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Poverty and Access to Justice: A Case for the Well-Being of the Vulnerable

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Abstract:

Social justice is strongly influenced by social, economic and political factors. According to Akpala (2001: 195), access to justice is hindered by cost, delay and complexity in the system. Crime is a social problem because it provides a risk to the individual citizen and endangers the well being of society (McGee 1980: 61). Cost of litigation in Nigeria is reckoned to be beyond the means of many Nigerians, thus one may be unjustly sentenced without fair trial, which affects people's well-being. The Constitution of the Federal Republic of Nigeria as well as human rights documents proffered the notion of equality before the law. However, there has been little attention to the human rights impact of development policies and programmes despite the citing of human rights as integral to development. With the notion of human rights, the strengthening of the integrity and capacity of the justice sector is called for in order for security and justice to prevail. The formative, intervention and policy-oriented research was undertaken in Enugu State, Nigeria and addressed timeliness and quality of justice delivery, independence, integrity and accountability of the justice sector institutions, co-ordination among justice sector institutions and the public trust in the judiciary. Available prison statistics indicate that majority of the prison inmates come from among the poor and the illiterate and barely understand their rights nor challenge the violations of their rights (Akpala 2001: 195). On women and children, Ezeilo (2001) opined that this violation of rights is particularly on women and children as "The Nigerian Child is abused and neglected" (p. 97) and that "The reality is that women's situation makes them very vulnerable in both criminal and civil matters" (p. 107). Many of the awaiting trial cases are held in police cells or prisons. Awaiting Trial Person (ATP) often outnumber convicted prisoners. This Day (Nov. 9, 1999 cited in Hodges 2001: 229) estimated that over 60 per cent of the total prison population of 40,598 in 147 prisons is awaiting trial persons (ATPs). This was collaborated by Akpala (2001: 190) who stated that out of a total number of 883 prison inmates at Enugu prison, awaiting trial population amounted to 554 representing 63 per cent. Ikoyi prisons Lagos was estimated to be as high as 92 per cent. It was reckoned that ATPs stay longer in detention than if they had been convicted of their alleged offences. This leads to overcrowding in prisons where inmates stay under inhuman condition. The qualitative research in Enugu State was undertaken in two local government areas seen and viewed as vulnerable, and it concluded that access to justice particularly for the poor and vulnerable does not actually exist.
