



Research paper

State Institutions, Victim Protection and Access to Justice in Nigeria: A Socio-Political AnalysisOlubisi Albert Adetunji^a, Oluwatobi Bewaji Adetunji^{b*} , Daniel Oluwaferanmi Adetunji^c^a Faculty of Law Library, Lead City University, Ibadan, Nigeria^b Department of Politics and International Relations, Lead City University, Ibadan, Nigeria^c Obafemi Awolowo University, Ile-Ife, Nigeria

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ABSTRACT

Victim protection and access to justice in Nigeria remain difficult to secure in practice, despite constitutional guarantees and a series of legal reforms. This paper examines how state institutions, namely the Police, the Courts, the National Human Rights Commission (NHRC), the National Agency for the Prohibition of Trafficking in Persons (NAPTIP) and the Legal Aid Council, respond to victims of crime and human-rights violations. It adopts a qualitative doctrinal and socio-legal policy analysis of legislation, official reports and academic literature, guided by rule-of-law, state-capacity and political-economy perspectives. The analysis indicates that Nigeria has made legal progress through the Constitution, the Administration of Criminal Justice Act 2015, the Violence Against Persons (Prohibition) Act 2015, the Trafficking in Persons (Prohibition) Enforcement and Administration Act 2015 and the Witness Protection and Management Act 2022. However, the protection that victims actually receive is weakened by cost, delay, limited institutional capacity, uneven state-level implementation, political influence and weak links between formal and informal justice providers. The paper concludes that further legislation alone will not close Nigeria's justice gap, and it recommends reforms on police accountability, reparation, witness-protection funding, legal aid, formal–informal referral, inter-agency coordination and data systems.

1. Introduction

Protection from harm and assurance of access to justice are core responsibilities of a democratic state. A legal system cannot be judged solely by the rights and privileges that the constitution and statutes confer. It must also be judged by whether ordinary citizens can report wrongdoing, have their rights protected, participate fully in legal procedures and obtain remedies when their rights are violated.

Nigeria has an extensive legal framework for protecting the fundamental rights of its citizens. Sections 33–36 of the Constitution of the Federal Republic of Nigeria 1999 (as amended) protect life, human dignity, personal liberty and fair hearing, and section 46 allows a person who alleges that a fundamental right has been, is being or is likely to be violated to seek redress before a High Court. Nigeria is also bound by regional and international human-rights instruments, including the African Charter on Human and Peoples' Rights and the Protocol to the African Charter on the Rights of Women in Africa (Viljoen, 2009).

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Additional legislation has since expanded the formal protection available to victims. The Administration of Criminal Justice Act (ACJA) 2015 introduced provisions on compensation and restitution. The Violence Against Persons (Prohibition) Act (VAPP Act) 2015 created offences and protective measures relating to different forms of violence. The Trafficking in Persons (Prohibition) Enforcement and Administration Act (TIP Act) 2015 established a framework against human trafficking and gave the National Agency for the Prohibition of Trafficking in Persons (NAPTIP) responsibility for prevention, investigation, prosecution and victim support. More recently, the Witness Protection and Management Act 2022 has provided for the protection of witnesses and related persons who face danger because of their participation in criminal proceedings.

The Hague Institute for Innovation of Law (HiIL 2023 p.5) conducted a study on 6,573 randomly selected Nigeria adults, reported that 81% of Nigerians surveyed had faced at least one legal challenge in the last one year. Many of them did not use lawyers or courts, but family members, friends, community leaders or the police. The same study found that approximately 55% of reported legal problems had been partially or completely resolved (HiIL, 2023). This therefore implies that Nigeria's justice challenge is not the absence of the law, but the ability, the accessibility and capability of the institutions tasked with providing remedies. Legal structures and working mechanisms do not necessarily bring justice in reality.

The National Human Rights Commission (NHRC, 2026) received over 3.7 million complaints in all its offices throughout the country in 2025, including child-rights, discrimination, gender-based violence and civil and political rights cases. Increased complaint levels do not necessarily reflect failure by institutions as this can also be due to increased awareness by the public to report complaints. However, the number reflects the need for adequate institutional capacity and timely action on human-rights complaints.

During judicial proceedings, victims can have additional challenges. Reporting a crime may involve transport costs, social stigma and long delays. Victims of sexual and gender-based violence may face insensitive questioning or pressure to settle cases privately. Poor people and residents of remote areas may struggle to reach lawyers or specialised services. Victims of trafficking and organised crime may need medical treatment, shelter, psychological support and long-term protection in addition to the prosecution of offenders.

A further problem lies in the traditional structure of criminal justice. Prosecution is conducted by the state against the accused. The victim is often important as a source of evidence but is not necessarily treated as an independent rights-holder within the proceedings. Although the ACJA allows courts to award compensation and restitution, these remedies depend largely on judicial orders and the circumstances of each case, rather than operating as an automatic right to full reparation (Adeyemo, 2021a, 2021b).

These difficulties raise an important question: why does a relatively broad legal framework not consistently produce effective protection and meaningful justice for victims in Nigeria?

This paper examines that question from a socio-political perspective. It focuses on the relationship between state institutions, victim protection and access to justice, and it analyses the Police, the Courts, the NHRC, NAPTIP and the Legal Aid Council in turn. It also considers how economic inequality, institutional capacity, federalism, gender norms, political influence and informal justice systems shape the actual experience of victims.

The study has four objectives:

1. to examine the main legal and institutional framework for victim protection and access to justice in Nigeria;
2. to identify the major institutional, economic, social and political barriers affecting victims;
3. to assess the contribution and limitations of formal and informal justice mechanisms; and
4. to propose reforms that can make Nigerian justice institutions more accessible, victim-centred and effective.

2. Literature Review

2.1 State Institutions, Victim Protection and Access to Justice

State institutions are formal organisations through which public authority is exercised and public responsibilities are carried out. In the justice sector, these institutions include the police, courts, prosecutors, correctional institutions and specialised agencies such as NAPTIP, the NHRC and the Legal Aid Council of Nigeria.

Victim protection refers to legal and practical measures intended to prevent further harm to a person who has experienced crime or abuse. Protection may include physical safety, confidentiality, protection from

intimidation, medical treatment, psychological support, access to information, legal representation and measures that reduce repeated trauma during investigation and trial. Campbell and Raja (1999) show that survivors may experience “secondary victimisation” when institutions that are expected to help them respond instead with disbelief, hostility, blame or insensitive procedures. Access to justice is broader than physical access to a courthouse. Farrow (2014) argues that meaningful access involves the ability to understand rights, obtain assistance, use appropriate institutions and secure fair outcomes. Access is also unevenly distributed: marginalised groups often face the greatest obstacles in using formal institutions (Ghai & Cottrell, 2009).

2.2 Rule of Law and State Capacity

An important aspect of the rule of law as perceived by liberals is that public power must be used in accordance with law and regulation and not in the discretion of the individual. It is about equality before the law, independent courts, fair procedures and curbing arbitrary state action (Allan, 2003).

In this regard, the Nigerian Constitution forms an important groundwork for protection of victims. It guarantees fundamental rights and judicial review and redress for any state action which is illegal. But the courts are not the only ones that can ensure justice. The institutions also need to be able to implement the justice that the law promises.

State capacity is a state's capacity to build policies and enforce them, to provide services and to be effective in its territory (Fukuyama, 2013). State capacity, as Migdal (1988) also mentions, is the capacity to penetrate society, regulate social relationships and mobilise and use resources. For the victim this means that a right recognised in law is only as good as the trained staff, the funding, the facilities and the information systems and the coordination between agencies. Capacity is therefore used in this paper as a condition to the realization of the legal rights into real protection.

2.3 Political Economy, Inequality and Access to Justice

The notion that the legal system is a neutral system, unaffected by social and economic power, has always been subject to criticism, with socio-legal studies focusing on the connection between justice and power (Garth & Sarat, 1998). Galanter (1974) proposed that actors with more resources in general tend to benefit in legal systems because they are able to afford and maintain legal representation. Poverty, social status, political affiliation, gender and location could impact access to justice in Nigeria. Ogunode (2015) questions the effectiveness and equality of the Nigeria criminal justice system for the rich or the poor.

The political-economy approach makes this analysis more nuanced, as it helps to better understand the links between institutions and politics more broadly. Joseph's analysis of prebendal politics (1987) illustrates the impacts of private interests on public institutions in Nigeria. This isn't to imply that all aspects of the Nigerian justice system are corrupt or under political control. Instead, it suggests that institutional reform needs to consider the incentives, the accountability and the access to power, rather than the technical legality.

2.4 Gender, Social Norms and Victims' Experience

Social attitudes influence the response of institutions and whether victims will report violations at all. According to Ajayi et al. (2022), cultural beliefs and societal expectations have a significant impact on the experiences of Nigerian women who have been sexually abused or sexually violated. Family expectations regarding family honor, marriage, and submission and perseverance can be obstacles to disclosure.

Institutional actors do not operate independently of the society in which they work. Progressive laws can have a restricted impact on the practices of prosecutors, judges and police officers, who may bring to their jobs the kind of attitudes existing in society. Thus, to some extent, the issue of victim protection is also a cultural and organisational question and not purely a matter of law

2.5 Restorative Justice and Indigenous Dispute Resolution

Modern criminal justice systems is built more around deciding guilt and doling out punishment, and thus the question of what is justice in the first place. As a result, restorative justice has emerged, based on the idea that wrongdoing causes harm and that the question of responsibility for the wrongdoing is joined by the questions of repair and reintegration.

Adeyemo (2021a) suggests that principles of restorative justice can better empower victims in Nigeria to shift from the punishment to reparation. Reconciliation, compensation and the restoration of social relationships are also key elements of indigenous dispute resolution practices. For example, Ojelabi (2019) talks about the mode of settling disagreements within the Yoruba community and its relevance for peacebuilding.

The effectiveness of restorative justice depends on the voluntary participation, on the safeguarding of fundamental rights and on a proper distinction between issues that are appropriate for negotiated restoration and those that are too serious to be addressed through this method without some form of formal accountability.

2.6 Gap in Existing Literature

Much of the literature available examines various parts of Nigeria's justice system in isolation: criminal procedure, legal aid, gender based violence, trafficking, witness protection, traditional dispute resolution or enforcement of human rights. Although valuable, these studies are frequently isolated and address the problems individually.

An integrated analysis is needed of how law, institutional capacity and broader socio-political inequalities intersect in ways that impact victim protection. This paper attempts to do that by consolidating the different legal frameworks and analysing the key justice institutions in relation to the obstacles victims encounter. Organ trafficking is also included as an example of a new form of exploitation, which is a challenge to different institutions coordinating law enforcement, health regulation and victim support (Adeyemo, 2022; UNODC, 2024).

3. Methodology

3.1 Research Design

This study uses a doctrinal and socio-legal policy analysis. The doctrinal dimension deals with the laws governing the rights of victims, offences and remedies and institutional responsibility in Nigeria. The socio-legal aspect looks at the interaction of the rules in the economic, political, cultural and institutional environment in Nigeria. The study is of an analytical nature by reviewing the legal materials, official reports and scholarship. The study does not involve primary empirical data collection.

This design suits the research question, which asks both what Nigerian law provides for victims and why those provisions do not produce equivalent protection in practice.

3.2 Sources and Selection of Materials

The study relies entirely on secondary and documentary sources in three categories.

Primary legal materials. These are the Constitution of the Federal Republic of Nigeria 1999 (as amended); the Administration of Criminal Justice Act 2015; the Violence Against Persons (Prohibition) Act 2015; the Trafficking in Persons (Prohibition) Enforcement and Administration Act 2015; the National Health Act 2014; the Witness Protection and Management Act 2022; the Police Act 2020; the Legal Aid Act 2011; and the National Human Rights Commission Act 1995 (as amended by the National Human Rights Commission (Amendment) Act 2010).

Official and institutional reports. These include HiiL (2023), *Justice Needs and Satisfaction in Nigeria 2023*; the National Human Rights Commission (2026), *2025 Annual Report*; UNODC (2024), *Global Report on Trafficking in Persons 2024*.

Academic Literature: Academic literature was selected for its relevance to victim protection, access to justice, institutional accountability and the socio-political conditions affecting justice delivery in Nigeria.

The selection prioritised materials addressing the legal responsibilities of justice institutions, practical barriers to victim protection and the relationship between statutory guarantees and their implementation. The approach was purposive rather than systematic, allowing relevant legal provisions, institutional evidence and scholarly perspectives to be examined together. Consequently, the study does not claim exhaustive literature coverage.

3.3 Analytical Framework and Method of Analysis

Documentary materials are organised and critically examined using a qualitative, thematic approach. It is analyzed from three complementary perspectives: the rule of law, state capacity and political economy. The

rule-of-law perspective looks at the legal recognition and enforceability of victims' rights; state-capacity analysis at whether institutions have the resources and the capacity to implement those rights, and political-economy analysis at how poverty, political influence and unequal access to resources affect justice outcomes.

The discussion focuses on five interrelated themes: (1) the strengths and limitations of the legal framework, (2) institutional capacity and implementation, (3) economic and geographical barriers, (4) social and political inequalities and (5) the relationship between formal, informal and restorative justice mechanisms.

In each theme, the paper contrasts the statutory requirements with the evidence provided in institutional reports and academic scholarship to highlight common implementation issues and implications for victim protection. The analysis is interpretive and not statistical and does not purport to find causal relationships or to produce original empirical findings.

3.4 Scope and Limitations

The study is a national level analysis of secondary sources and hence does not indicate that the performance of institutions is uniform across the Nigeria States. Does not rely upon interviews with victims or those in the justice sector, and conclusions are based on legislation, published scholarship, and institutional reports, not on original fieldwork. Official statistics are presented as reported by the issuing institutions and have not been independently verified. Future research may consider these limitations in a field- or comparative state-level study.

4. Analysis and Findings

The study adopted secondary analysis of the national level, and cannot claim that the performance of the institution is judicial is uniform throughout Nigeria. The study does not obtain interviews from Victims and Justice officials. The conclusions were based on legislation, published articles and institutional evidence rather than original field work.

4.1 Nigeria Has a Broad but Fragmented Legal Framework

The analysis indicates that Nigeria does not lack laws dealing with victim protection. The difficulty is that protections are spread across several laws and regulations, which makes consistent implementation by institutions harder to achieve. Table 1 summarises the main instruments.

Table 1: Main Legal Instruments Affecting Victim Protection in Nigeria

Legal instrument	Main contribution to victim protection	Main limitation
Constitution of the Federal Republic of Nigeria 1999	Protects life, dignity, liberty and fair hearing and allows enforcement of fundamental rights	Does not create a complete set of procedural rights for crime victims within criminal trials
Administration of Criminal Justice Act 2015	Permits compensation, restitution and restoration of property	Many remedies depend on court orders and may depend on the offender's ability to pay
Violence Against Persons (Prohibition) Act 2015	Criminalises several forms of violence and provides protective and remedial measures	Federal Act directly applies in the FCT; protection elsewhere depends on state legislation and implementation
Trafficking in Persons (Prohibition) Enforcement and Administration Act 2015	Criminalises trafficking, including conduct connected with organ removal, and provides a framework for victim protection	Effective protection depends heavily on investigation, prosecution, inter-agency coordination and victim-support capacity
Witness Protection and Management Act 2022	Establishes a legal framework for witness protection, including protective arrangements and specialised programmes	Practical effectiveness depends on funding, institutional readiness, awareness and consistent implementation
National Health Act 2014	Regulates removal and transplantation of human tissue and prohibits commercial removal of tissue	Operates mainly as health-sector regulation and must work effectively with criminal enforcement agencies

Constitutional protection

Chapter IV of the 1999 Constitution remains the foundation of rights protection. Sections 33–36 protect life, dignity, liberty and fair hearing. Section 46 permits a person to approach a High Court when a fundamental right has been violated or threatened.

These protections are important, particularly where state institutions are themselves responsible for unlawful detention or torture. However, the Constitution does not establish a complete victim-rights system for criminal proceedings, which remain primarily contests between the state and the accused person.

Administration of Criminal Justice Act 2015

The ACJA made an important improvement by expressly recognising compensation and restitution within criminal proceedings. Section 319 allows a court to order a defendant or convicted person to compensate a person injured by an offence, to compensate certain innocent purchasers, or to meet medical expenses connected with injury caused by the offence. Section 321 allows for restitution and compensation following conviction of the offender.

These provisions reduce the gap between punishment of the criminal and the remedy of the victim. But, a court order for monetary damages is of little value if the wrongdoer lacks assets to be compelled to pay. Adeyemo (2021b) thus calls for a more robust and unified reparative approach.

Violence Against Persons (Prohibition) Act 2015

The VAPP Act 2015 covers violence in public and private settings and acknowledges types of violence that were not necessarily covered under the previous criminal laws.

It is not only about punishment, but also about protecting and helping victims and the provision of remedies for them.

The Act is a Federal statute and is directly applicable in the Federal Capital Territory, with elsewhere relying on state legislation. Even if a State passes a law, it may not have shelters, specialist investigators and sufficient public awareness. So, the success of the VAPP Act 2015 will not only be based on its enactment, but also on the efforts of institutions.

Trafficking in persons legislation

The Trafficking in Persons (Prohibition) Enforcement and Administration Act 2015 has put in place a scheme to combat trafficking and NAPTIP as a specialised institution.

Section 20 makes such activities as the removal of human organs and involvement in the purchase or sale of human organs a criminal act. In addition, the National Health Act 2014 allows for regulation of the removal of tissue, blood and blood products from living persons, including informed consent and limits on commercial removal (section 48). Section 51 also covers the transplantation of tissue, which must be done in an authorised hospital facility with the proper medical authorisation. All of these provisions have made it clear that organ trafficking and transplantation falls under the ambit of both criminal as well as health sector regulation. The effective coordination and implementation of these statutory responsibilities is thus the biggest challenge, not the lack of legislation.

Witness Protection and Management Act 2022

Earlier Nigerian scholarship correctly identified the absence of a comprehensive framework for witness protection (see Oyakhire, 2023). That position has changed with the enactment of the Witness Protection and Management Act 2022.

The Act establishes a legal and institutional framework to provide protection to persons who are at risk, including witnesses. Physical protection, relocation, accommodation and measures to protect the identity of the witness during and after proceedings, among others, may be considered as protective measures, depending on the circumstances. However, the practical implementation is subject to funding and institutional readiness (addressed in Sections 5.1 and 6.4).

As a whole, the rule of law is evident in the legal framework: rights and remedies are formally acknowledged, though there is a reliance on the institutional capacity that is now considered.

4.2 Institutional Capacity and Implementation

There are five key institutions pivotal to the protection of victims and access to justice, namely: the Police, the Courts, the NHRC, NAPTIP and Legal Aid Council. Each one is considered in turn, along with its legal requirements, what it provides victims, where the failures are recorded and what evidence is available for the assessment. Table 2 then reports the three analytical perspectives for each of the institutions.

4.2.1 The Police

The police are the first point of contact for most victims of crime, and what happens at that stage often decides whether a case proceeds. Their responsibilities are now governed by the Police Act 2020, which replaced the earlier Police Act, and by the ACJA provisions on arrest, investigation and the treatment of suspects and complainants. The difficulty is that the police can also be a source of harm. Victims who report crime may meet delay, indifference, disbelief or pressure to settle privately, particularly in cases of sexual and gender-based violence. Where the institution that is meant to protect victims is itself accused of abuse, accountability mechanisms become central to redress.

The EndSARS protests in October 2020 highlighted an existing issue of police brutality and accountability. The following judicial investigative committees were used to investigate the possibility of meaningful redress for victims. As of October 2021, the judicial panel had paid out victims of police abuses in Lagos State about N410 million (Soyele, 2021). But, there was a wide range of compensation and accountability from state to state. Four years on, only Ekiti, Osun and Federal Capital Territory (FCT) have been publicly identified as having completed compensation payments, with Lagos and Nasarawa making partial payments, Amnesty International (2024) reported. It also found seven states in which judicial panels were not set up. These differences illustrate that while investigative mechanisms have been put in place, this does not ensure uniform remedies. In terms of rule of law, the panels have acknowledged victims' claims against unlawful state action, but their uneven implementation shows a lack of institutional capacity and accountability. Thus, decisions must be enforceable and funding and monitoring of compensation and disciplinary outcomes must be transparent and adequate.

4.2.2 The Courts

The main forum for criminal trial is the courts and it is also through the courts that the fundamental rights are enforced according to section 46 of the Constitution. The ACJA also allows for victims to receive compensation and restitution (Section 4.1). In principle, they are thus the institution most qualified to convert legal rights into remedies.

In practice, delay, repeated adjournments, congestion and cost reduce the value of these powers. Compensation orders are based on the means of the offender and victims are heavily reliant on prosecutors and judges to seek increases to these orders (Adeyemo, 2021a, 2021b). The courts thus exemplify what is said in section 2.2: independent adjudication is not enough to achieve justice if there is no ability to hear cases in a timely manner and to implement orders.

4.2.3 The National Human Rights Commission

The National Human Rights Commission (NHRC) was instituted through the National Human Rights Commission Act 1995 (last amended in 2010) to foster and advance human rights and to receive and investigate complaints. For many victims it is also a less expensive and more available alternative to litigation.

The number of complaints received (Section 1) indicates that the public is making use of the Commission, but also puts pressure on its capacity. Further evidence is needed regarding the Commission's independence, enforcement and whether it is adequately funded when complaints are against state actors.

4.2.4 The National Agency for the Prohibition of Trafficking in Persons

NAPTIP is the specialised agency for trafficking cases. The TIP Act 2015 gives it responsibility for prevention, investigation, prosecution and victim protection, which makes it the institution in this study with the most explicit victim-support mandate, including rescue, shelter, counselling and rehabilitation.

Its effectiveness depends on cooperation with the police, immigration authorities, health regulators and the courts, particularly in cross-border and organ-trafficking cases (Section 4.7). Information on what happens to

victims after rescue was limited in the sources reviewed, which supports the recommendation on data systems in Section 6.8.

4.2.5 The Legal Aid Council

The Legal Aid Council provides free legal services under the Legal Aid Act 2011, principally in criminal matters and specified civil matters. Adebayo and Ugowe (2019) identify problems of awareness and practical access. A national institution serving a very large population will find that demand can exceed its personnel and resources

A further question is how far legal aid reaches victims, as distinct from accused persons. Because victims are not the party to a criminal prosecution, they may fall outside the main routes through which legal aid is delivered. This is a gap that the reforms in Section 6.5 are intended to address.

Table 2: Application of the Analytical Perspectives to Key Justice Institutions

Institution	Rule of law	State capacity	Political economy
Police	Duty to act within the law and to answer for abuse (Police Act 2020)	Training, specialised units and resources for investigation and victim handling	Perceptions that money and connections affect police attention; accountability for abuse by state actors
Courts	Independent adjudication; powers of compensation and restitution (ACJA; s. 46 of the Constitution)	Case backlog, delay and enforcement of orders	Cost of sustaining a case; advantage of better-resourced parties
NHRC	Statutory mandate to receive and investigate complaints (NHRC Act, as amended 2010)	Funding, staffing and enforcement of decisions	Independence and public trust where complaints involve state actors
NAPTIP	Statutory mandate for trafficking cases and victim protection (TIP Act 2015)	Shelters, specialist investigators and inter-agency coordination	Pressures from organised and cross-border crime; allocation of resources
Legal Aid Council	Statutory provision of legal aid to eligible persons (Legal Aid Act 2011)	Personnel, offices and public awareness	Distribution of services between urban and rural areas and between richer and poorer users

Across all five institutions, the pattern is the same: each has a legal mandate, but the legal text does not itself supply the resources, coordination and accountability that the mandate requires.

4.3 Economic Barriers Continue to Shape Access to Justice

Cost is identified as one of the most frequent and common obstacles to justice. Conventional litigation means that the parties pay lawyers, translation costs, court trips and lost work time. These are the costs that affect low income households the most. Even in the cases where the costs for filing are restricted, other costs may render it impractical to pursue a case.

Legal aid services should help to diminish this inequality. However, Adebayo and Ugowe (2019) identify challenges relating to public awareness and practical access to these services. Recent Nigerian scholarship reinforces these concerns. Majekodunmi et al. (2024), in a study covering Nigeria's geopolitical zones, identify poverty, illiteracy and systemic dysfunction as significant barriers to justice. Similarly, Onafuwa (2023) highlights inadequate funding, shortages of legal-aid providers and limited public awareness as constraints on access to legal assistance. Ojukwu and Yusuf (2023) also identify insufficient personnel and financial resources as obstacles to effective legal-aid provision, despite the recognition of law clinics and other non-state providers under the Legal Aid Act 2011. These findings suggest that statutory provision alone is not sufficient in ensuring accessible legal assistance, especially for those who are economically disadvantaged. With the Legal Aid Council's large population, the demand might be much more than the number of people employed and resources available (Section 4.2.5).

There is also an economic inequality that impacts victims' access to evidence, medical reports, legal counsel and support in maintaining a case for an extended period of time. But this isn't to say that the rich and the poor litigants have different lawyers; it is also to say that they are not equal in their ability to stay in the justice process to the end. Cost thus functions as a filter: a political-economy perspective.

4.4 Federalism Produces Uneven Protection

Although the Nigerian federal system allows states to design legal responses as per their local conditions, there are variations across states that could lead to differential protection of victims. Suberu (2001) shows how the political and regional interests of different groups influence the form of federalism, thereby explaining the problems of achieving a uniform national standard.

This is reflected in the enactment and implementation of the laws on gender-based violence. As of April 2024, 36 jurisdictions, including the Federal Capital Territory, had laws in place to regulate VAPPs, according to the Nigeria Governors Spouses' Forum (n.d.). However, there has not been a consistent rollout of specialist services. As of November 2025, Nigeria had 50 Sexual Assault Referral Centres in 24 States that are set up to provide medical, psychosocial and referral services for survivors (Anyanwu, 2026). While they do not reflect the availability and/or quality of victim-support services in all states, they do show the unequal geographical distribution of this type of institutional support.

From a state-capacity point of view, there is a difference between legal adoption and availability of services. In addition to the law, the availability of facilities, trained staff and effective referral mechanisms are critical for a victim to access protection. The policy challenge is thus to maintain the legitimate autonomy of the States and at the same time to establish minimum standards for the protection of victims, legal support and institutional accountability.

4.5 Political Influence, Corruption and Unequal Power Can Distort Justice

Economic inequality cannot be separated completely from political power. Critical socio-legal theory suggests that people with money, connections and repeated experience of institutions are often better placed to navigate legal systems (Galanter, 1974). In Nigeria, this concern is reinforced by longstanding debates about patronage, corruption and political influence within public institutions (Joseph, 1987; Ogunode, 2015).

The problem should not be overstated as though every case involving an influential person is manipulated. Even so, the perception that money, wealth and connections can affect the attention and service of the police and other law-enforcement agents can damage public confidence.

4.6 Informal Justice Remains Important

Many victims turn to traditional, religious and community-based dispute-resolution mechanisms. These offer practical advantages: they are geographically close, inexpensive, often faster than conventional courts and conducted in languages that the parties understand (Ojelabi, 2019).

Despite these advantages, informal justice systems have limits. Social pressure can produce settlements that protect social harmony at the expense of the individual victim. Women, children, migrants and minority groups are most likely to be disadvantaged because they have little influence in local decision-making. At the same time, work with faith and community leaders on preventing and responding to gender-based violence suggests that, when leaders are trained and linked to formal services, they can act as partners in protection rather than obstacles (Le Roux et al., 2016).

4.7 Organ Trafficking as a Test of Institutional Coordination

Adeyemo (2022) describes organ trafficking as an emerging dimension of illegal trafficking in Nigeria and sub-Saharan Africa, and UNODC (2024) reports trafficking for the purpose of organ removal among the forms of exploitation identified in its global reporting. In Nigeria, responsibility for the problem is divided. The TIP Act 2015 specifies criminalization of actions related to organ removal and empowers NAPTIP to investigate, prosecute and assist victims. Removal and transplantation regulated by the National Health Act 2014; consent and lawful authorisation is required. Investigation and trial are done by the police and courts and health institutions control the facilities in which transplants take place.

There is a lack of powers in one single agency, effective responses need coordination between law enforcement, health regulation and victim support. Neither criminal law nor health regulation alone can provide medical care, psychological support and long-term protection for victims. Organ trafficking thus stresses the institutional set-up analyzed here: the legislation is good in theory, but in practice responsibilities are split.

5. Discussion

Based on analysis, it can be concluded that there is a gap between law on paper and justice in practice. Nigeria has also advanced legally, since the Constitution contains provisions for fundamental rights, the ACJA has provisions for compensation and restitution and the VAPP Act increases legal protection against violence. These are tangible progressions in the legal and institutional protections for victims. Therefore, absence law can no longer be described as the main issue.

5.1 State Capacity Determines Whether Rights Become Real

The rule of law approach is the way that legislation, independent courts and procedural rights make sense. The analysis also shows that these protections are reliant on state capacity (Fukuyama, 2013; Migdal, 1988). However, a protection order is useless if police need to be there to enforce it. A compensation order is of no use when the offender has no assets. However, a witness-protection programme, which lacks trained officers, secure facilities and sufficient funding, provides little protection. The level of protection a victim enjoys then hinges on the State's ability to provide it.

Part of the challenge facing Nigeria is the implementation. This is why the new legislation fails to yield a lot of change when the older ones are not evaluated. Clear responsibilities, resources and oversight mechanisms for the institutions involved must be put in place with each reform. The institutional analysis in Section 4.2 reveals the same trend for the Police, the Courts and the NHRC, NAPTIP and Legal Aid Council: they all have a legal mandate, but they are all reliant on resources, coordination and accountability which the law does not provide.

5.2 Nigeria Needs a More Victim-Centred Model of Justice

In addition, the analysis shows that victims remain the second class in criminal proceedings. The State has a right to prosecute crime in the public interest and the rights of those accused should be fully protected. A more victim-centred system of justice does not have to compromise the presumption of innocence or the right to a fair trial.

Instead, it acknowledges that there are interests of the victim in addition to the interests of the state and accused person. These interests include protection from intimidation, respectful treatment, access to support services. The ACJA has taken Nigerian criminal procedure in this direction; however, the remedies it provides are limited, as evidenced in Section 4.1 of the Code.

5.3 Restorative Justice Can Complement but Not Replace Formal Justice

The distinction between restorative or retributive justice is important. There is a place for punishment, especially in serious offences such as violence and exploitation and organised crime. Victims should not be pushed into reaching out to the aggressor if it is not safe.

Meanwhile, only punishment can fail to address the initial harm to the victim. Restorative principles can thus be added to the notion of offender accountability, focusing on reparation, restitution and reintegration. Native practice of dispute resolution can be instructive in this regard.

The approach is neither to unreflectively look to traditional justice systems nor to eschew the formal criminal system. It is to include restorative principles where they are appropriate and respecting constitutional rights.

5.4 Informal Institutions Should Be Connected to Formal Protection Systems

Community and religious leadership need to be viewed as a reality which continues to be important. Justice reforms should strengthen the referral process between formal and informal institutions, if numerous victims do seek help from these leaders in situations of conflict and abuse.

The traditional and religious leaders can be sensitized to identify issues that need medical treatment or police action. This would mean that informal systems would still be available but minimise the risk of serious offences being covered up by inappropriate private settlement.

5.5 Emerging Crimes Require Integrated Institutional Responses

Organ trafficking and human trafficking is an example of a much broader lesson. Today, many forms of exploitation are multifaceted and do not fit neatly into the confines of traditional institutions for dealing with exploitation, and therefore cannot be tackled effectively by any one agency (Section 4.7).

Effective responses involve procedures for reporting and sharing evidence. Data systems should also be able to indicate the number of cases reported, investigated, prosecuted, resolved, and the outcome of cases for victims after they are rescued.

5.6 Redress for Police Abuse Requires Durable Accountability Mechanisms

The #EndSARS panels (Section 4.2.1) indicate that those who have suffered police abuse require more than momentary enquiries. Independent complaint handling and enforceable awards of compensation and public reporting of outcomes are needed to ensure that accountability is durable. This impacts on the confidence of the general public in the Police and the justice system in general, and victims have little incentive to report their abuse where these are not in evidence. The rule-of-law and state-capacity views dovetail in this respect: for the law to offer a remedy, the institutions that are supposed to provide it must also have capacity and independence.

6. Recommendations

Based on the analysis, the following reforms are recommended. Each corresponds to a finding in Sections 4 and 5.

- **Strengthen Police Accountability and Redress for Police Abuse:** (Sections 4.2.1 and 5.6.) Independent and accessible complaint mechanisms should be established or strengthened so that victims of police misconduct can obtain investigation and redress. Government should publish the status of implementation of the recommendations of the #EndSARS panels of inquiry, including awards of compensation. Police training and specialised units should be strengthened for handling cases of sexual and gender-based violence in a victim-sensitive manner.
- **Strengthen Victims' Access to Reparation:** (Section 4.1.) State criminal-justice laws and the ACJA should be reviewed to make compensation and restitution more accessible and consistent for victims. Courts should assess harm and make reparation orders as a matter of course where the law permits. The Nigerian government should also consider designing a public victims-compensation scheme for cases in which serious harm has been done but compensation cannot realistically be recovered from offenders.
- **Improve Implementation of the VAPP Act and Related State Laws:** (Section 4.4.) Beyond whether a state has enacted legislation, states should ensure that victims can in practice use protection orders, referral centres, shelters and legal services. Implementation should be monitored using practical indicators such as response time, the availability of trained personnel and the availability of survivor-support services.
- **Fund and Operationalise Witness Protection:** (Sections 4.1 and 5.1.) The Witness Protection and Management Act 2022 should be supported by a dedicated and protected budget, trained personnel and secure facilities. Expenditure and programme reach should be reported publicly so that the effectiveness of the programme can be assessed.
- **Expand Legal Aid and Community Access:** (Sections 4.2.5 and 4.3.) Legal-aid services should be expanded beyond major urban centres to rural areas, and their reach to victims as well as accused persons should be reviewed. Carefully designed partnerships with universities and civil-society organisations can help reach rural and low-income populations.
- **Build Referral Pathways between Formal and Informal Justice:** (Sections 4.6 and 5.4.) Written referral protocols should link traditional and religious leaders to police, health services and courts. Leaders

should be trained to recognise cases that require medical treatment or police action. Serious offences, including sexual violence and trafficking, should not be settled privately.

- Improve Inter-Agency Coordination: (Sections 4.2, 4.7 and 5.5.) *A standing coordination mechanism, supported by clear referral protocols, should link NAPTIP, the police, health regulators, the courts and the NHRC, particularly for cases such as organ trafficking that cross institutional boundaries.*
- Build Integrated Data Systems: (Sections 4.2.4 and 5.5.) National minimum standards should be set for recording the number of cases reported, investigated, prosecuted and resolved, and the outcomes for victims, disaggregated by state and sex. Independent public reporting of these data would allow institutional performance to be monitored.

7. Conclusion

Nigeria has made significant strides in a number of areas including human rights, criminal-justice reform, gender-based violence and witness protection. The question is not whether such laws exist or not, but rather whether they offer protection and support that can be both accessed and understood by victims of crime or human-rights violations.

In relation to the first objective, the analysis shows a broad but fragmented legal framework in which the Constitution, the ACJA, the VAPP Act, the TIP Act, the National Health Act and the Witness Protection and Management Act each supply part of the protection victims need, and in which the Police, Courts, NHRC, NAPTIP and Legal Aid Council carry out the work. In relation to the second, the analysis indicates that limited institutional capacity, cost, geographical distance, delay, uneven state-level implementation and political influence together widen the gap between formal rights and practical justice. In relation to the third, informal and restorative mechanisms are accessible and valued, but they cannot replace formal accountability, particularly in serious cases, and they need safeguards and referral links to formal institutions. In relation to the fourth, the paper recommends reforms on police accountability, reparation, state-level implementation, witness-protection funding, legal aid, formal–informal referral, inter-agency coordination and data systems.

The study has limits. It relies on secondary sources, does not draw on interviews with victims or officials, and treats national-level patterns without a systematic comparison of states. Future research could examine state-level variation in the implementation of the VAPP Act, the outcomes of the #EndSARS panels, and victims' experiences of NAPTIP, the Legal Aid Council and the NHRC through field-based methods.

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