



Access to justice for the poor in criminal matters: Assessing the role of the Nigerian Legal Aid Council and law clinics in Nigeria

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Abstract

Access to justice in criminal matters is a fundamental requirement for the protection of human rights, the promotion of the rule of law, and the realization of sustainable development. However, poor and indigent persons in Nigeria continue to face significant barriers in accessing justice due to poverty, weak institutions, prolonged pre-trial detention, inadequate legal representation, delays in criminal trials, and ineffective coordination within the criminal justice system. This article examines the concept of justice and access to justice for the poor in criminal matters and analyses the international, regional, and national legal frameworks regulating legal aid and criminal justice administration in Nigeria. Particular attention is given to the provisions of the Constitution of the Federal Republic of Nigeria, the Administration of Criminal Justice Act 2015, the Legal Aid Act 2011, and the National Legal Aid Strategy. Using doctrinal and empirical research methods, the study evaluates the role of the Nigerian Legal Aid Council and institutional law clinics, particularly the Yenagoa and Bagauda Law Clinics, in promoting access to justice through legal representation, legal literacy programmes, prison outreach, legal counselling, and advocacy initiatives.

The article finds that although the Legal Aid Council and institutional law clinics have contributed significantly to improving access to justice for indigent persons, their effectiveness is constrained by inadequate funding, insufficient manpower, low visibility, and increasing criminal case backlogs. The article concludes that strengthening collaboration among stakeholders, increasing funding, improving institutional capacity, and integrating law clinics more effectively into the legal aid framework are necessary for enhancing access to justice for the poor in criminal matters in Nigeria.

Keywords: Access to justice, legal aid, criminal justice system, indigent persons, law clinics

Introduction

Although a nation's criminal justice system is expected to ensure justice, fairness, the practice of the rule of law and access to justice, Nigeria has had a long history of annual increasing pre-trial detention system where crime suspects could spend several years in prison without trial. In 1990^[42], a survey of Nigeria prison revealed a fifty three percent awaiting trial population. Even when trial had commenced inmates were kept in prison for several years awaiting judgments (Odinkalu and Ehonwa 1990)^[42]. The 2025 statistics reveal that about 53,254 inmates are awaiting trial in Nigeria's correctional centers (Nigerian Correctional Service 2025)^[39].

According to Olusola Odundipe, up to fifty percent of total awaiting trial population (Olusola Odundipe 2010)^[43]. Another statistics states that 17,164 persons had been on remand for between five to seventeen years awaiting conclusion of their cases (Nweze 2022). In March 2012^[8, 40], it was indicated in the website of the Nigerian Prison Service that about seventy-eight percent (78%) totaling to seventy eight percent of forty seven thousand, two hundred and eighty four (47, 284) detainees have not been convicted of any crime (Ibe 2022)^[31].

Factors sustaining and driving the trend of high prevalence of pre-trial detention and long trials includes poverty, lack of coordination in the system for administering criminal justice between state and federal responsibilities, laws which allows the police to secure indefinite pre-detention orders from magistrates, delays during police investigations, heavy backlogs of criminal cases in court, cumbersome court procedures, inadequate infrastructure, improper coordination between the prisons and court systems and traditional case management systems.

Conceptual Clarification

1. Justice

"Justice" has been defined as the fair and proper administration of laws (Black's Law Dictionary 1990). Justice has also been defined as 'the constant and perpetual will to render to each his due' (Institutes of Justinian 6th century AD). John Rawls famously described it as 'the first virtue of social institutions' (Rawls 1971)^[48]. Historically and jurisprudentially, elements of justice that has been identified includes: individual claims in terms of just treatment (Hume 1977)^[30]; an agent whose will alters the circumstances of its objects; enforceable obligation against the agent where the agent wrongs the recipient or the latter is denied what is due to them; and the final aspect of justice is the impartial application of rules.

Philosophers writing on Justice has recognized and have identified with its distinctiveness and have classified justice to be conservative of existing norms and practices (Sidgwick 1874), that is 'wholly concerned with what individuals can claim under existing laws and social conventions' (Hume 1978)^[29]; conceptions of justice which posit some ideal principle of distribution such as equality (Rawls 1993)^[49]; corrective justice as a remedial principle that applies when one person wrongly interferes with another's legitimate holdings; Distributive justice, on the other hand, is multilateral: it assumes a distributing agent, and a number of persons who have claims on what is being distributed. Justice here requires that the resources available to the distributor be shared according to some relevant criterion, such as equality, desert, or need; and finally justice could be procedural or substantive.

Proponents of the Natural Law School perceive Justice from a moral stand point rather than a legal standpoint. John

Rawls contrasted perfect procedural justice, where a procedure is such that if it is followed a just outcome is guaranteed or imperfect procedural justice, where the procedure is such that following it is likely, but not certain, to produce the just result, and pure procedural justice, such as the coin-tossing example, where there is no independent way to assess the outcome if we call it just, it is only on the grounds that it has come about by following the relevant procedure.

Justice depicts and has almost become a synonym for equality, fair treatment and use of equal weights and measure. Augie, JCA defined justice as ‘... fair treatment and the justice in any case demands that the compelling rights of the parties must be taken and balanced in such a way that justice is not only done but must be seen to be done (Obajin v Adedeji 2008) [41]’. The court in WRPC v Agbuje stated that, ‘justice has not got two weight and measures. It should be one and the same even handed justice, blind to all social distinction and disparities in wealth, status and no respecter of persons’ (WRPC v Agbuje 2005) [57].

2. Access to Justice for the Poor

The notion of access to justice has been variously described. In its broadest sense, access to justice includes achieving justice within the social, economic, political and environmental order of a state’s machinery while in the narrower sense it is defined within achieving legal justice within a states’ justice system. Capaletti and Garth adopting the narrow sense of access to justice defines it as, ‘the right of every individual to require the state to provide a means of dispute resolution that is equally accessible and socially just’ (Cappelletti and Garth 2012) [8]. This would include access to knowledge and empowerment on laws and human rights, access to courts, legal representation and effective remedy.

The Declaration on principles and guidelines on the right to fair trial and legal assistance in Africa 2007 [36] sets out explicitly the elements of effective remedy to include access to justice; reparation for the harm suffered; and access to the factual information concerning the violations (African Union 1999) [3]. Several indicators of access to justice has been identified. These includes: knowledge of existence of a right; knowledge of where to go to seek redress in the case of violation of the right; the existence of an independent arbiter to consider the matter without fear or favour; timely consideration of the matter; and the existence of a reliable and efficient mechanism for the enforcement of rights (Akande 2019) [1].

The poor refers to those who experience extreme lack and are unable to afford basic necessities of life. The global poverty bench mark for determining the poor are those who live below \$1.9 dollars. The Benchmark used by the Legal Aid council is not based on whether the accused/suspect of has a means of livelihood but applying the mean test and computing whether after deduction cost of basic, of meeting basic amenities if the balance would be enough to secure legal representation.

However, in reality access to justice for the poor in criminal matters is largely dependent on an effective and efficient criminal justice system starting from the system for investigating criminal matters, prosecuting criminal cases and the correctional systems responsible for rehabilitating those found guilty and their reintegration into society where applicable.

As is the case in most developing countries, access to justice for the poor is a serious matter in Nigeria. While often being victims of human rights abuse in criminal matters, they often times do not understand the existence of their human rights and cannot access the courts or enjoy the benefits of the criminal justice systems especially in terms of legal representation and access to courts because of poverty and other social, cultural and systemic barriers.

The inability to access legal aid and delayed delivery of justice are some of the main causes of prison congestion by awaiting trial persons as in some cases arrest can result in detention for months, or years without charge, trial or conviction. Prompt access to legal advice and assistance is the key to guaranteeing a fair trial and the rule of law. In fact, the right to legal aid in the criminal justice system is founded on the universally accepted principles of fair hearing and it is supported by several international, regional and national laws and covenants.

In *Morilal Saraf v Jammu & Kashmir*, the India Supreme Court stated that the right to speedy trial begins with actual restraint imposed on arrest and consequent incarceration and continues at all stages, namely the stage of investigation, inquiry, trial, appeal and revision so that any prejudice that may result from impermissible and avoidable delay from the time of arrest of commission of the offence till it consummates into a finality can be averted (*Morilal Saraf v Jammu & Kashmir 2007*) [38]

3. Criminal Matters and the Criminal Justice System.

Criminal matters are cases that touches on the commission of an offence as defined under law and a nation’s criminal justice system includes all duty bearers charged with the responsibility of upholding enforcement and compliance with criminal laws within a State. The administration of criminal justice system is an integral part of the justice system of any nation.

Several international, regional and national action has been to strengthen the criminal justice system and to uphold the principle of fairness and to uphold the rule of law in criminal justice administration and the institutionalization of a democratic system. According to Olanisakin *et al*, ‘a credible criminal justice system is the first step towards a sane society (Olanisakin *et al*. 2017) [45].

Confidence in the criminal justice system of any State is dependent on public perception and observation of the administration of justice and some of the determinants of whether seems can trust their State’s criminal justice system depends among others on whether there is expedited delivery of criminal justice and whether the rule of law is upheld. Where means and status determines the outcome of criminal trials, the administration of criminal justice will be in jeopardy.

Legal and Policy Framework Regulating Access to Justice for the Poor in Criminal Matters.

The right of the poor to have access to justice flows from human rights law. The poor, indigent and vulnerable person falling within this class including women, children, migrant and persons with have their human rights protected under international and regional instrument and these rights are enshrined in the constitution of most countries.

1. International and Regional Framework

By virtue of human rights provisions, all persons are equal before the law (UDHR 1948 [55], art 7) and the courts and are

entitled to equal protection without any form of discrimination actual or structural to a fair and public hearing by a competent, independent and impartial tribunal established by law. Everyone including the poor is presumed innocent and equally entitled to a fair and public hearing by an independent and impartial tribunal where their cause will be heard and to be able to defend themselves in the determination of rights and obligations and any criminal charge against them (UDHR 1948^[55], art 10). The Poor are not only entitled to effective remedy but those in authority are mandated to enforce those remedy (ICCPR 1966, art 2).

The poor are also protected under international human rights law from arbitrary arrest or detention. Anyone who is arrested shall be informed, at the time of arrest, of the reasons for his arrest and shall be promptly informed of any charges against him and shall be brought promptly brought before a judge or other officer authorized by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release. It shall not be the general rule that persons awaiting trial shall be detained in custody (ICCPR 1966, art 9).

In the determination of any criminal charge against the poor and indigent, such a person is entitled to be informed promptly and in detail in a language which they understands of the nature and cause of the charge against him and to be given adequate time and facilities for the preparation of their defence and to communicate with counsel of their own choice. If the matter proceeds to trial shall, it shall be without undue delay and where such a person cannot afford a lawyer, the court is expected to assign a defence lawyer to the suspect or accused (ICCPR 1966, art 14; Africa Union 2003).

The Sustainable Development Goals provides an international framework that is aimed at shaping access to justice for the poor and ensuring that no one is left behind. Goal 16 is aimed at promoting peaceful and inclusive societies for sustainable development, providing access to justice for all and building effective, accountable and inclusive institutions at all levels. Under Goal 16, the targets includes to promote the rule of law at the national and international levels and ensure equal access to justice for all; to develop effective, accountable and transparent institutions at all levels, to ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements.

Goal 4 of the sustainable development goal also includes promotion of lifelong learning for all. Some of the targets relevant to enabling the poor access justice includes ensuring that all youth and a substantial proportion of adults, both men and women, achieve literacy and to ensure that all learners acquire the knowledge and skills needed to promote sustainable development, including, among others, through education for sustainable development and sustainable lifestyles, human rights, gender equality, promotion of a culture of peace and non-violence, global citizenship and appreciation of cultural diversity and of culture's contribution to sustainable development

At the regional level Africa leaders have put in place several agreements and declarations (Dakar Declaration 1999; Kampala Declaration 1996; Kadoma Declaration 1997; Ouagadougou Declaration 2002; Kyiv Declaration 2007; and)Abuja Declaration 2020)^[5, 6, 34, 35, 36, 46] aimed at ensuring that the poor has access to justice. The Declaration on principles and guidelines on the right to a fair trial and

legal assistance in Africa sets out general principles applicable to all legal proceedings to determine any criminal charge against a person.

Safeguards to ensure fair hearing include: a right to fair and public hearing by a legally constituted competent; access to an independent and impartial judicial body; equality of all persons before any judicial body without any distinction including as to means; equality of access by women and men to judicial bodies and respect for the inherent dignity of the human persons, especially of women (African Union 2003).

The Lilongwe Declaration on Accessing Legal Aid in the Criminal Justice System in Africa recognizes that the challenge of providing legal aid and assistance to ordinary people will require the participation of a variety of legal services providers and partnerships with a range of stakeholders and require the creation of innovative legal aid mechanisms. The Declaration supports the right to legal aid in criminal trials:

All governments have the primary responsibility to recognise and support basic human rights, including the provision of and access to legal aid for persons in the criminal justice system. As part of this responsibility, governments are encouraged to adopt measures and allocate funding sufficient to ensure an effective and transparent method of delivering legal aid to the poor and vulnerable, especially women and children, and in so doing empower them to access justice (Lilongwe Declaration 2004)

Flowing international, regional and national framework highlighted above a state's commitment to providing legal aid would include investment in putting in place a legal aid program which would include legal assistance at all stages of the criminal process commencing from arrest and spanning through the process of investigation, pre-trial detention, bail hearings, trials, appeals and other processes needed to ensure that the right of the poor is protected.

2. National Framework.

The Constitution of the Federal Republic of Nigeria provides for the rights of suspects to enable them have necessary protection while they are yet to be brought before a court of competent jurisdiction and pending the determination of their case (Constitution of the Federal Republic of Nigeria 1999)^[20]. This rights have also been codified in the Administration of Criminal Justice Action of 2015^[13] (Administration of Criminal Justice Act 2015)^[13] and several other legislation and policy documents.

The Constitution of the Federal Republic of Nigeria

The Constitution of the Federal Republic of Nigeria guarantees fundamental human rights under Chapter 4 of the Constitution. Several of these rights guarantee access to justice for the poor. Any person who is arrested or detained shall have a right to remain silence and avoid answering questions until after consulting with a legal practitioner of their choice (CFRN 1999^[3], s 35(2)). Also, within shall have a right to be informed in writing within twenty four hours of the facts and grounds on the basis of which they have been detained in the language they understand (CFRN 1999, s35(3)).

The Constitution also mandates that such a person be brought before a court of law within reasonable time (CFRN 1999, s35 (4)). Reasonable time for a person not released on bail is within three months of arrest while for a person entitled to and released on bail, it will be two months. Also,

no person tried with a criminal offence shall be compelled to testify or give evidence at their trial.

The Administration of Criminal Justice Act (ACJA) and the Administration of Criminal Justice Laws of Various States

The Administration of Criminal Justice Act 2015^[13], the Administration of Criminal Justice laws of various States in Nigeria, rules and practice directions on the administration of criminal justice were enacted and passed respectively to ensure that the system of criminal justice in Nigeria promotes efficient management of criminal justice institutions, promotes speedy administration of justice, protects the society from crime and protects the right and interest of suspects, defendants and victims (ACJA 2015, s1(1).)

The purpose of the Act especially the need to ensure speedy administration of justice is very lofty. Delayed delivery of administration of criminal justice has been a major problem of the Nigerian criminal justice system and has resulted in lack of confidence in the criminal justice system. According to (PartnersGlobal), ‘Speedy adjudication matters, especially for pretrial detainees (PTDs), or “inmates awaiting trials... Female PTDs and PTDs from other marginalized communities are even more likely to experience excessive waiting periods...’(PartnersGlobal 2024)

Although initially, the Act stirred up a lot of controversy as a result of its long title because public opinion was heated at the intention of limiting its provision to only the Federal Capital Territory and Federal Courts, it is now well accepted. Onadeko and Onoja referring to the Act states that, ‘...these are laudable objectives. The truth is that State courts handle more criminal cases than Federal Courts, but the Act is inapplicable to proceedings in State courts’ (Onadeko and Onoja 2016). However, the provisions of the Act and the response of States which passed laws akin to its provision to regulate the administration of criminal justice calmed the situation to positive acceptance of the Act (Anambra State ACJL 2010; Cross River State ACJL 2015; Delta State ACJL 2022; Enugu State ACJL 2010)^[7, 9, 10, 11].

Currently, apart from the fact that several states have passed their Administration of Criminal Justice Law applicable within their states. Also, the Federal High Courts within states have in place Administration of Criminal Justice Laws to regulate the administration of criminal within their courts (Federal High Court ACJL 2015)^[12]. The architecture for administration of criminal justice is aimed at ensuring that the law is not abused to undermined confidence in the criminal justice of Nigeria and its various States.

Some notable provisions of the administration of Criminal Justice Act very relevant to our current discuss which has also been integrated in the various state laws on administration of criminal justice includes: rights of a person arrested to be notified that he/she can remain silent or avoid answering any question until consultation with a lawyer (ACJA 2015^[9], s6) and right to consult a lawyer of their choice be making or signing their statement (ACJA 2015^[9], s 6(2)).

The Act also prohibits the arrest of a person in lieu of another (ACJA 2015^[13], s 7). When arrested, a suspect shall be treated humanely, not be subjected to torture and shall be arraigned and tried in accordance with the law (ACJA 2015^[9], s8). Where a suspect on arrest wishes to make a

statement, such statement shall be taken in the presence of a Legal Practitioner or an officer of the Legal Aid Council or an official of a civil society organization (ACJA 2015, s 17). The Administration of Criminal Justice Act is a very proactive legislation which has been able to create a comprehensive document that integrates global best practices and judicial pronouncement on the administration of criminal justice to enable the criminal justice system function effectively and efficiently in the administration of justice. In the words of Imasogie *et al*, ‘the Act, an adjectival piece of legislation, seeks to regulate procedural steps and processes in ensuring the doing of justice to a myriad of stakeholders in the criminal justice administration in Nigeria’ (Imasogie *et al*, 2018)^[32].

The Legal AID ACT 2011^[24]

The current legislation regulating the provision of legal aid in Nigeria by the Legal Aid Council is the Legal Aid Act 2011^[24]. The Act also empowers the Council to be responsible for the operation of a scheme for the grant of legal aid and access to justice in certain matters or proceedings to persons with inadequate resources in accordance with the provision of the Act. The Act provides for Criminal Defence Service (Nigeria Legal Aid Act, s.8). The Act also provides for the establishment of a Legal aid General Fund (Nigeria Legal Aid Act, s.9). The Act provides for proper coordination of legal by requesting for maintenance of a register of non-governmental organisations offering legal service and permits collaboration between the Council and such entities (Nigeria Legal Aid Act, s.17). The Act also mandates the police and courts to notify suspects and accused persons of their right to legal representation and empowers legal practitioners and officials of the Council to have access to such persons for that purpose (Nigeria Legal Aid Act, s.19).

National Legal Aid Strategy of Nigeria 2017 To 2022^[31, 37]

With a vision to ‘build a Nigeria where there is equal access to justice for all irrespective of means and where all rights are respected, protected and defended’, the National legal Aid Strategy of Nigeria sets the objectives of facilitating the effective implementation of the provisions of the Legal Aid Act 2011^[24], positioning the Legal Aid Council to effectively deliver on its constitutional and statutory mandate and enhancing the delivery of legal aid services in Nigeria.

The Strategy identifies and lays out strategies for the effective implementation of the provisions of the Legal Aid Act 2011^[24] including the extended scope of offences, strategy for implementation of the establishment of the Legal Aid Fund, for effective implementation of inspection of places of detention, for accessing those requiring legal aid/pro bono legal services/assistance and/or advice and for ensuring quality assurance in the conduct of legal cases assigned to volunteering legal practitioners on pro bono cases (Legal Aid Council 2017)^[37].

Very relevant to this study is the strategy for identifying unmet needs and providing legal aid services to vulnerable groups. The strategy sets out strategic action for meeting the needs of the poor, children, women, girls, persons with disabilities and other person with special needs. The specific action points which could function as key indicators for monitoring and evaluating the implementation of the Legal Aid Act.

The Role of the Nigerian Legal Aid Council and Institutional Based Law Clinics in Providing Access to Justice for the Poor in Criminal Matters.

The Legal Aid Council and most institutional based Law have a common interest and shared vision of promoting the rule of law providing access to justice for the poor. Over the years, in their respective capacity the Council and two Clinics selected for this study have fulfilled their mandate of providing access to justice for the poor, the indigent and the marginalized by undertaking programmes and activities that are aimed at dealing with and removing barriers inhibiting citizens from accessing justice in criminal matters.

1. The Role of the Nigerian Legal Aid Council in Providing Access to Justice for the Poor in Criminal Matters.

The Council through its Criminal Justice Department of the Legal Aid Council provides legal aid to the poor and indigent in criminal matters and discharges the Councils mandate to provide Criminal Defence Services. The Council has successfully completed its legal representation in 52301 cases from 2006 to 2022 ^[31].

The Council is successfully implementing the Police Duty Solicitors Scheme designed to ensure prompt decision making on matters relating to arrests, arraignment and prosecution of person alleged to have committed a crime with an objective of reducing number of persons on the awaiting trial list thereby decongesting prisons and correctional centers, reducing length of time spent between arrest and trials and promoting coordination between the Nigeria police force, the Legal Aid council and other actors in the criminal justice system.

The Council has been able to build synergy with the Nigerian Bar, non-governmental organisations, the police and other stakeholders in the criminal justice system for collaborative work and partnerships to drive provision of legal aid for the poor through its pro bono scheme. The Council has been able to take a leadership role in partnership with stakeholders, donor agencies and civil society envision its strategies and action needed to fulfill its mandate.

The Council is fulfilling its mandate under the Administration of criminal justice law and other human rights instruments to have its officials present when called by other law enforcement agencies when statements of suspects are being taken.

2. The Role of Yenagoa Law Clinic in Providing Access to Justice for the Poor in Criminal Matters.

The Yenagoa Law Clinic was established to give law students the opportunity to be involved in the practical application of legal knowledge and the acquisition of legal skills while also discharging a social justice function to provide legal counseling activities to the indigent members of communities around the law school. Activities of the Law Clinic from 2013 to 2022 ^[10] aimed at promoting and providing access to justice includes Legal literacy programmes, usually aimed at educating community secondary school students, youths, women, prison inmates.

Activities undertaken includes education activities in schools, mobile clinics where legal counselling is offered to communities criminal and civil matters. Prison visits to Okarka correctional center in Yenagoa and education for justice programme aimed at promoting a culture of

lawfulness with a target at youths to prevent cultism and prison inmates to prepare them for reintegration into society.

3. The Role of Bagauda Law Clinic in Providing Access to Justice for the Poor in Criminal Matters.

The Bagauda Law Clinic commenced activities in 2013. Activities of the Bagauda Law Clinic since its inception includes sensitization programmes by each intake of Clinicians. Past activities includes outreach program to GoronDutse Prison, Kano to educate on 'Basic Rights of a Prisoners'. Outreach programme to almajiri schools, in Dakatsalle. Public awareness and street law activities at Bagauda, Wak, Gargai, Dakarselle, Bebeji, Kura etc including training of trainers on the Freedom of Information Act to broaden understanding and dissemination of the Act. The clinic also undertakes criminal trials that attracted the commendation of the Director General of the Legal Aid Council during a visit to the Law Clinic in 2015 ^[9].

4. Analysis of the Role of the Nigerian Legal Aid Council and Institutional-Based Law Clinics in Providing Access to Justice for the Poor in Criminal Matters

The Nigerian Legal Aid Council and institutional-based law clinics occupy a strategic position within Nigeria's access to justice framework, particularly in relation to indigent and vulnerable persons involved in criminal matters. Their activities demonstrate the increasing recognition that access to justice cannot be achieved solely through courts and formal legal processes, but also through legal empowerment, legal literacy, community engagement, and institutional collaboration. The analysis of the activities of the Legal Aid Council, Yenagoa Law Clinic, and Bagauda Law Clinic reveals that these institutions collectively contribute toward reducing systemic barriers that hinder poor citizens from effectively accessing justice.

A major strength of the Nigerian Legal Aid Council lies in its statutory mandate and institutional structure for providing criminal defence services to indigent persons. The Council's completion of legal representation in over 52,301 cases between 2006 and 2022 ^[31] demonstrates its relevance and growing intervention within Nigeria's criminal justice system. This reflects a measurable institutional effort toward reducing the justice gap affecting poor persons who are unable to afford legal representation. The Council's work is particularly significant in a criminal justice system where legal representation often determines the speed, fairness, and outcome of criminal proceedings.

The implementation of the Police Duty Solicitors Scheme represents one of the most innovative reforms in Nigeria's legal aid framework. By providing suspects with access to legal representation at the point of arrest and during police interrogation, the scheme strengthens compliance with constitutional safeguards and international fair trial standards. The presence of legal aid officers during the taking of statements also serves as an accountability mechanism against torture, coercion, unlawful detention, and forced confessions. This intervention addresses a critical stage of criminal justice administration where many abuses against poor and unrepresented suspects occur. Furthermore, the scheme contributes to prison decongestion by reducing unnecessary detention and promoting faster decisions on bail, arraignment, and prosecution.

Another important aspect of the Council's role is its collaborative approach to justice delivery. The Council's partnership with the Nigerian Bar Association, civil society organizations, donor agencies, and law enforcement institutions demonstrates an understanding that access to justice requires multi-stakeholder engagement. Through its pro bono scheme and institutional partnerships, the Council has expanded the reach of legal aid services beyond what government resources alone can sustain. This reflects the global trend toward community-oriented and partnership-driven legal aid systems.

However, despite these achievements, the analysis also reveals structural limitations affecting the Council's effectiveness. The volume of indigent persons requiring legal aid far exceeds the Council's available manpower and resources. Although thousands of cases have been handled, the growing number of awaiting-trial inmates and pending criminal cases indicates that legal aid interventions remain insufficient relative to the scale of need within the criminal justice system. The Council's impact is therefore constrained by inadequate funding, shortage of legal personnel, limited public awareness, and logistical challenges.

The activities of the Yenagoa Law Clinic illustrate the important complementary role institutional law clinics play in promoting access to justice. Unlike the Legal Aid Council, whose interventions are primarily litigation and representation-focused, the Yenagoa Law Clinic adopts a preventive and empowerment-based approach through legal literacy, community education, prison outreach, and counselling services. Its programmes targeting students, youths, women, prison inmates, and local communities indicate an understanding that ignorance of legal rights is itself a major barrier to justice.

The legal literacy programmes undertaken by the clinic are particularly significant because they empower vulnerable persons with knowledge of their rights and available remedies. The mobile clinic initiatives further demonstrate a community-based approach to justice delivery by taking legal services directly to underserved populations that may otherwise lack access to lawyers or courts. This reflects modern access to justice principles that emphasize accessibility, inclusion, and grassroots legal empowerment.

The Yenagoa Law Clinic also contributes to crime prevention and social reintegration through its "education for justice" programmes aimed at discouraging cultism among youths and preparing prison inmates for reintegration into society. This broadens the understanding of access to justice beyond courtroom representation to include social justice, rehabilitation, and community development. Additionally, the clinic provides practical legal education for law students by exposing them to real-life social justice issues and clinical legal practice. This dual function of legal education and community service strengthens the long-term capacity of the justice sector.

Similarly, the Bagauda Law Clinic demonstrates the importance of localized and community-sensitive legal interventions. Its outreach activities in prisons, almajiri schools, and rural communities show responsiveness to vulnerable and marginalized populations that are often excluded from formal justice systems. The clinic's sensitization programmes on prisoners' rights and public awareness initiatives contribute toward human rights protection and legal empowerment at the grassroots level.

The clinic's activities involving street law and training on the Freedom of Information Act indicate efforts to promote

transparency, accountability, and civic participation within communities. Such interventions are critical in deepening democratic culture and strengthening citizens' confidence in legal institutions. Furthermore, the commendation received from the Director General of the Legal Aid Council for the clinic's involvement in criminal trials reflects institutional recognition of the growing contribution of law clinics to legal aid delivery in Nigeria.

Notwithstanding their achievements, both the Yenagoa and Bagauda Law Clinics face operational limitations similar to those confronting the Legal Aid Council. Institutional law clinics in Nigeria are often underfunded, dependent on voluntary participation, and constrained by limited infrastructure and institutional support. Their activities are also geographically limited and may not consistently reach all vulnerable populations requiring assistance. In addition, because most law clinics are attached to educational institutions, continuity and sustainability of programmes may be affected by changes in student participation and academic cycles.

Overall, the Nigerian Legal Aid Council and institutional-based law clinics are indispensable actors in Nigeria's access to justice architecture. Their interventions collectively address different dimensions of justice delivery including legal representation, human rights protection, legal literacy, prison decongestion, community empowerment, and social reintegration. While the Legal Aid Council provides formal institutional legal aid services backed by statutory authority, law clinics complement these efforts through grassroots engagement, education, and community-based interventions. The study therefore reveals that effective access to justice for the poor in Nigeria requires stronger collaboration, sustainable funding, institutional support, and integration of law clinics into broader national legal aid and criminal justice reform strategies.

Conclusion and Recommendation Recommendations

1. Increase Government Funding for Legal Aid Services

The Federal Government should provide adequate and sustainable funding for the Nigerian Legal Aid Council to enable it effectively discharge its statutory responsibilities. The Legal Aid Fund established under the Legal Aid Act 2011 ^[24] should be fully operationalized and properly monitored to ensure efficient utilization of resources for criminal defence services, prison outreach, and legal representation for indigent persons.

2. Strengthen Institutional Capacity of the Legal Aid Council

There is need to recruit more lawyers, paralegals, social workers, and support staff into the Nigerian Legal Aid Council to address manpower shortages. Continuous professional training should also be provided for legal aid officers on criminal justice administration, human rights protection, data management, alternative dispute resolution, and emerging trends in criminal justice reform.

3. Expand and Institutionalize the Police Duty Solicitors Scheme

The Police Duty Solicitors Scheme should be expanded across all States of the Federation and strengthened through improved coordination between the police, Legal Aid

Council, correctional institutions, and the judiciary. Early access to legal representation at the point of arrest and investigation will help reduce arbitrary detention, torture, forced confessions, and prolonged pre-trial detention.

4. Strengthen Collaboration between the Legal Aid Council and Institutional Law Clinics

Institutional law clinics should be formally integrated into Nigeria's legal aid framework as recognized partners in access to justice delivery. Structured collaboration between the Legal Aid Council, Nigerian Law School law clinics, university law clinics, the Nigerian Bar Association, and civil society organizations would improve legal aid coverage, community outreach, and legal literacy programmes.

5. Provide Sustainable Funding for Institutional Law Clinics

Most institutional law clinics operate with limited or irregular funding despite their important role in legal education and community service. Government agencies, universities, donor organizations, and development partners should provide dedicated funding and grants to support prison visits, community legal awareness campaigns, mobile clinics, and legal counselling programmes undertaken by law clinics.

6. Enhance Legal Literacy and Public Awareness

Continuous legal literacy programmes should be undertaken to educate citizens, especially poor and vulnerable groups, on their constitutional rights, legal aid services, bail procedures, and available remedies in criminal matters. Awareness campaigns should target schools, rural communities, correctional centres, women, youths, and marginalized populations.

7. Improve Coordination within the Criminal Justice System

Better coordination is required among the police, courts, correctional services, Legal Aid Council, Ministry of Justice, and other stakeholders involved in criminal justice administration. Delays arising from poor case management, transfer of inmates, missing case files, and adjournments should be addressed through integrated case-tracking and communication systems.

8. Strengthen Implementation of the Administration of Criminal Justice Act and State Laws

Full implementation of the Administration of Criminal Justice Act 2015^[13] and corresponding State laws should be prioritized to ensure speedy trials, humane treatment of suspects, prohibition of unlawful detention practices, and protection of fair hearing rights. Monitoring mechanisms should also be established to ensure compliance by law enforcement and judicial officers.

9. Improve Data Collection and Monitoring Systems

The Legal Aid Council and other criminal justice institutions should strengthen systems for data collection, monitoring, and evaluation. Reliable statistics on arrests, legal aid representation, prison congestion, awaiting-trial inmates, and case outcomes are necessary for evidence-based reforms and policy development.

10. Promote Technology and Digital Justice Innovations

Technology should be deployed to improve access to justice through digital case management systems, virtual legal consultations, electronic filing systems, prison-court communication platforms, and online legal awareness initiatives. Digital tools can reduce delays and improve efficiency within the criminal justice process.

11. Strengthen Regional and International Cooperation

Nigeria should continue to align its criminal justice and legal aid system with international and regional human rights standards, including the African Charter, the Lilongwe Declaration, and the Sustainable Development Goals. Partnerships with international organizations and donor agencies can support technical assistance, funding, and institutional reforms.

12. Address Root Causes of Poverty and Vulnerability

Since poverty remains a major barrier to access to justice, broader socio-economic measures aimed at reducing unemployment, improving education, and strengthening social welfare systems should complement legal aid reforms. Access to justice should be viewed not only as a legal issue but also as part of broader social and developmental policy.

13. Undertake Further Research on Rising Pending Criminal Cases

Further empirical studies should be conducted to investigate the increase in pending criminal cases between 2020 and 2022^[10], identify emerging systemic challenges, and propose targeted reforms to improve efficiency within Nigeria's criminal justice system.

Conclusion

The administration of criminal justice in Nigeria continues to face serious challenges that disproportionately affect poor and indigent persons. Despite the existence of constitutional guarantees and several international, regional, and national legal instruments protecting the right to fair hearing, legal representation, and access to justice, many citizens remain unable to effectively enjoy these rights because of poverty, prolonged detention, institutional inefficiency, and delays within the criminal justice system. The high number of awaiting-trial inmates and persistent prison congestion demonstrate the continuing weaknesses in justice delivery mechanisms in Nigeria.

The study establishes that the Nigerian Legal Aid Council and institutional law clinics play critical roles in addressing these challenges by providing legal aid services, legal representation, human rights education, prison outreach, and legal counselling to indigent persons. The implementation of initiatives such as the Police Duty Solicitors Scheme and community legal literacy programmes has contributed to reducing barriers to justice and promoting awareness of legal rights among vulnerable populations. The activities of the Yenagoa and Bagauda Law Clinics further demonstrate the importance of institutional law clinics in advancing practical legal education while simultaneously promoting social justice and access to justice within local communities. Notwithstanding these achievements, the effectiveness of legal aid delivery in Nigeria remains limited by inadequate funding, shortage of personnel, insufficient institutional

support, weak data management systems, and limited public awareness of available legal aid services. The increasing number of pending criminal cases also indicates the need for further reforms and improved coordination among criminal justice institutions. Consequently, there is a need for greater governmental commitment to funding the Legal Aid Council and institutional law clinics, strengthening partnerships among stakeholders, enhancing capacity building, and improving monitoring and evaluation mechanisms within the legal aid system. Integrating institutional law clinics more effectively into the national legal aid framework and supporting international and regional cooperation on legal aid delivery will further strengthen access to justice for the poor. Ultimately, ensuring effective access to justice for indigent persons is essential to protecting human dignity, promoting equality before the law, and strengthening public confidence in Nigeria's criminal justice system.

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