

## Are Civil Society Organizations Doing enough? Mainstreaming Civil Society Organisations in the Administration of Criminal Justice in Nigeria

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### Abstract

*Criminal justice administration is fundamental to the harmonious functioning of society and the regulation of deviant behaviour. The failure of the system of criminal justice administration in Nigeria has led to increase in crime rate, loss of confidence in the criminal justice system, and a general resort to arbitrary and extra-judicial actions by government agents and the general public. Despite the volume of work by Civil Society Organizations in the criminal justice sector, scholarly examination has largely focused on internal policy actions of government institutions within the criminal justice system, legislative actions by the national assembly, and other state-based responses. This study examines the role of CSOs in criminal justice administration in Nigeria. The study is anchored on Resource Mobilization Theory. Data from the study was collected from documentary sources and content analysis was relied on to make inference on the data.*

**Keywords:** Civil Society Organization; Criminal Justice Administration; Access to Justice; Women Abuse; Resource Mobilization Theory

### Introduction

Administration of criminal justice is fundamental to the harmonious functioning of society and the regulation of deviant behaviour (Weissbrodt, 2009). It touches all aspects of society and social structures including law enforcement, judicial system, correctional services, social counseling services, amongst others (Friedmann, 2015). The administration of criminal justice reemphasizes acceptable behaviour, social norms, and consequences for breach of acceptable behaviour within a given society (Daly, 2017). Criminal justice system is an important component of the social contract that prevents a relapse to the Hobbesian state of nature of 'war of all against all' where might is right, and life is nasty, brutish, and short (Suess, 2015). A criminal justice system creates a universally agreed measure of response within a society, against criminal behaviour which prevents the resort to self-help and social anarchy. Administration of criminal justice is a dynamic system of law enforcement, adjudication, corrections, punishment, and care, designed to punish the guilty, prevent re-offense, serve as deterrence, and protect the innocent (Jackson & Bradford, 2009; Johnson, 1978).

The criminal justice system in Nigeria is challenged by corruption, poor access to justice, bureaucratic bottlenecks leading to delayed justice, lack of independence and political interference, abuse of rule of law, and abuse of due process, low manpower capacity, amongst others, which has led to unjust sufferings for both victims and accused (Akanmidu, 2018; Ukwai & Okpa, 2017; Olubiyi & Okoeguale, 2016; Omote, 2009; Onuoha et al, 2021). These challenges run across the spectrum of administration of criminal justice which include the

policing institution, judiciary, and the prisons services. Thus, incidents of unlawful arrests and detention by the police, police brutality, human rights abuse, delayed prosecution and purchase of judgements, political interference in the administration of justice, dehumanizing prison conditions, human rights abuses in detention facilities, long detention periods while awaiting trial, unprofessional conduct by ill-trained and overburdened personnel, and other corrupt practices have become common place.

Policing, considered to be the first phase of administration of criminal justice has suffered significant reputation damage, due to endemic corruption, wanton human rights abuses, extra-judicial killings, abuse of power and process, low capacity, low manpower and unprofessional conduct (Onuh, 2021; Johnson, 2013; Ladapo, 2011). Arrests without warrants or appropriate predication, brutality during arrests, requests for gratifications from suspects and victims, manipulation of suspects statements, torture of suspects, dehumanization of suspects, case file tampering, poor investigation of cases, arbitrary arrests and detention, abuse of power and privilege has been factors that underly policing in Nigeria (Madubuike-Ekwe & Obayemi, 2019; Thisday, 2019; Owen, 2014; Johnson, 2013; Ladapo, 2011; Human Rights Watch, 2010; Marenin, 1985). The arbitrariness and abuses in the policing process has led to delay and subversion of administration of criminal justice in Nigeria. The maleficence in policing in Nigeria has been blamed on a number of factors including poor training of personnel, political interference, centralization of policing, underfunding of policing, poor welfare for police personnel, colonial and military heritage, amongst others (Osayande, 2008; Ikuteyijo, 2009). With less than 500 thousand personnel policing a population of 200 million, Nigeria's policing personnel capacity falls short of the United Nations standards of 300 police personnel per 100, 000 population (Agunloye, 2018). Irrespective of the excuses adduced for poor policing in Nigeria, the implications of it on Administration of criminal justice have manifested in dire consequences of justice miscarriage for both victims, suspects and society (CLEEN Foundation, n.d).

The judiciary and prisons services in Nigeria are undermined by similar problems as the police. The efforts of Nigeria towards appropriate administration of criminal justice have been in the form of policy responses and legislative actions. Administrative policies within the criminal justice system like the punishment and suspension of erring staff, quick dispensing of cases that have generated public outcry or political interests. Nigeria's National Assembly enacted the Administration of Criminal Justice Act, 2015 for the purpose of ensuring that institutions responsible for managing the issues of criminal justice in the country function optimally, justice on issues of criminal matters are speedily and dispensed with, and ultimately to ensure that society and the rights of everyone in it, irrespective of whether they are suspects, defendants, or victims, are given the best possible protection of the of the society. The administration of Criminal Justice Act, 2015 is a legislative action designed to reform the system and process of administration of criminal justice in Nigeria, following public outcry. The failure of the system of administration of criminal justice in Nigeria has led to increase in crime rate, loss of confidence in the criminal justice system, and a general resort to arbitrary actions, extra-judicial actions, and jungle justice by the general public. Thus, the objective of this study is examines the role of CSOs in criminal justice administration in Nigeria.

### **Theoretical Framework of Analysis**

The resource mobilization theory was developed in the 1970s to challenge social breakdown and relative deprivation theories that center individual grievances as the primary motivation and stimulus for collective action (Curti, 2008; Heitzman, 1990) Resource Mobilization theorists argued that grievances are necessary but not sufficient enough to provoke or stimulate the rise of a movement given that grievances and social conflicts are inherent and enduring in

every society. Rather, the formation of social movement organizations and the ability of these organizations to mobilize resources from potential supporters, both labor and money, are the critical factors in movement mobilization (Kelly, 2011; Mann, Schreiberman, & Schreiberman, 2015). Much of this school's attention, has largely focused on identifying membership network structures that favor rapid mobilization and provide the stable flow of resources necessary for social movement organizations/civil society organizations to pursue their tactical and survival objectives successfully.

Resource mobilization succinctly situates the role and impact of CSOs in administration of criminal justice in Nigeria, especially on access to justice and gender advocacy with regards to women abuse. In this manner, Civil Society Organizations mobilize resources which include knowledge, money, media, labour, solidarity, legitimacy, and internal and external support to mainstream the issues for which a section or mass of the people for which they stand are disenchanted or aggrieved. These CSOs mobilize resources either through donor funding, volunteer labour of sympathizers and those who identify with their causes, a network of international partners whose interests align, etc. to fight for and prosecute demands on specific issues-in this case, issues dealing with the administration of criminal justice in Nigeria.

These Civil Society Organizations recruit lawyers and paralegals, media workers and influences who identify and are sympathetic to the cause of administration of criminal justice issues like ending police brutality, civilizing security forces rules of engagement, etc. Also, some of the CSOs are gender based, and they effectively take up issues of women abuse, mainstreaming it with resources available to them so as to help abused women, reform laws that discriminate and aid women abuse, and adequately punish offenders. Essentially, CSOs cannot optimally function outside of adequate resources and the resource mobilization theory rightly asserts that movement organizations is contingent upon the aggregation of resources

### **Impediments to Access to Justice in Nigeria**

Numerous efforts have been undertaken over the course of time to improve access to justice for the general public in Nigeria. Yet access to justice is still impeded by factors such as judicial corruption, delay in adjudication, justice administration manpower deficit, poor funding, and political interference

Corruption in the Judiciary is not new. Over the years, judges have been dismissed or compulsory retired due to corrupt practices. Judicial corruption is seen in the reality that some judicial officers continue to stall cases in a bid to frustrate parties so as to lead to backhand deals benefitting the officers. As at today, the reality in some courts is that for one to get a good date for his/her case to be heard is usually influenced by the reach of the person in question or the depth of his/her pocket. Administrative, clerical and secretarial staff in the judiciary have also been accused of intentionally misplacing case files, altering interpretations (in cases where a party(ies) require interpreters), engaging in a racketeering of affidavits and oaths, as well as serving as bribe fronts for judges. Judiciary corruption undermines access to justice as justice becomes for the highest bidder. This is mostly seen in cases involving elections where judges are bribed to steal or legitimize fraudulent elections against the democratic will of a people. Such behavior constitutes grave miscarriage of justice and undermines confidence in the judicial process.

Another impediment to access to justice is the delay in adjudication. Lengthy court processes, leading to a delay in adjudication has caused many to drop the legal pursuit of certain issues wherein they were the offended and are victims (Olubiyi & Okoagule, 2018). In May 2018, the Chief Judge of Lagos State Honorable Justice Opeyemi Oke, lamented over the delay in adjudication and the backlog of cases it has created in the Lagos State judiciary. He stated that

there was a backlog of over 3000 cases in various courts in Lagos State (Monye, Obiagbaoso & Obidiegwu, 2020). Although there is a Lagos Backlog Elimination Programme instituted to speed up adjudication and eliminate backlogs of cases, it does not attend to the procedural issues that give rise to such delays and backlogs in the first instance.

The problem of delays has rendered the speedy dispensation of criminal justice more of a myth than a reality. The delay in the adjudication runs through pre-trial, trial and post-trial stages (Nwafor & Aduma, 2020). Cases take so many years from the point of being called up in the courts to judgment and its execution. Examples include *Ariori vs Elemo* (1983) which took about 23 years to conclude and *Union Bank PLC vs Ayodare and Sons (Nig.) Ltd* (2007) 13 NWLR (Pt.1052) 567 was instituted at the high court in 1989, but was disposed of eighteen years later. Currently, there are cases docked over 5 years in court. Such delays often arise due to overloading of courts, understaffing, and legal jaywalking in courts. The effects of lengthy court processes on the psychology of Nigerians to litigations undermine criminal justice administration. These delays cause disenchantment with the court system (Monye, Obiagbaoso & Obidiegwu, 2020).

There is deficit in manpower required to attend to a lot of issues at the courts. In fact, judges are said to be overworked, and the courts overlabored due to lack of adequate number of personnel. Agbonika (2014) noted that there is a serious deficit in judicial manpower and this is not only restricted to judges, but to includes supporting staff of the judiciary. The reality of this observation hasn't changed in recent years despite a new criminal justice act being in place since 2015. Of course, the act does not address issues of manpower and personnel deficit. One issue is having a number of personnel, another is their whether they are skilled or competent enough to perform detailed responsibility. At times, affidavits and case files are misplaced by court registry staff.

The labor force within the court system is critical to justice dispensation, and it lack has allowed a situation where cases take so long due to manpower deficit. Insufficient judicial and non-judicial personnel undermine speedy dispensation of justice (Okenyodo, 2018). Also, there are no sufficient policing personnel in the country. In a 2019 according to Worldometer, it was indicated that Nigeria currently has less than 400,000 active Police personnel, and about 150,000 are attached to VIPs (Akpede, 2019). The fact that more than one-third of Police personnel are attached to VIPs and the rest of the country is left with less than 250,000 personnel leaves a policing gap in the country. This has allowed a lot of non-state actors to interfere within issues of criminal justice administration, and in many cases without supervision and accountability.

Finance is the major fuel that drives the functioning of organizations and systems. The Nigerian reality is that the criminal justice sector including the Police, Courts and Prisons, are largely underfunded. Going by the 2020 budget for example, Police budget for year stands at N403,709,451,000.00 (four hundred and three billion, seven hundred and nine million, four hundred and fifty-one thousand naira). Out of this amount, total recurrent expenditure is N389,200,189,849, of which total overhead is N18,250,565,304 represents the total overhead, and the rest of the recurrent amount left for personnel. Total capital funding for the police in 2020 is N14,509,258,252. An examination of funding shows that its provisions leaves very little money for investigations. The fallout of this, is leaving a bulk of the financial responsibility of investigation to complainants. For example, investigating and tracking a stolen Smartphone in Nsukka, the Police will demand certain amount of money between 10,000 and 30,000 naira depending on the device, for such investigations.

The Judiciary also suffers underfunding. Courts, (especially State courts) continue to face issues of poor funding and fiscal dependence on the State executive. In fact, judiciary workers have intermittently gone on strike in the last five years. The last strike action was five months of withdrawal of services citing under funding, and requesting financial autonomy. Poor funding have led to situations exposing judicial and police personnel to the whims of bribes and money throwers who capitalize on poor remuneration of workers.

Political interference in the judiciary or even during investigations on an issue by vested interests have continue to undermine access to justice and the entire criminal justice administration mechanisms in place. Okenyodo (2018) noted that politicians have a strong grip of Nigeria's judiciary, and apply this leverage whenever they deem necessary. This grip arises sometimes from the constitutional structure of the courts, the operating environment, and the issues regarding lack of fiscal autonomy.

In 2001, an Attorney-General of the Federation was assassinated and his suspected killers arrested. However, they were later released after multiple judges refused to hear the case citing pressure from highly placed persons (Okenyodo, 2018). On October 2016, the Department of State Services (DSS) raided homes of Senior Nigerian Justices of the Supreme and Appeal Courts. In January 2018, the Abia State House of Assembly, acting on a petition signed by two directors of a Nongovernmental Organization, suspended the Chief Judge of the State, Justice Theresa Uzokwe, on allegations of misconduct and tyranny. Similarly, in January 2019, President Muhammadu Buhari suspended the Chief Justice of Nigeria Justice Walter Onnoghen on allegations of non-declaration of assets, and immediately swore in Justice Tanko Muhammad as his replacement.

There have also been cases of judges being threatened by politicians, blackmailed or denied of special police protection given the nature of their job. All of these issues show the extent to which politicians can go to interfere in the judiciary and tinker with the laws. In fact, the removal of the CJN in 2019 rang a bell throughout the continent as the president was accused of having sinister objectives with regards to rigging the 2019 presidential elections and legitimizing it with Supreme Court rulings, hence, he needed a pliant Chief Justice who would do his biddings. Political interference continues to undermine Access to justice and the entire criminal justice administration by eroding confidence in the judiciary.

### **CSO Advocacy and Access to Justice in Nigeria**

Civil society over the years has been a significant component of the Nigerian society (Onuh & Ike, 2021). It has provided the major platform for mobilization of mass protests and industrial actions as part of resistance to state abuses, authoritarian policies, (mis)governance, militarization of the civic space, attempts to force pay raises, human rights violations, among many other issues. It also evolved into becoming a formation of dynamic arrangements of safety nets, welfare and survival options for poor, vulnerable, excluded, marginalized, disadvantaged and weak individuals or group. As a formation, Civil Society Organizations has been able to construct broad platforms and fora for the coordination, cooperation, mobilization and action on public issues of interest (Ikelegbe, 2013).

Nigeria's Civil Society Organizations is characterized by activism, advocacy, mainstreaming, mobilization, contestation, criticism and opposition in the civic engagements in the public sphere. These organizations have been stakeholders in administration of criminal justice in terms of access to justice, via mainstreaming of particular issues of interest like human rights violations, women empowerment, gender-based violence, child abuse; articulation of demands for reforms and transparency in criminal justice procedure; resource mobilization for the

representation of accused people facing criminal trial especially on issues of state highhandedness, among a plethora of other issues.

### **CSO Advocacy and Mainstreaming of Human Rights Issues**

Human rights are inherent rights of the human person. They are part of the very nature of human being, and attach to all human beings in the Nigerian society and elsewhere. They are not gifts to be granted, withheld, or withdrawn at the whim and caprice of the mighty. This way, they are inalienable. In Nigeria, human rights are protected by law. These rights among many others include right to life, freedoms of thought and conscience, association and assembly, of speech and expression, right to vote and be voted for, right to dignity of the human person, right of movement, of marriage, and of property (Constitution of the Federal Republic of Nigeria, 1999).

In the sense of a modern Nigerian State, the framework for human rights protection could be found in the Bill of Rights of the 1958 London Conference which culminated in Chapter III of the 1960 Independence Constitution and those that followed. The Republican Constitution of 1963 has provisions for the protection of fundamental human rights. The 1979 and the 1999 Constitutions went further by providing for Fundamental rights in Chapter IV of both constitutions. Nigeria is also signatory to a lot of international conventions, protocols and obligations on human rights protection such as the Universal Declaration of Human Rights (UDHR), the African Charter of Human and People's Rights (ACHPR), etc. All of these, in fidelity to human rights protection.

Despite these frameworks assented to by Nigeria, issues of human rights violations are rife, and has become a firmly rooted component of the Nigerian Society. In fact, a great degree of human right violations in Nigeria are perpetrated by the Nigerian State and its agents (Afeno, 2015). The reason for this is not entirely removed from the reality of the authoritarian character of the Nigerian State. Afeno (2015) noted that law enforcement in the country is characterised by varying degrees of repressive behavior, violence and extra-judicial killings. Since its origin as a 'consular guard' whose primary function was to protect the economic and political interests of the colonial authority, security forces have continued to use excessive force including arbitrary killings in their engagement with the civilian population (Afeno, 2015).

Over the years, security forces different from the Police, have been commissioned and deployed in internal security duties as a result of the inability of the Police to effectively maintain law and order (Ibekwe, 2013). These forces are known to hardly maintain any rules of engagement on a rational basis as obtainable in a democratic society. They are known to use excessive force to arrest, detain and kill anyone who happens to be unfortunate at any moment. Although some of the victims of state brutality are criminal suspects, others are innocent individuals who are killed either because of politics, bribery, attempt at assertion of rights, or other pecuniary reasons (Afeno, 2015). The Nigerian Policing arrangement so far is known to be violent, repressive and always under suspicion by the general public.

Also, human rights violations constantly happen outside state commission. These are usually violations by individuals or group of persons against another, outside of state instructions or empowerment to do so. These violations happen daily in form of domestic (partner) abuses, child abuse, sexual and gender-based violence, mob or jungle justice, among others. The fact is these issues may receive redress but the violations have already occurred which in many instances involves lives.

In Nigeria's fourth Republic, the country has seen a plethora of human rights violations by state and non-state actors. From the Zaki-biam massacres, through Odi massacres, detention and

torture of members of the Movement for the actualization of the Sovereign State of Biafra, Apo Six killings, murder of members of the Indigenous People of Biafra in Aba, Onitsha and elsewhere, outrageous child abuse by Mrs Amaka Ortolehi (which happens to be a popular one, and does not represent a tiny fraction of the extent of child abuse in the country), varying degrees of police brutality, the violence unleashed at protesters in Lekki demanding an end to police brutality on October 20, 2020, to the military highhandedness in Oyiibo and Orlu. As for jungle justice, it has become the norm, to maim and burn to death, those accused of stealing in places like Aba, Onitsha and some parts of Lagos.

Most of the issues regarding these violations have been taken up by Civil Society actors. Historically, Civil Society Organizations have tried to highlight the issue of gross human rights violations by state and non-state actors, via mainstreaming them. This they do through partnership with major media outlets, extensive documentation, annual reports like that of the Human Rights Watch, The Initiative for Equal Rights, Stand to End Rape etc. The major modus of operation is to ensure strong media presence, organize conferences, seminars and workshops, and if necessary, mobilize for mass protests like the Nigerian Labour Congress does whenever it demands government action on a couple of issues affecting its members.

The activities of CSOs mount significant pressure on the government to either act or refrain from taking certain course of action. For example, Amnesty International has been able to document a series of abuses by the Nigerian government on the extrajudicial murder of IPOB members, it also joined in the mobilization for the EndSARS (anti police brutality) protests in October 2020. This documentation brought an issue almost swept under the carpet to limelight. Senior government officials were questioned on it, leading to further dialogue and communication on related issues.

### **Articulation and Demands for Reform/Transparency in Criminal Justice Procedure**

The criminal justice system is a crucial element of every society towards the maintenance of law and order. It is an embodiment of crime regulating techniques, which represents the whole range of government agencies that functions as the instrument of the state to enforce its set rules necessary for the maintenance of peace, order, and tranquility (Moses, 2011). The major task or role of the criminal justice system and procedure is to detect, apprehend, prosecute, adjudicate, and sanction members of the society who violate its established laws and regulations (Ugwuoke, 2010). The effectiveness of the criminal justice system is in ability to manage, curb crime and penalize violators in such a manner that is considered fair and just. The criminal justice system is mostly administered via the Police, Courts, Prisons, and a host of all empowering and enabling legislations and adjoining frameworks.

Specifically, trial speed in Nigeria is slow. It is not surprising for a simple case of assault occasioning harm to last for over five (5) years (Okogbule, n.d.). The reason for this includes but not limited to the attitude of continuous seeking of unnecessary adjournments by lawyers in order to frustrate a case or gain advantage, laxity or presiding judges and magistrates, administrative red-tapism within the judiciary's bureaucracy, etc. This slow process has led to a situation where litigants continue to groan under this debilitating scenario of unnecessary delays in the dispensation of justice. More importantly, the effect of the slow trial process in Nigeria is seen in the number of prison inmates awaiting trial in various prisons in the country. Eighty (80) percent of Nigeria prisons population is awaiting trial, most of whom, are held for trivial offences that are bailable (Oti, 2016).

The problem of awaiting trial in Nigerian Correctional facilities has continually called into question, the effectiveness of Nigeria's criminal justice system. This concern is further compounded with the continuous rise in prison population across the country, which as at 2017

stood at seventy-two thousand (72,000) inmates and eighty-one thousand in 2019 (IPCR, 2017; Shehu, Othman & Osman, 2019). According to Ukwayi & Okpa (2017), much of the awaiting trial inmates have been in prison custody for periods longer than necessary which constitute abuse of human rights. This could be very frustrating and capable of eliciting violent behaviour from the affected inmates. Moreover, the psychological and physical effects of long-term incarceration without trial amount to abuse. It falls under violation of the right to movement, association, assembly and considering the state of Nigerian prisons could be said to be violation of the dignity of human person. Questions as to what happens when these persons are eventually discharged or acquitted remain in the burner as by practice, compensations are never enough. These abuses have historically not been done justice to.

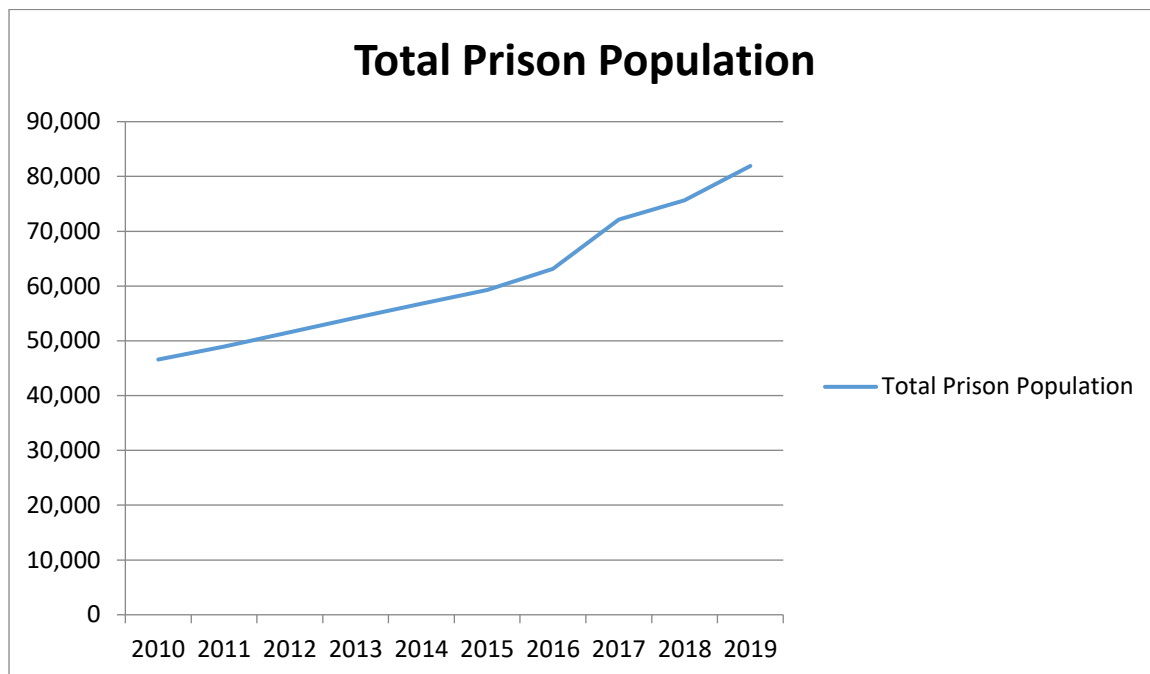


Fig 1: Growth in Prison Population between 2010 and 2019

Figure 1 shows the pattern of growth in Nigeria's prison population between 2010 and 2019. It is a ten-year period of consistent rise in number of inmates of which according to Oti (2016), eighty percent are awaiting trial. This is an indictment on Nigeria's criminal trial procedure. Civil Society Organizations have consistently called for holistic reform of Nigeria's criminal justice sector. Issues of slowness in criminal trial, overcrowded prisons, arbitrary arrests and detention have been highlighted by many actors within the space over the years.

Also, CSOs have provided funding, healthcare and some forms of social support for people in prison. Some of these CSOs such as Earthspring International, Champions for Change etc., work together to save the lives of mothers, children and young women in prison through innovative advocacy and leadership development. Together with Penal Reform International, these Civil Society Organizations have been able to articulate some of the challenges with the prison system and the problem of high percentage awaiting trial which is significantly blamed on the slowness of criminal trial procedure. Some of the interests articulated based on the advocacy of some CSOs with prisons and administration of criminal justice as their particular sphere of service include:

- i. Fast tracking and speedy trial of inmates to significantly reduce prison population
- ii. Building and expansion of prison infrastructure



- iii. Transfer of control of prisons from the Ministry of Interior to the ministry of Justice for effective administration
- iv. Improvement of prison health facilities with adequate supply of medicines and staff.
- v. Reducing mandatory minimums and expansion of discretionary rights by judges
- vi. Enlargement of the Community Service System as a punitive and corrective measure.

So far, CSO advocacy contributed to the enactment of the Administration of Criminal Justice Act (2015) which tried to streamline the timeframe for a particular criminal trial, all in an effort to reduce the slowness of the process. Also, CSO advocacy contributed to the protests which demanded the disbandment of the Special Anti-Robbery Squad (a tactical Police Unit which flagrantly violated people's rights, arbitrarily incarcerated people, extorted them, and even killed people). A glance at the graph in figure 1 could lead to questions as to why the consistent increase in number of prison inmates despite CSO advocacy. At this point, factors such as growth in general population of the country, increase in poverty and unemployment with its resulting increase in crime rates, increased state repression and shrinking of civic spaces come to play. The alternative question will be, without CSO advocacy, what would the situation have been? Most likely worse. The articulation of interests by these organizations helps the legislative process and set the path towards engagement with the government for some outcome.

### **Resource Mobilization and Improvement in Access to Legal Representation of Accused Persons**

Whenever the issue of access to justice comes up, access to legal representation is treated as a significant part of it. In fact, the legal system of most modern states (Nigeria inclusive) have become complex that it must require legal representation whenever there is an accused or a litigation. Legal representation is one of the most important components in accessing justice. It ensures that the accused or litigant is adequately represented by professionals in law/jurisprudence. This adequate representation is crucial to the principle of fair hearing, and overall dispensation of justice.

Given the nature of the Nigerian Legal System, Civil Society Organizations mobilize resource towards helping identified people on trial or litigate over issues of abuse or injury. This is generally known as legal aid. This is the provision of free legal services and support to persons who cannot afford to have such on their own arising from one issue or the other. Going by the number of persons accused without legal representation, and the fact that marginalized groups who face oppression from other privileged aspects of society like International Oil Companies, Multinationals and conglomerates etc., who are in cahoots with federal and state governments, but cannot on their own mobilize for a legal action for redress on injury done to them one way or the other, civil society organizations mobilize lawyers and other resources to represent these marginalized groups.

These CSOs mobilize resources either through donor funding, volunteer labour of sympathizers and those who identify with their causes, a network of international partners whose interests align, etc., to fight for and prosecute demands on specific issues – in this case, issues dealing with the administration of criminal justice in Nigeria. They recruit lawyers and paralegals, media workers and influencers who identify and are sympathetic to the cause of administration of criminal justice issues like ending police brutality, civilizing security forces rules of engagement, etc.

The mobilization of resources – mostly lawyers, paralegals, and media connections towards representation of people either as accused or in litigation is a crucial aspect of access to justice. Organizations such as Feminist Coalition (FEMCO), Citizen Gavel, Humanists Association of Nigeria, The Revolution Now Group, and a host of other non-governmental organizations have provided legal representation to people in need of such. The most recent is the provision of legal assistance to persons arrested during the EndSARS protests in October 2020. These representations significantly improve people's access to justice.

### **Mainstreaming Violence against Women concerns**

Violence has historically been endemic in human society. Violence against women has also been a historical phenomenon with women being at the receiving end of devious cultural practices which undermines their womanhood (Akanle & Busari, 2015). Violence against women is perpetuated and manifest in different dimensions. It is a deep-seated issue in Nigeria and elsewhere. It is a systematic and, in many cases, subtle way of violating and abusing the fundamental human rights of women.

The United Nations definition and characterization of gender-based violence was first presented in 1993 when the General Assembly adopted the Declaration on the Elimination of Violence against Women. According to the United Nations, violence against women is “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 deprivation of liberty, whether occurring in public or in private life” (UN Fact sheet Number 239, 2013). By this definition, the United Nations makes it clear that Violence against women transcends the preponderating view of violence as behavior merely involving physical force with intention to physically hurt damage or kill.

On a regional and continental basis, the African Charter on Human and People's Rights (ACHPR) defines violence against women as “all acts perpetrated against women which cause or could cause them physical, sexual, psychological, and economic harm, including the threat to take such acts; or to undertake the imposition of arbitrary restrictions on or deprivation of fundamental freedoms in private or public life in peace time and during situations of armed conflicts or of war”. This goes to show that violence against women is dynamic and broader in scope than expression of concerns for physical injuries that dominate the thinking of larger society on the subject.

Ellsberg & Heise (2005) argue that violence against women is the most pervasive yet under-recognized human rights violation in the world. They further note that it is also a profound health problem that saps women's energy, compromises their physical and mental health, and erodes their self-esteem in ways that cannot be quantified. Violence against women is a vicious cycle manifest in intimate partner violence (IPV), female genital mutilation (FGM), child brides, child rape, forced marriages, lack of bodily autonomy, sex trafficking, marital rape, and other harmful cultural and traditional practices that violate women.

Over the years, Civil Society Organizations have tried, organized and continuously advocate against Gender based violence of which violence against women is part of. Civil Society groups like Feminist Coalition (FEMCO), Stand to End Rape, Nigeria (STER), Women in Nigeria (WIN), Women's Consortium of Nigeria (WOCON), Mirabel Rape Crisis Center, The Women's Advocate, etc., have argued that the Nigerian society has for too long condoned certain harmful practices and behaviours that continually violate, abuse and undermine women. These groups note that violence against women are horrible and abhorrent human rights violations, having detrimental impacts on victims, survivors, families, communities and societies.

Much of the fight against the perpetration of this violence is via mainstreaming of issues of women's abuse and continuously putting it up in the public space so as to educate, people, shame perpetrators and hold them accountable, as well as help in the public disavowal of such behaviours and occurrences. In highlighting the problems of violence against women, BMC Women's Health remarks that specifically, violence against women in the home as manifest in intimate partner violence (IPV) is one of the worst kinds of violence. It limits a woman's decision-making power regarding her reproductive health, putting her at risk for sexually transmitted infections (STIs) and unwanted pregnancies (Benebo, Schumann, & Vaezghasemi, 2018). Partner violence during pregnancy can be associated with poor attendance to antenatal and postnatal care, increasing the risk of having low birth-weight infants or preterm births and intensive care admission of the newborn (World Health Organisation, 2013).

Mainstreaming of women abuse is mostly done through highlighting of daily abuse of women in their homes, school, workplace, religious bodies, recreational venues, streets etc. It is done using social media like twitter, facebook, YouTube, Tiktok etc. Also, mainstreaming is done via conferences, workshops, seminars, TV debates, presentations analyses, sensitization programmes, etc. These for a, provides avenues for Civil Society Organizations to highlight the challenges of violence against women and such other abuses and violations faced by women either by persons, as enacted by law or through cultural and traditional practices of society.

Mainstreaming of violence against women in Nigeria has over the years created an atmosphere and more enlightenment as regards violence against women and girls. At least among the formally educated and those who have significant access to social media like twitter and Facebook, one would notice the opprobrium and outrage that follows an alleged rapist, assaulter, or abuser. In fact, a popular tweep on twitter by name @Izu committed suicide after being accused of sexual molestation and rape. Tife Fabunmi, another popular tweep was insulted, jabbed, and ridiculed after being accused of rape by his ex-girlfriend @Sansa. Some of these issues have been controversial like in the case of D'banj, a popular Nigeria singer and artiste who was in 2020, accused of rape.

The extent to which people go to "clear their names" shows the degree of public disavowal of such violent activities or behaviours. In fact, Guzara (2017) noted the importance of mainstreaming of gender related issues and how far it has come in helping society move away from ridiculously harmful practices which were hitherto commonplace. He further adds that a strategy, gender mainstreaming, especially of women abuse, is important in order to redress the cultural, historical and social factors that disadvantage women across the world. In essence, gender mainstreaming has led to changes through policy-making and implementation, by being able to conceptualise policies that respond to changes in requirements, interests and perceptions with regard to women's roles in society.

### **CSO Participation in the Legislative Process**

Society has so far advanced to understand that law is made for the individual and group by whoever or whichever that is accepted as the law giver. Legal frameworks are central in shaping and reshaping desired women rights as well as entrenching them within the ambit of national or international laws. Summits, conventions and various conferences have been held over the years with a view to elevating the status of women in the society as well as pre-empting incessant cases of injustice or violence against female folks in the society (Akanle & Busari, 2015). Laws has for a long time been enacted to check different forms of violence including SGBV (Sexual and gender-based violence) which disproportionately affects women.

According to Wijkström (2011), the prime function of CSOs is the maintenance and production of values and ideas in society. They produce, articulate, disseminate and defend values, ideas

and ideology with the aim of attaining normative change (Reuter, et al., 2014). As noted in the foregoing chapters and paragraphs, CSOs employ different techniques, strategies and mechanisms in order to integrate their values into state policies. In Nigeria, Civil Society Organizations have engaged in campaigns, law drafting and mobilization towards ensuring that legislations directed at ensuring the protection of women from abuse, and those which aid the quest for justice, are passed in the National Assembly or State Houses of Assembly, and assented to by the President or Governor, respectively.

Also, apart from formally drafting legislations and presenting it on the floor of the parliament through members of the parliament sympathetic to its advocacy, Civil Society Organizations participate in the legislative process by dissecting and answering the many questions concerning the law-drafting project have been discussed and even decided before the legislative initiative is given. Most of the time, these draft legislations are products of conversations and dialogue spearheaded by individual activists and Civil Society Organizations. Moreover, law-drafting is a special setting that is governed by certain formal and informal rules which includes CSO involvement in the committee stage. The invitation and participation of these CSOs in the law-making process shows its ability to influence legislation through participation. CSOs have worked to abrogate and repeal some of the laws and procedures which punish women unjustly. These laws are often products of religiously inspired misogyny or cultural and traditional practices, myths and beliefs that have endured for a long time. Some of these laws that discriminate and violate against women include:

Table 1: some discriminatory legislative provisions

<b>Legislative Provision</b>	<b>Remark</b>
Classification of indecent assault of a woman or a girl as a 'misdemeanor'	The Criminal Code discriminates against women on punishment for sexual assaults. While the act of indecent assault against a man is classified as a felony under Section 353 (attracting a punishment of 3 years imprisonment), indecent assault of a woman or a girl is classified as a misdemeanor, under section 360 (attracting a punishment of 2 years imprisonment).
Non-criminalisation of spousal rape	The concept of spousal rape is not recognized under Nigerian law. Section 182 of the Penal Code (applicable in most states in Northern Nigeria) specifically provides that "sexual intercourse by a man with his own wife is not rape if she has attained puberty."
Non-criminalisation of child marriage	The provision of Section 182 of the Penal Code by implication provides a legal justification for child marriage
Normalisation of Intimate Partner Violence	Section 55(1)(d) of the Penal Code also justifies spousal abuse and intimate partner violence, providing that "Nothing is an offence, which does not amount to the infliction of grievous harm upon any person and which is done by a husband for the purpose of correcting his wife. Such husband and wife being subject to any natural law or custom in which such correction is recognised as lawful"

So far, Civil Society Organizations have been able to inspire the draft of new legislations, mobilize for support and pressurize the government towards repealing harmful laws and

replacing them with more friendly legislations that protect women from abuse to some degree. Some of these efforts have been able to lead to the following laws:

Table 2: Some pro-women's rights legislations resulting from CSO advocacy

Edo State Female Circumcision and Genital Mutilation (Prohibition) Law No. 4 of 1999
A Law to Prohibit Girl-Child Marriages and Female Circumcision No.2 of 2000 of Cross Rivers State
Ogun State Female Circumcision and Genital Mutilation (Prohibition) Law 2000
Rivers State Abolition of Female Circumcision Law No. 2, 2001. The law criminalises female circumcision
Ebonyi State Abolition of Harmful Traditional Practices against Women and Children Law No. 10 of 2001
Harmful Traditional Practices (Prohibition) Law of 2003, of Rivers State
Delta State Female Genital Mutilation Law 2001
Imo State Violence against the Persons Law No. 2 2012.
Bauchi State Prohibition of Withdrawal of Girls from School for Marriage Law
Ekiti State Gender-Based Violence (Prohibition) Law, 2011
Osun State Protection against Domestic Violence Law, 2013
Jigawa State Gender Policy, 2013
On October, 2016, Bayelsa State enacted a law prohibiting FGM, with penalties for breaching the law in the form of a monetary fine or prison term.

Also, there is the National Gender Policy of 2006 which came into being in direct response to the agitations of women and Gender-based Civil Society Organizations. The National Gender Policy, 2006 (which replaced the National Policy on Women, 2000) provides for the general protection of women and men, but especially of women against maltreatment, discrimination, obnoxious cultural practices and for equality in the socioeconomic sphere (Women Advocates' Research & Documentation Centre, 2017). As at 2020, Kaduna State House of Assembly prescribed harsher punishment for rapists. Some other states like Lagos, Oyo, Delta, have similar legislations or are in deliberating stages. The gradual evolution in the letter of these laws represents the evolution in the thinking and behavior of society in response to engagements of Civil Society on these issues

### **Provision of Immediate Assistance (Victim Support) to Violated Women**

Despite established and evolving legal frameworks put in place to check violence against women, protect women from abuse and protect human rights, violence against women still persists (Akanle & Busari, 2015). In fact, there are still reports of serious rape incidents and cases, abuse of the girl child in form of child marriages, issues of intimate partner violence (Benebo et al, 2018), and dispossession of widows of the estate of their late husbands.

That violence against women has continued even if studies point towards a decline in physical assault is a fact. It is seen that in cases like intimate partner violence, men tend to support the notion of wife-beating in order to "put her in her place". This, Benebo et al (2018), argues that such behaviour is commonplace even if a woman had high status because community norms among men tend to override the effect of her individual status. In many cases, protective effect of education against intimate partner violence is muted by community norms that do not frown at such behaviour. Moreover, the inability of the state to firmly enforce its legislations against

certain practices which it bans, criminalizes or deems repugnant to natural justice in context, show the weak state capacity and allows room for sustaining continuous abuse of women.

In essence, one of the aims of administration of criminal justice is to ensure that justice is served including reasonable punishment to offenders and support for victims. In this case, the state is lacking. Hence, Civil Society Organizations have stepped into the roles of providing support for victims of violence against women and girls. This support is seen in the encouragement of victims to leave oppressive homes and job situations where the higher-ups try to take advantage of women, report incidents of violence against women to these advocacy organizations so as to mobilize and organize legal representatives and paralegals in the quest for justice, provision of safe houses (temporary accommodations for violated women), counseling, safe venting spaces, and provision of financial assistance/empowerment to violated women to enable them stand independently and earn a decent living. This is necessary as most abused women are victims of a system that ensures their dependency on their husbands, family, the larger society, etc.

In real time, Women's Consortium of Nigeria (WOCON), one of the gender-based advocacy groups, renders free legal services to victims of gender abuse, advocates for elimination of gender-based persecution against women in Nigeria, and mobilizes and participates in a network which alerts other civil society organizations on individual cases of violence against women and girls. These are some specific actions with direct implications impact on access to justice and administration of criminal justice in Nigeria. Also, groups like Women for Peace and Gender Equality Initiative, women and Child Care Initiative, The Women's advocate, feminist Coalition, Stand to End Rape, etc., are some of the groups that contribute to victim support through financial assistance, provision of safe houses for women and free legal representation in the quest for justice in Nigeria.

The activities of these advocacy groups over time cumulatively create a more enabling environment for seeking justice. Through their advocacy, they have been able to inspire more women to leave abusive homes and work places, raise funds for women startups, set the stage for legislations that protect women, provide legal and paralegal services, pressurize police authorities to take issues of women abuse seriously by making investigations, arrests and determined prosecution. These activities may not have entirely changed society in the meantime, but it has led to certain levels of progress.

### **Conclusion**

The role of CSOs in the administration of criminal justice process be further strengthened through the enactment of legislations that will make their participation sacrosanct. That is to say, the legislation must enshrine the role of CSOs throughout the stages of administration of criminal justice, and that any interference with the legitimate participation of CSOs in the justice administration process be criminalized. Considering the importance of CSOs in mainstreaming the issues of women's right and illuminating issues of women abuse, the federal government should establish a fund accessible by CSOs in women's rights advocacy in furthering their work which borders on creating a just and equitable society. The federal government should, in collaboration with the CSOs, design and implement a programme of rehabilitation for women that are victims of abuses resulting from the failure of government to ensure their protection.

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