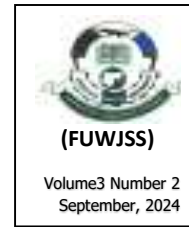


AN OVERVIEW OF VICTIM RIGHTS AND INTERESTS IN NIGERIAN CRIMINAL JUSTICE SYSTEM

Shajobi-Ibinkule, D. Gloria

Department of Private and Property Law
University of Abuja, Abuja, Nigeria



Suleiman M. Barnabas

Department of Sociology and Anthropology,
Baze University, Abuja

Abstract

While the justice system places much premium on rights of defendants, victim rights and interests embedded in victimology is not given as much prominence. In many ways, victimization of those who already suffered harm or abuse occurs in the justice system. This study examines Statutes that have accorded rights and protects victims of crime and identified gaps existing in treatment of crime victims. The doctrinal research methodology was used for the study relying on primary and secondary sources of data as well as online resources. The study findings revealed that although it has roots in other disciplines, victimology has now gained traction as a new field in criminal justice system. Also, the Nigerian Constitution and penal Statutes majorly restrict themselves to rights of defendants; while the Administration of Criminal Justice Act of 2015 and the Violence Against Persons Act of 2015 contained novel provisions for protection of victims of crime. The study concludes that there is need for the promulgation of a Victim Rights Act which should inculcate comprehensive victims' rights and interest as exemplified in the United Nations Basic Principle of Justice for victims of crime. Thus, the study recommends that victims of sexual, violent, transnational and organized crime such as terrorism, illegal trafficking should be afforded rights which address their specific needs in relation to the violations committed against them. Also, undergraduate legal education curriculum should incorporate the study of victimology, as this will properly equip lawyers to advocate not only for defendants but for victims as well.

Keywords: Victimization, victim rights, legal education, Criminal Justice System

Introduction

Victim rights and interests are subsumed in the field of study known as Victimology, which in itself arose from the course of study known as Criminology. Victimology is the scientific study of crime victims (Quadri, & Siddique, 2011). It includes the study of the relationship between victims and offenders, the causes, consequences and effects of being victimized, and how the criminal justice system interacts with victims of crimes. On the other hand, criminology is the study of criminals; what they do, why they do it and how the criminal justice system responds to them as suspects, accused persons/defendants/detainees and as convicts. The field of victimology is still finding its place in justice systems and this paper seeks to review progress made in tackling victim rights and interests so far in the Nigerian criminal justice system and selected jurisdictions.

Victimology as an academic term contains two elements, one is the Latin word ‘*victima*’ which translates into ‘victim’. The Greek word ‘*logos*’ means a system of knowledge. It was from these two root words that victimology was coined. Hence, victimology is essentially the study of victim of crime. It had its origin with the early writings of Benjamin Mendelsohn (1956). It also studies the connections between victims and how other social groups and institutions such as the Media, businesses and social organizations deal with crime victims. In their study, the victimologists take into account the victims age, gender, race, occupation, physical appearance, relationship status and perceived vulnerability (Mauro, 1990).

A victim is defined as the person who is the object of a crime or tort, and is sometimes referred to as the ‘forgotten people in the system’. President Gerald Ford once said

For too long, the law has centered its attention more on the rights of criminals than on the victims of crime. It is high time we reversed this trend and put the highest priority on the victims and potential victims’

It is instructive that the earlier Nigerian penal statutes such as the Criminal Code and the Penal Code do not have the word ‘victim’ in their explanatory notes. The word is also missing in the Independent Corrupt and Other Related Offenses Commission(ICPC) Act 2000 and the Economic and Financial Crimes Commission(Establishment) Act 2004. In sharp contrast, the Administration of Criminal Justice Act (ACJA) 2015 boldly declares that:

‘the purpose of this Act is to ensure that the system of administration of criminal justice in Nigeria promotes efficient management of criminal justice institutions, speedy dispensation of justice, protection of the society from crime and protection of the rights and interests of the suspect, the defendant and the victim (emphasis mine)

It is no surprise that ACJA sets forth novel provisos with victim protection in view.

A cursory examination of the explanatory introduction to the Violence Against Persons (Prohibition) VAPP Act 2015 states thus:

An Act To Eliminate Violence In Private And Public Life, Prohibit All Forms Of Violence Against Persons And To Provide Maximum Protection And Effective Remedies For Victims And Punishment of Offenders And For Related Matters.

Therefore, the issue of victims is gradually occupying priority in recent penal statutes (Beccaria, 1764). A criminal is someone who has committed crimes(s) and has been found to have committed the crime(s) through a criminal justice process involving the police and the criminal courts, leading to a conviction (Quadri, & Siddique, 2011). For clarity, such person must have violated a criminal law.

In the Unites States, during the late 1970s, ‘Mothers Against Drunk Drivers’ (MAAD) and ‘Parents of Murdered Children’ were founded as Victim Advocacy organizations. They were able to publicly counter the prevailing belief that many victims of crime were somehow responsible for what happened to them. Their advocacy galvanized popularity by the American public and thereby allowed the field of victimology to be more widely recognized by both law enforcement and the general public alike (Jura & Blanco, 2002).

In the Nigerian public space, the study of criminal behaviour, patterns of offending and other related issues is embedded in the field of criminology whilst victimology as a separate course is not yet fully recognized. Non-Governmental Organizations (NGOs)s carry on advocacy for victims of crimes on an *ad-hoc* basis such as victims of domestic violence or victims of banditry. Thus, the time is ripe for study of victims, impact of crime on victims, their interests, rights also as an academic discipline and special area of focus by Nob -governmental Organisations. To this end, this paper will further highlight pertinent issues relevant to this issue.

Criminal Justice is defined as a legal process involves the procedure of processing a person accused of committing crime from arrest to the final disposal of the case.

Victimization

By Victimization is meant an outcome of an action taken by a person that is meant to cause harm that is physical, sexual, psychological or moral, or results into harm, being done to another person or people. It is technically caused by criminal actions, such as assaults or abuse. There are situations where some crimes go unreported because of the power dynamics between perpetrators, those they have victimized, and the authorities and of a fact in some cases, the authorities are also the perpetrators, rendering access to help much harder.

Examples of Victimization of Nigerian citizens stare us in the face. Over the years corruption by Law Enforcement officials has been a challenge, citizens find it difficult to trust most of the officers because of police extortion, accidental discharges leading to death of innocent civilians, which has badly dented their image. Others are corrupt politicians, public thieving public officials, criminally negligent Medicare workers, corporate workers engaged in white-collar & corporate crimes, victims of sexual offenses, crimes of violence leave victims in their trail often unable to access justice even though it has been well established that a crime was committed. Victims of Sexual Harassment in Tertiary Institutions have been in the public domain these past years. These types of crimes can go overlooked because of the challenge of proving the reality of harm having been done when it is not evident to the human eye to the authorities. These obstacles, however, do not alter the reality of someone being victimized and suffering trauma as a result. If one has been harmed, one suffers valid victimization. Mutual Victimization when a criminal is retaliated against and becomes a victim himself.

No Victimization cases refers to victimless'' crime. These are crimes that are illegal but has no direct victim. The parties may be consenting adults. Therefore, there is no harm directly and specifically imposed upon another person and as a result, it is said there is no victim (Danbazzau, 2007). If a man picks a prostitute, both participants are consenting adults but prostitution is against the law (Fuller, 2019). This is what makes this a victimless crime.

Theoretical Framework

Studying these different theories will be helpful in identifying why certain people have a higher likelihood of becoming victims. They are motivated by the need to investigate the victim's responsibility in the "genesis of the crime", an idea some scoff at (Schaffer, 1968:152). These theories are explained below:

Victim Precipitation Theory (VPT)

This theory also known as victim facilitation refers to situations where the victim was the initial aggressor in the action that led to the harm or loss. The theory was first coined by Wolfgang (1958) in his study of homicide. Wolfgang examined 588 homicides that occurred in Philadelphia between 1948 and 1952. He discovered that in 26% of his sample the victim was the first to engage in physical violence, or in other words, the victim was the initial aggressor. The victim precipitation theory can either be passive or active;

A. Passive VPT: The theory is passive in the sense that the victim unconsciously behaves in a way or has specific characteristics that instigates or encourages an attack. Passive precipitation is typically the result of a power struggle, Job promotions, successes, love interests, dating situations, intoxication cases e.t.c., which can give rise to a power struggle and cause passive precipitation. It is often applied to sex crimes when there is a form of relationships though condemnable. An instance is where defendant was found not guilty because the victim was wearing a lace mini skirt with nothing underneath because she was 'advertising for sex'. The jury concluded the 'victim asked for it the way she was dressed'. Yalaju (2012) calls it 'legal victimization'. People who are likely to encourage a crime passively include minorities, political activists, members of LGBTQ+ and other individuals who lead an alternative lifestyle. These groups are often targeted because of the unintentional threat they pose to the authority.

B. Active VPT: Active precipitation on the other hand occurs when the victim engages in threatening or provocative actions. This is controversial because victim advocates argues that this may amount to 'victim blaming' for the occurrence of the crime. For example in rape cases where flirtation may have been present, however there was no consent to sexual intercourse. This over the years have met with criticism which is why it is submitted that caution be exercised when discussing active precipitation as it does not apply to all cases.

Wolfgang's research gave rise to the phenomenon of victim blaming, where the victim of a crime is held responsible, in whole or in part, for their own victimization. Blame stems from a belief that there are specific actions people can take to avoid being harmed. When such actions are not followed, others are not likely to sympathise with the victim as they see the crime as avoidable had the victim chosen to take the appropriate measures to avoid potential harm. Victim blaming can take the form of negative social responses from legal, medical and mental, immediate family members and other acquaintances.

This school of thought believes that despite the victim being assaulted by the offender, it is still the victim's responsibility to take precautions as to their mode of dressing and their alcohol intake in the public to ensure their safety. This type of statement can be extremely dangerous and unfair to victims of crime, it amounts to victim blaming and this can have serious negative effects on survivors, who have been deemed at fault even though they bear no responsibility for crimes committed against them. Victim advocates argue that victim blaming undermines victim status while simultaneously excusing the offender for the crime. Survivors who receive negative responses and blame tend to experience greater distress and are less likely to report future victimization. In cases of Sexual Harassment, some people contend that it is the morally indecent dressing of female students that causes such. The cases on ground do not support such a position as young freshers into institutions are attacked also. Even Wolfgang's research showed that only 26% of the victims were found guilty wholly or in part of the harm done to them, whereas 74% of the offenders were found guilty. Therefore, 26% out of 100% is not a good mark for this theory to have thrived.

Victim blaming leads to victim shaming. It reduces willingness of victims to speak out about the abuse they suffered. It further discourages victims from seeking help they need for psychological, emotional wounds due to fear of further stigmatization.

Routine Activity Theory

This was first proposed by Cohen and Felson (1979). They both posited that the risk of criminal victimization increases when there is the convergence of the following three elements;

- i) The availability of suitable targets, including homes that contain high value items that are relatively easy to obtain.
- ii) The absence of capable guardians such as the Police, a homeowner, neighbours, friends and relatives can increase the

probability of a crime. A target that is undefended and attractive is the Holy Grail for a motivated criminal. However, if a target is well-defended by capable guardianship, even the most seasoned criminal may hesitate to attack.

- iii) The presence of motivated offenders who have criminal intent and the ability to act on their plan. For example, a substantial amount of jobless teenagers. If there is a lack of motivated criminals in an area, the crime rate is likely to be lower than the rate in an area with significantly more motivated offenders.

If all of these variables are present, a crime can occur, and the risk of victimization will increase. However, if one or more of the variables are absent, then a crime is unlikely to happen. For example, many affluent neighborhoods have low crime rates even though there is an availability of suitable targets. The low crime rates can be attributed to high guardianship such as security systems or a neighborhood watch program and lack of motivated offenders to carry out criminal acts.

However, we submit that this theory does not fully explain convergence of criminal and victim. It erroneously assumes that a victim can lessen the offender's motivation by being less of a suitable target, in this situation what then happens to victims who are completely innocent of the harm done to them. Furthermore, it assumes equality exists between all the three parties (the victim, the offender and the guardian), ignoring the different power imbalances at play. In a sense it even further victimizes the less affluent who live in average homes without access to well-rounded policing measures or security architecture in neighborhoods.

Lifestyle Theory

The lifestyle theory has its roots from the early work of some criminologists such as Sykes and Gresham (1957), Bandura (1986) and Walters (1989). It posits that certain people may become the victims of crime because of their lifestyle (personal and/or professional) and choices. This theory maintains that many victims expose themselves to criminal offenders and situations where crime is likely to occur. Examples of lifestyle choices that may raise one's risk of victimization has been said to include:

- Being promiscuous
- Excessive alcohol intake
- Gambling
- Substance addiction

- Living in dangerous neighborhood with less attention paid to possible dangers
- Association with known criminal offenders
- Leaving doors unlocked.

This theory also cites research that shows a correlation between the lifestyle of victims and offenders. Both tend to be impulsive and lack self-control, making the victim more likely to put themselves in high risk situations and the offender more likely to engage in an unlawful act. The problem with this theory is that again it punishes a victim by blaming him for the crime due to personal challenges or vices such as gambling, promiscuity or failings. It also introduces us to status characteristics of victims of crime. In fact, Yalaju lists staying unmarried, demonstrating 'posh lifestyle, going to public places at night as other instances. This is quite bizarre to say the least. These are determined by a person's income, education level, employment or sexual orientation. Such factors produce a form of life patterns which can entice an offender to plan their crimes based on those patterns. We hold that this theory does not of itself explain the offenders proclivity to crime neither does it justify criminal attack.

Deviant Place Theory

This theory informs that those who live in dangerous places are more exposed to crime and this raises their chance of being victimized. This will also apply to those who constantly visit such places. Notable scholars in this field are William Julius Wilson. He opined that crime can be avoided by staying away from deviant/dangerous places to areas and that such areas required greater law enforcement which in turn leads to lower crime rates. The victim does not play a role in encouraging the crime but is still prone to being a victim because they live in a socially disorganized high-crime location, even though they may not engage in risky behaviors or lead a dangerous lifestyle, residents of areas with high crime rates have the most significant risk of coming into contact with offenders. We submit that this theory criminalizes the poor and is an overlap between the deviant place theory and socio-economic approaches to victimization.

Research Methodology

The research methodology is doctrinal. The paper reviewed primary sources of date such as Statutes as well as secondary sources such as books, journal articles, as well as relevant on line sources.

Typology of Victims

There are early references to victims of crime in ancient times like the code of Hammurabi and religious scriptures where one of the earliest recorded events includes an account of Cain murdering his brother Abel. Hentig (1948) made the first ever study of crime victims and classified them as the young, females, the old, mentally defective, the intoxicated, immigrants, minority groups and 'dull normal'. United States Criminal Jurisdiction

The United States enacted two federal statutes describing the Government's Responsibilities to crime victims. These are:

- I. The Victims' Rights and Restitution Act. It describes the services the federal government is required to provide to victims of federal crime.
- II. The Crime Victims' Right Act (CVRA) which sets forth the rights that a person has as a crime victim.
- III. The U.S Victims of Crime Act created a \$100 million crime victims fund drawn from fines paid for federal offenses. The money which is usually under control of Prosecutors supports State victim-compensation and other program. Some States even cover medical expenses, funeral expenses, lost wages and supporting deceased victim's dependants etc. Other States established programs for victims to cover items like:

Personal Advocacy programs: helping victims receive all the services they are entitled to

Referral: Recommending or obtaining other assistance

Restitution assistance : Urging judges to order or probation authorities to collect, restitution and helping violent crime victims fill out applications to receive compensation

Court orientation: Explaining the criminal justice system and their participation in it.

Transportation: Taking victims and witnesses to & from court. Social service agencies and shelters.

Escort services: Taking witnesses to court and staying with them through proceedings, if necessary.

Emotional support: Giving victim support during their ordeals with crime and the subsequent criminal justice proceedings which can be overwhelming for the average citizen.

Thirteen States in the U.S have even written victim rights provisions into their constitutions. At the time of the offense, victims usually rely on self-protection. These measures may include resisting, trying to capture the offender, persuading the offender or running away. The research

showed that more than half of those who took self-protective measures reported that their actions had a positive effect. About seven percent reported the measures made the situation worse, while six percent reported that both positive and negative effects resulted.

Rape Crises Centers-These are centers deal with sex crimes and provide counselling and other therapeutic measures to the victims. They use telephone hot lines or offices. McDonald submits victims do not benefit from the services because:

- (i) The sex victim does not benefit from and only stands to suffer more humiliation if she reports her victimization to the police or by cooperating with the prosecution of the case.
- (ii) A victim believes there is nothing to lose if no report is made because the criminal justice system is grossly in apprehending, successfully prosecuting or even incarcerating dangerous sex criminals.
- (iii) Psychiatry- which is the behavioral and social sciences and the 'helping professionals' do not have anything to offer female victims of sex crimes. They do not know how to protect her as a sex victim.
- (iv) The best therapist for the female sex victim is another victim.

Victims in Indian Penal Jurisdiction

- (1) Elderly victims- While in western nations' elderly persons tend to be in lower income groups and may stay in lower class neighborhoods, the richer ones stay in homes which are safe and secure. Quadri argues that this is majorly not the case in Indian society as the elderly tend to stay with their children or extended relations. This position also applies to traditional African homes.
- (2) Child victims- This class is particularly troubling as children need special protection due to their age, size, innocence. When they are preyed upon, society gets unsettled. Quadri argues that the problem with this is that it may deprive the accused of right to cross examination. This can be accommodated electronically so it is not a hindrance. In Israel evidence of child victims of sexual offenses may not be taken in police station or court by Law. A young person known as an 'interrogator' is appointed to decide under what conditions the child may give evidence.
- (3) Victims of sex offenses- Women who are the overwhelming victims of sex offenses maximum protection due to emotional, psychological and human problems. Quadri states further that India suffers from terrible sexual and other abuses to women, which its criminal justice

system has not addressed fully. The Evidence Law does not help matters on two fronts.

- (a) The duty to prove lack of consent rests on prosecution. This is not easy to prove except showing evidence of resistance by a victim.
 - (b) Her evidence may be discredited if facts are adduced she is of an immoral character. More important is the humiliating and scandalous cross examination such victims are subjected to during trial. This applies to most trials in most jurisdictions. This is why we canvass that the study of Victimology form part of legal education as it will equip the Bar and Bench from allowing humiliation of victims of sex crimes like sexual harassment or rape etc. The Indian Penal Code was amended to introduce longer jail sentences. Rape attracts seven years minimum imprisonment and maximum of life imprisonment if the the offender is a police officer, public officer, jail superintendent or hospital employee in whose custody the victim was kept. Also disclosure of Identity of victims of rape is punishable in India in section 228(A) of the India Penal Code.
- (4) Female Victims-The Indian society throws up a rather troubling and pervasive culture of grave sexual abuse to women more we daresay than any society. There is the issue of gang rape by policemen, criminal gangs, and dominant caste groups. There is dowry deaths, wife beating, and prostitution. Though legislation exists albeit defective, enforcement is very low due to societal connivance. This is due to the fact the society views women as inferior and subservient even among educated elite. There is the *Sati* culture-a practice among Hindu widows that encourages them to burn themselves as an act of ultimate sacrifice. This abhorrent practice is subtly encouraged by some Indian scholars, religious figures and traditional rulers.
 - (5) Minority groups and weaker sections-Communal strifes lead to retributive acts of murder, destruction and looting of property, sexual violence against minority groups especially the women as targets.

The United Nation Declaration On Principle Of Justice For Victims Of Crime And Abuse Of Power

The United Nations General Assembly in 1985 adopted a declaration known as 'Basic Principle Of Justice For Victims Of Crime And Abuse Of Power'. The declaration is accepted as the *Magna Carta* of rights

worldwide. The Declaration provides the following rights to victims of crime:

Access to Justice and Fair Treatment

Victims should be treated with compassion and respect for their dignity. They are entitled to access to the mechanisms of justice and to prompt redress, as provided for by National Legislation, for the harm that they have suffered.

Judicial and Administrative mechanisms should be established and strengthened where necessary to enable victims to obtain redress through formal or informal procedures that are expeditious, fair, inexpensive and accessible. Victims should be informed of their rights in seeking redress through such mechanisms. The responsiveness of judicial and administrative processes to the needs of victims should be facilitated by:

- (a) Informing victims of their role and the scope, timing and progress of the proceedings and of the disposition of their cases, especially where serious crimes are involved and where they have requested such information;
- (b) Allowing the views and concerns of victims to be presented and considered at appropriate stages of proceedings where their personal interests are affected, without prejudice to the accused and consistent with the relevant national criminal justice system;
- (c) Providing proper assistance to victims throughout the legal process;
- (d) Taking measures to minimize inconvenience to victims, protect their privacy, when necessary, and ensure their safety, as well as that of their families and witnesses on their behalf, from intimidation and retaliation;
- (e) Avoiding unnecessary delay in disposition of cases and the execution of orders or decrees granting awards to victims.

Informal mechanisms for the resolution of disputes, including mediation, arbitration and customary justice or indigenous practices, should be utilized where appropriate to facilitate conciliation and redress for victims.

Restitution

Offenders or third parties responsible for their behavior should, where appropriate, make fair restitution to victims, their families or defendants. Such restitution should include the return of property or payment for the harm or loss suffered, reimbursement of expense

incurred as a result of victimization, the provision of services and the restoration of rights.

Governments should review their practices, regulations and laws to consider restitution as an available sentencing option in criminal cases, in addition to other criminal sanctions. In cases of substantial harm to the environment, restitution, if ordered, should include, as far as possible, restoration of the infrastructure, replacement of community facilities and reimbursement of the expenses of relocation, whenever such harm results in the dislocation of a community. Where public officials or other agents acting in an official or quasi official capacity have violated national criminal laws, the victims should receive restitution from the state whose officials or agents were responsible for the harm inflicted. In cases where Government under whose authority the victimizing act or omission occurred is no longer in existence, the state or Government successor in title should provide restitution to the victims.

Compensation

When compensation is not fully available from the offenders or other sources, state should endeavour to provide financial compensation to:

- (a) Victims who have sustained significant bodily injury or impairment of physical or mental health as a result of serious crimes;
- (b) The family, in particular dependents of persons who have died or become physically or mentally incapacitated as a result of such victimization.

The establishment, strengthening and expansion of national funds for compensation to victims should be encouraged. Where appropriate, other funds may also be established for this purpose, including in those cases where the State of which the victim is a national is not in position to compensate the victim for the harm.

Assistance

Victims should receive the necessary material, medical, psychological and social assistance through governmental, voluntary community-based and indigenous means.

Victims should be informed of the availability of health and social services and other relevant assistance and be readily afforded access to them.

Police, justice, health, social service and other personnel concerned should receive training to sensitize them to the needs of victims, and guidelines to ensure proper and prompt aid.

In providing services and assistance to victims, attention should be given to those who have special needs because of factors such as those mentioned in paragraph 3 above.

The African Charter on Human and Peoples Right

Article 5 provides rights to protect victims. It states that *'every individual shall have the right to the respect of dignity inherent in a human being and to respect of the dignity inherent in a human being and to the recognition of his legal status''*. Although it appears not specific to crime victims, it can be inferred from the from effects of crime on individuals, victims of crime are included as they are also human being.

Nigerian Jurisdiction 1999 Constitution

Chapter IV of the 1999 Constitution of the Federal Republic Of Nigeria(CFRN) provides for the protection of the fundamental human rights of the citizens generally.These include Right To Life, Right To Dignity of the Person, Right To Personal Liberty,and so forth. Section 46 (1) specifically provides that an application can be made to the High Court for redress for violation of these rights. However, with critical observation of the laws, the offender seems to enjoy more attention than the victim. This is what victimologist fight against. Their belief is that the victim does not enjoy such rights as those bestowed on the offender. There is need for greater emphasis on rights to be made available to victims more so in special cases such as in the case of Minors, Rape victims, victims of organized crimes, the aged and indigents to mention a few. They should make the rights of the victims more distinct and enforced by all the players in the administration of criminal justice in Nigeria.The Nigerian government can learn from progress made within jurisdictions earlier discussed and in International instruments.

Nigerian Penal Statutes

The Administration of Criminal Justice Act 2015

Section 270 (2) of the Administration of Criminal Justice Act 2015 provides that a plea bargain requires a victim or his representative's consent for the prosecution to enter into or consider a plea bargain from the defendant. Further, the Prosecutor is enabled to also enter a plea bargain where the defendant has agreed to return the proceeds of the

crime or make restitution to the victim or his representative. Sub-section 12 also provides:

The presiding Judge or Magistrate shall make an order that any money, asset or property agreed to be forfeited under the plea bargain shall be transferred to and vest in the victim or his representative or any other person as may be appropriate or reasonably feasible.

Violence Against Persons Prohibition (VAPP) Act 2015

Section 38 of the Act specifically provides for certain rights for Victims of crime. This is a novel and Landmark proviso. These rights include rights:

- (a) to receive necessary materials, comprehensive medical, psychological, social and legal assistance through government agencies or non -governmental agencies providing such assistance;
- (b) To be informed of the availability of legal, health and social services and other relevant assistance and be readily afforded access to them;
- (c) To rehabilitation and re-integration programme of the State to enable victims to acquire, where applicable and necessary, pre-requisite skills in any vocation of the victims choice and also in necessary formal education or access to micro-credit facilities;
- (d) Any rules and or regulations made by any institution or organization prohibiting or restraining the reporting of offenses or complaint with the provisions of this Act, shall, to the extent of the inconsistencies be null and void; and
- (e) No complaint of any offence under this Act shall be expelled, disengaged, suspended or punished in any form whatsoever by virtue of the action be of compliance with the provisions of this Act. It prescribes a penalty of imprisonment of 8 months or a fine of N200, 000 or both.
- (f) Child Victims; The VAPP Act made proviso for protection of child victims who may be too traumatized to give evidence in court either as victims or witnesses. The Act also endeavors to shield victims who need protection from public court hearings.
- (g) Anonymity of Victims/Witnesses; The Act also endeavors to shield victims who need protection from public court hearings. Identification of victims can be protected in a proceeding under the VAPP Act. The case for anonymity of victims is much needed especially in sexual abuse cases will eliminate the reluctance of victims from speaking out by victims. The Act mandates the Judge to bar publication of certain information if the dictates of justices so

require, if it will to reveal the identities of the parties to the proceedings or of any witnesses.

- (h) Provision of Legal, Medical, Financial Or Other Aid By A Service Provider; The VAPP Act recognizes that the rights and interests of victims of violence is needful and important. It further by implication recognizes that Government alone cannot provide all that is needed. The Act therefore allows Service Providers to by lawful means including providing legal aid, medical, financial or other assistance register with a State Government as a service provider for the purposes of the Act.
- (i) Protection Order; VAPP Act allows for application for issuance of a protection order to restrain any individual or State actor from further abusive behavior towards a victim. Section 31 lists powers in respect of protection order and circumstances under which such order can be issued. It can impose any additional condition which it deems necessary to protect and provide for the safety, health or well-being of the complainant. This is another laudable intervention.
- (j) Protection Officers; A Protection Officer may be appointed in each Area Council to ensure that the victims or survivors of violence *inter alia* -
- (a) Have easy access to accredited service providers
 - (b) Have easy access to transportation to an alternative residence or a safe shelter, the nearest hospital or medical facility for treatment, if the complainant so requires;
 - (c) Are able to collect their belongings or properties from a shared household or her residence, if the complainant so requires.
- This is very important as complainants are often too terrified to return to their place of abode for whatever reason. These officers will serve as “guards” to give sense of protection from heckling, threats or even further violence.
- (k) Declaration of A Person As A Dangerous Sexual Offender; Section 43 of the VAPP Act empowers the court to declare a person who has been convicted of a sexual offence a dangerous sexual offender if such a person-
- (a) more than one conviction for a sexual offence;
 - (b) been convicted of a sexual offence which was accompanied; or
 - (c) been convicted of a sexual offence against a child.
- It may be argued that this is largely a ceremonial gesture or that it goes to little effect especially where the offender is self employed or has little interaction with Government or private employer. However,

to a victim, this is enormous psychological satisfaction, An NGO can ensure such persons are not allowed in schools or have access to employment that give opportunity to sexual attacks such as hotels etc.

- (l) Prosecution of Offenses Commenced Before the Act; Section 45 of the VAPP Act has endeavored to cure the ills of earlier penal statute that do not have far reaching provisos for protection of victims of crime for prosecutions that commenced before the Act. This meant that if prosecution was undertaken under the Criminal Code or Penal Code in the State, before the promulgation of the Act, was to be continued as if under the Act. victims may be disadvantaged.
- (m) Stringent Punishment For Offenders-Victims of Violence crimes have the psychological satisfaction that harsher sentences now apply to offenders. It must be stated that crimes of rape under VAPP are gender neutral, which means offenders can be male or female. The VAPP Act states that a person convicted of rape under the Act is liable to a maximum of life imprisonment except-
- (a) where the offender is less than 14 years of age, the offender is liable to a maximum of 14 years imprisonment,
 - (b) In all other cases to a minimum of 12 years without an option of fine; or in cases of rape by a group of persons, the offenders are liable jointly to a minimum of 20 years imprisonment without option of fine.

In all of these noble advancements towards elevating victim rights and interests in the recent penal statutes, it has become pertinent to make a case for a Victim Bill of Rights for Nigerian criminal jurisprudence.

Victims of crime incur not only financial costs but also physical, emotional and psychological costs. Instead of spending his or her time productively and in pursuit of his daily needs, he is forced to divert the time for police investigations, seeking medical services, claiming medical insurance, organizing repairs, making new purchases to replace stolen or damaged property. Emotional distress as the result of a crime is a recurring theme for all victims of crime. The most common problems affecting three quarters of victims are psychological problems including fear, anxiety, nervousness, self-blame, anger, shame and difficulty sleeping. These problems often results in the development of chronic post-traumatic stress disorder (PTSD) (Sebbal, 1996).

Post-traumatic distress is also linked to pre-existing emotional problems and socio-demographic variables. This has been known to become a leading case of the elderly being more adversely affected. Victims may experience the following:

- Increase in the realization of personal vulnerability
- The perception of the world as meaningless and incomprehensible
- The view themselves in a negative light

Dambazau (2007) argues that peculiarity of victim needs depends on nature of the crime. Transnational crime of human trafficking are usually economic migrants, political asylum seekers those deceived or coerced to be victims and individuals looking for greener pastures. He lists harmful effects to include:

- (a) It weakens ties of parental affection, undermines the extended family system in Africa and decreases families influence and control over their children.
- (b) It impacts on the human rights of the victim *to wit*- rights to life, liberty and the security of the person especially depriving the child the protective environment of family and making him susceptible to sexual abuse and exploitation.
- (c) A major consequence is death.

Conclusion and Recommendations

Crime undermines the social fabric of society eroding the sense of safety and security. Mahatma Gandhi's vision of 'Wipe every tear from every eye' implies that the victims of crime must be consoled and restored and the wrong doer made to bear the responsibility he has inflicted. Thus, a prisoner can work and earn in order to make reparation for the crime brings to fore his obligation to not only pay for his crime but retribute the victim. The need to care for victims is principally that of society for as the system designed to protect them must have failed (Ashutosh, 2013). It is recommended that a comprehensive Statute that addresses Victim interests and rights be enacted. This is directed by the United Nations Basic Principle of Justice for victim of crime should accord the victim as much right it accords the offender, recognizing the fact that they are the ones who suffered bodily, in their property, finance or otherwise. The Nigerian criminal justice system has been blindfolded with the belief that all criminal cases are deemed offenses against State for which Government prosecutes, thereby reducing the victim to mere object of investigation process and nothing more. Therefore Nigeria should make distinct statutory provisions setting out the rights applicable to victims; these laws must be accessible and as well have a binding force to ensure justice is well served. Therefore, the abandoned bills on victim' right

should be revisited and passed into law. In addition, criminal justice agents/authorities such as the Police, Prosecutors or other competent authorities should be thoroughly trained to promote and enforce the right of the victims. Civil Society Organizations should vigorously promote rights and interests of victims of crime and not just those of accused persons. This will help to raise awareness of those rights in the society. It is recommended that there should be implementation of victim assistance and support services. To achieve this, Government should design and establish victim support programme which should include provisions for the involvement of trained professionals and support service providers. The Non-governmental Organizations interested in victim support can also be invited to partner with the Government. Without prejudice to the principle of non-discrimination, peculiar circumstances of victims' of crime are critical and therefore need more attention as it require specific needs unlike other kind of victims. Victims of sexual crimes, violent crimes, organized crime such as terrorism, illegal trafficking and crimes that have trans-border dimensions should be afforded rights which address their specific needs in relation to the violations committed against them. The academic curricula for under graduate training for Law should be amended to incorporate core aspects of Victimology to produce well rounded lawyers able to balance both interests of not just the accused but the victim.

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