It is therefore not a surprise that Dambazau described a victim of crime as a 'passive participant of the criminal justice processes'²⁸. Nigerian Legal and judicial systems centered attention principally on the offender and the protection of society and the victim of crime was left to his plight. The Criminal Justice System pays great attention to the offender and concentrates on speedy and effective dispensation of justice to the public but very little concern and consideration for the victim, at whose instance the state had undertaken the prosecution of the offenders. Criminal jurisprudence is centered on the maintenance of law and order, the preservation of the ethical values of the society and the punishment of persons of deviant and criminal tendencies. The criminal process of maintaining law and order commences with the acts of policing, leading to apprehensions of offenders, prosecution, and conviction and culminated in sentencing. More often than not, the attention is on the offender. A balanced Criminal Justice System should be a tripod stand, having the interest of the society, accused person and the victim at each end, rather than a two – way traffic as presently is obtainable under our Criminal Justice System. In *Godwin Josiah v The State*,²⁹ it was held that justice is not one way traffic. It is not justice for the Appellant only. Justice is not even two-way traffic. It is really three ways traffic, for the appellant accused of heinous crime of murder: justice for the victim, the murdered man whose blood is crying to heaven for vengeance, and finally justice for the society at large. The society whose social norms and values had been desecrated and broken by the criminal act complained of.³⁰ Surprisingly, under the Nigeria Criminal Justice System, the victim who ought to be a major stake holder has turned out to be someone who the stake is holding, his position has been reduced to a mere veritable tool in the hands of the prosecution used only for the purpose of securing the conviction of the accused, after which he goes into oblivion.

Victims Compensation and the Nigeria Legislation

The victim of crime in Nigeria is the forgotten man in our Criminal Justice System. He sets the criminal laws in motion by reporting a crime to the police and appearing as a witness in a court of law, but after which he goes into oblivion. The present laws in Nigeria do not adequately take care of the issue of victim rights, restitution and compensation. The victim is just used as a witness in crimes against the state and subsequently discarded with little or nothing as relief for the victimization. Since the state is under a duty to protect life, liberty, property of its citizens, when compensation is not fully available from the offender, the state should be bound to pay compensation to victims of crime irrespective of whether the offender is convicted or acquitted. In Nigeria, there are only two outlets of securing compensation for victims of crime. These are available under the civil jurisdiction and criminal jurisdiction of the court of law. When a party is not pleased at the compensation order in his favour, such party can always proceed to court and file a civil suit. Irrespective of the fact that judges in Nigeria have often given diminutive pecuniary orders in case of compensation for crime, there has however been some landmark awards. In *Uzoma Okeke & Anor. v. Rear Admiral Harry Arogundade & 5 Ors.*,³¹ Opeyemi Oke J., of the Lagos high Court in January, 2010, awarded hundred (100) million naira as damages to the plaintiff as a result of the assault they received from the defendants. Worthy of note is the dictum of Ayoola J.C.A which was approved by the Supreme Court in *Odogu v. A. G Federation*³² when he said thus; whatever compensation is awarded on such cases as this should truly reflect not only the actual pecuniary loss of the victim but also the abhorrence of society and the law for such gross violation of human rights, particularly the right to personal liberty, as in this case. An unwitting trivialization of a serious matter by an inordinately low award should be avoided. This dictum should guide the award of compensation orders by court in Nigeria. Some Nigerian criminal enactments empower the courts upon conviction of an offender to award compensation to victims of crime.

Nigerian Courts Disposition towards Victim Compensation

The final arbiter of what the state should regard as just sentence for an offence within the provision of the law is the court. It is trite that justice lies in treating equals equally and unequal unequally, hence the demand of parity of treatment in the administration of justice. Compensation of victims should be targeted towards leaving them in approximately the same financial position as they were in before the crime. The dictum of Oputa JSC as he then was in *Godwin Josiah v. State* is very incisive to this effect when he stated that Justice is not a one-way traffic, it is not justice for appellant only. Justice is not even a two- way traffic. It is really three- ways traffic, for the appellant accused of heinous crime of murder; justice for the victim the murdered man... Whose blood is crying to heaven for vengeance, and finally justice for the society at large. The society whose social norms and

²⁸Dambazau, *Op. Cit.*, p. 213.

²⁹ (1985) 1 N.W.L.R. 125. Per Oputa (of the blessed memory) JSC as he then was.

³⁰ Oputa, 1996:16.

³¹ Suit No. M/615/08.

³² (1995 – 1996) All N. L. R. 480.

values had been desecrated and broken by the criminal act complained of. A court may order any person convicted before it of an offence to pay the prosecutor in addition to any penalty imposed such reasonable costs as the court may deem fit. Section 435(2) empowers the court in addition to the power under section 435(1) 'To order the offender to pay damages for injury or compensation for loss not exceeding twenty-eight naira or if a higher limit is fixed by any enactment relating to the offence, that higher limit. ... This maximum of twenty-eight naira renders these provisions valueless, thus, it has not been applied by our courts in the administration of criminal justice. The award of compensation by courts in the exercise of their criminal jurisdiction in Southern and Northern Nigeria is governed by statute. This was confirmed in the case of *Tsofoli v. Commissioner of Police*⁴⁶ where Ademola C. J. N stated thus: '...in every case, the matter of compensation is governed by statute, and there is no inherent power on any court to award compensation' Under the Penal Code and Criminal Procedure Code, there is no limit to the amount of compensation that can be awarded by criminal court.³³ However, these provisions as identified above are inadequate, yet our courts do not apply it. The apathy shown by our criminal courts to the victims of crime stem from the common law's dichotomy of the roles of the courts, that of the criminal courts being punitive and that of civil courts being compensatory. French Model '*Partie Civile*' is commendable and should be adopted to rectify the misconception so that a victim may file a claim with the criminal court and the judge at the end of the trial should be able to make compensation order based on the victim's claim instead of starting a fresh civil action on order to be compensated.

5. Conclusion and Recommendations

This study has highlighted the physical, psychological, social and financial damage that victims of crime suffer; particularly in Nigeria. Attempts have been made to discuss the relevant provisions of the constitution, other relevant domestic laws, and international instruments that relate to the protection of and redress for the victims of crime and how they apply. Furthermore, the article examined the challenges bedeviling the enforcement of these laws. More importantly, it noted that none implementation of relevant provisions enacted for victims' protection is a major problem in this country. It is a travesty that within the current legislative session, National Assembly has not deemed it fit to pass the law recognizing the rights of victims including the pending bills in the National Assembly, namely, the bills HB 439 entitled 'An Act to eliminate violence in private and public life, prohibit all forms of violence including physical, sexual, psychological, domestic, harmful traditional practices, discrimination against persons to provide maximum protection and effective remedies for victims and punishment of offenders, HB 271, A Bill for an Act to Provide Financial Compensation as Remedy to Innocent Victims of Crime to Create a Special Fund Where Money for the Compensation of Crime Victims Is Paid into and to Provide for Matters Related Thereto, and HB 117, A Bill for an Act to Provide for the Manner in which Individuals May in the public Interest Disclose Information that Relates to Unlawful or other Illegal Conduct or Corrupt Practices of Others; to provide for a Fund to Reward Individuals Who Make the Disclosures and to Provide for Related Matters. The 'mouthful' long titled pending bills should be consolidated into one single Act for consistency, clarity and for it to be effective in its eventual interpretation by the courts. Surely, a single consolidated Act as I have suggested would also be much easier for the implementing government authorities and the public to understand. The entire research established the fact that redress for victims of crime is not only about financial rewards or compensation for victim but also has to do with the need to restore victims to their normal life in the aftermath of their victimization, hence, the need for balanced justice through restorative justice. Based on the foregoing, the need for a total reformation of the Country's framework cannot be overemphasized.³⁴

In view of the global interest and shift in the status of victims of crime in Jurisdictions across the world which is evidenced in laws of various Countries specially formulated to protect and seek redress for victims of crime, it is therefore recommended that urgent, drastic and appropriate measures be put in place to adequately protect and redress for victims of crime in Nigeria. In this connection, the following are recommended: The relevant sections of our laws such as Nigerian Constitution and Administration of Criminal Justice Act, Criminal Procedure Code, Criminal Procedure Act should be amended to comply with the current trend in other jurisdictions, most especially the provisions of UN 1985 Declaration. The passage into law of the Criminal Justice Victim's Remedies (CJVR) Bill, 2006 is long overdue. The Bill has been before the National Assembly since 2011 awaiting approval. The CJVR Bill makes adequate provision for the protection of victims of crime and their rights before trial, during trial, during sentencing and after sentencing. The CJVR Bill is a giant stride towards the protection and redress of victims of crime in Nigeria and which should be taken urgently.

³³Kekere –Ekun J. C. A. in *Martins v. C. O. P* (2005) 7 N.W.L.R. pt. 925 pg. 614 at page 639 paras. E. –H confirmed this when she said: 'furthermore, subsection (b) clearly shows that substantial compensation was within the contemplation of law makers. This section does not contain any limitation regarding the amount of compensation that may be awarded.'

³⁴Rutzen D. & Moore D. *The Role of Legal Reform in Supporting Civil Society: An Introductory Primer*. 23. Ashgate Publishing Limited 2009

The consequences of not enforcing the rule of law penetrate into every sector of the country. Courts should start enforcing the scanty and few provisions for victims of crime which are entrenched in our laws. Compensation Scheme or policies dedicated primarily to the compensation and restitution for victims of crime is advised as it is provided for in jurisdictions like New Zealand and United Kingdom. To establish victims of crime compensation board saddled with the responsibility of providing state-funded compensation for victims of crime in situations where the offender cannot afford to pay court-ordered compensation or cannot be found, both at the Federal and State level. There is an urgent need for special government agency to cater for victims of crime. It should be noted that the compulsory fine to be paid by the offenders cannot be sufficient to fund the compensation scheme of the victims of crime. Consequent upon the insufficiency of fund, there is a need to increase the fines in order for the compensation ' scheme for victims of crime to function as expected. Enact law to be known as Victims of Crime Act which will take into cognizance the provisions of UN 1985 Declaration in order to adequately and specially provide for the welfare, protection and redress for victims of crime.

There is need to introduce or adopt restorative justice practices into our criminal justice system like Alternative Dispute Resolution in civil litigation. Restorative justice through victim-offender mediation is recommended to help victims heal through the justice process and bring about full reconciliation with the offender and society at large. This will not only be in accord with recent developments but also conform to the traditional African principles of justice which makes victims of crime central to the justice process and places less emphasis on the retributive aspect of the justice process. The victim should be a primary actor in the criminal justice system of Nigeria. The rights of the victim of crime should be defined by legislations and mechanism for enforcement of those rights should unequivocally be laid down. When the victim of crime no longer appears to be neglected and forgotten in the criminal justice system, the criminal justice process will become efficient as the victim will become a major contributor to the efficiency of this process. All the numerous roles a victim of crime can play will be benefitted by the criminal justice process.