

CORRUPTION IN NIGERIA: PROTECTION OF WOMEN AND CHILDREN*

Abstract

Significant scholarship on anti-corruption has been limited to studies on public office holders. The effect of corruption on the society has also been accorded significant attention which has successfully generated a wealth of awareness about the urgent need to curb this vice. Studies on anti-corruption have revealed that the effect has a disproportionate effect on the vulnerable in our society. According to UNIFEM Report, women are much more vulnerable to the impact of corruption than the men. Using the Nigerian society as a case study, the effect of corruption perpetuated by public office holders has gradually affected her economy negatively. This objective of this paper is to address the impacts of corruption on Women and children, with the aim of bringing to limelight gender-specific manifestations of corruption as against the broad perception of the effect of corruption. It is recommended that women should be involved in anti-corruption initiatives and that the courts are to resort to International Instruments where there are loopholes under the domestic laws to ensure effective convictions of guilty accused persons. Policy interventions need to tackle this menace by understanding the economic effect of corruption and the cultural practices that determine how women live their lives in order to curb this vice and build sustainable peace.

Keywords: *Corruption, Protection of Women and Children, Gender, Policy Intervention.*

I. Introduction

Corruption has been on the high on the governance reform agenda for decades. Corruption is a hydra-headed problem in Nigeria and every other parts of the world with slight modifications in its ways of manifestations as well as magnitude. It constraints development, exacerbates and causes conflicts and it is one of the major obstacles in achieving millennium developmental goals. (MDGs).¹The challenge of corruption in the Nigerian society is endemic due to certain dysfunctional factors, including convoluted value of orientation, bad governance and poverty ideas.² This paper evaluates gender and corruption by highlighting how they interact, with its search light beamed on the resultant effects of corruption on women. Corruption affects both men and women but in different ways. If policy makers identify the effect of corruption on gender they will be better equipped to design more effective anti-corruption policies. The doctrinal methodology was employed in this paper. Several scholars have argued that women are less corrupt than men in government but this has been challenged by the obvious fact that very few women are giving opportunities to occupy governmental positions in Nigeria today. Women are often confronted with social, political, cultural and institutional discrimination especially where the country is corruption

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¹ Hossain N; Musembi C. N., *Corruption, Accountability and Gender: Understanding the Connections*. New York. Automated Graphic Systems, 2010, P.5.

² Aigbovo, A., Odion, J.O., and Ojukwu-Ogba, N.E, *Effectiveness and Domestic Initiatives in the Nigerian banking and Finance Industry*. Nigerian Association of Law Teachers Conference Proceedings. 22nd- 27th May, 2016. P.523.

ridden like in Nigeria. However, research findings on the subject have varied over the years and there is still no clear consensus about the interrelationship between gender and corruption. This paper further explores recent evidence on the impact of corruption on women and children in Nigeria. In many countries, corruption does occur primarily through male-to-male networks and in forums where women are often excluded, such as in commerce or politics. As a result, various studies have shown that men are more likely to be victims of corruption than women. Women suffer the consequences of this corruption unfortunately policy makers have not identified this vice as corruption.

This paper is divided into three parts. Part one which includes the general introductions contains conceptual clarification of the concept of corruption. Part two explores the legal framework on corruption in Nigeria as well as the impacts of corruption on women and children in Nigeria. Part three contains recommendation and conclusion.

2. Conceptual Clarification

Many scholars across the globe have a keen interest in the literature on corruption as a constant social menace. A Scholar asserted that the term ‘corruption’ can be seen as ‘the abuse of public office for private gain’³ and another opined that corruption also represents ‘the antithesis of accountability and transparency’.⁴ Defining corruption as it relates to government establishments, Ekiyor in his broad perception about corruption defines it as the illegitimate use of official powers or influence by an official of the government either to enrich himself or to further his course and/or any other person at the expense of the public, in infringement of his oath of office and/or opposing to the conventions or laws that are in force.⁵ It is very unfortunate that this vice is not limited to any place or jurisdictions as its occurrences have been established in all nations. Furthermore, Alatas views corruption as a situation where two people carry out activities to increase their own pay-off at the expense of a third person.⁶ He adds that this does not mean that just one individual cannot perpetrate the act; rather, it often involves at least two people to perfect an act which is probably conceived by one individual.⁷

At this juncture it is pertinent to state that the concept of corruption is amoebic in nature, hence, there is no universally acceptable definition. This difficulty is not unconnected to the fact that corruption aside being a concept, its perimeter is not definite. Each writer has defined corruption according to the context and milieu of his or her writing. In fact, the scope of corruption can emerge from political, moral, academic, financial, religious, social and economic stance and any attempt to give a one way definition that fits into all these spheres of corruption will not only be over ambitious

³ P. Mauro, ‘The Effects of Corruption on Growth, Investment, and Government Expenditure: A Cross-Country Analysis’, (1997), in Kimberly Elliott, (eds.), *Corruption in the Global Economy*, Washington, DC: Institute for International Economics, pp.83-107.

⁴ H. Kyambalesa, ‘Corruption: Causes, Effects, and Deterrents’, (2006), *Africa Insight*, Volume 36, Number 2, 102 – 122.

⁵ E. Humphrey, ‘corruption in Local Government Administration: An Historical summary’, (2009), as found in *Local Government Administration in Nigeria: Old and New Vision*.

⁶ V. Alatas, *Gender and Corruption: Insight from an Experimental Analysis*, (2008), Available At <<http://www.economics.unimelb.edu.au/lcameron/papers/gender/pdf>>, Accessed November 12 2016.

⁷ *Ibid*

but unsuitable. Heidenheimer's tried in his work to define corruption by developing a categorization of several types of corruption definitions.⁸ Corruption can be defined as breaking the rules pertaining to a certain office, it can be defined economically, and it can be defined as acting against general interest.⁹ Scott has drawn up a slightly different categorization and defines corruption as acting against the laws pertaining to it, or acting against what the public opinion deems integrity, or, again, acting against general interest.¹⁰ Effiong defines corruption as a deviation from societal norms¹¹ while Akinseye-George states that the term corruption includes empowering or selfish exercise of power and influence attached to a public as well as private office.¹²

From the several attempts made by scholars to define corruption, there seems to be a general consensus that the term is difficult to conceptualize with precision.¹³ Some have defined corruption along the narrow path¹⁴ to be a misuse of entrusted power for private gain.¹⁵ Akintola while conceding to the fact that the definition of corruption is by no means exhaustive defined corruption thus: corruption implies as abuse of office, abuse of privilege, undue advantage, undeserved favour obtained through the manipulation of the law, rules or regulations, untoward conduct premised on graft or a promise of same, performance of services in exchange for gratification, non-performance of duties or services in order to confer some advantages or benefits, advance fee payments, kickbacks, upfront gratifications, pecuniary or immoral benefits from illegal conduct, sexual harassment of subordinates or the weak, political corruption, nepotism, tribalism, etc.¹⁶

⁸ A. J. Heidenheimer, *Terms, Concepts and Definitions: An Introduction*, www.unodc.org/pdf/crime/corruption, assessed 8th April, 2018.

⁹ Heidenheimer, A. J., *Terms, Concepts and Definitions: An Introduction* www.unodc.org/pdf/crime/corruption, assessed 8th April, 2018 ; A. J. Johnston., V. T. Le Vine (eds), *Political Corruption: A Handbook*, New Brunswick, N.J., [etc.], 1989, 3-14. Cited in Emmanuel Kreike, William Chester Jordan (eds), *Corrupt histories. Studies in comparative history, Crime, History, Society* Vol. 11, No 2 | 2007, 151-153.

¹⁰ J. C. Scott, *Comparative Political Corruption*, Englewood Cliffs, 1972, 3-4; Peters, J. G., Welch, S., Gradients of Corruption in Perceptions of American Public Life, cited in Heidenheimer Political corruption, 165-171; J. A. Gardiner, *Defining corruption, Corruption and Reform*, 1993, 7, 111-124.

¹¹ D. Efiog, 1982. *The Prevalence and Repercussions of Corruption in Nigeria* in F. Odekunle (ed), Nigeria: Corruption in Development. Ibadan University Press, 162.

¹² Y. Akinseye- George., 2000. *Legal System, Corruption and Governance in Nigeria*. New Century Law Publishers.

¹³ I. D. Sule, 'Understanding Corruption in Nigeria: the social Exchange Perspective'. *The Nigerian Journal of Sociology and Anthropology*, 2013, (11) (1)10.

¹⁴ Hafiz Adiza defines corruption and corrupt practices as something that has to do with fraudulent activities especially in siphoning of public fund that is meant for the general populace for personal use. Professor Akin Oyebo defined corruption as an abuse of office or an abuse of public trust, undue advantage to obtain favour through manipulation. Adeniyi Akintola (SAN), 2010. *Corruption and the Rule of Law; Wither Nigeria? In Contemporary Issues in the Nigerian Legal Landscape*. A Compilation in Honour of Prince Lateef Fagbemi, SAN. (ed). Crown Goldmine Communications Limited. Ibadan p. 175

¹⁵ UNPDC, 2008. *Primer on Corruption: Anti-Corruption Interventions for Poverty Reduction, Realization of the MDGs and promoting Sustainable Development*. New York Democratic Governance Group Bureau for Development Policy. November

¹⁶ A. Akintola, 'Corruption and the Rule of Law; Wither Nigeria?' *Contemporary Issues in the Nigerian Legal Landscape*. A Compilation in Honour of Prince Lateef Fagbemi, SAN. (ed) Crown Goldmine Communications Limited. Ibadan.

The definition postulated by Akintola is in the opinion of the writer the most suitable definition of corruption and has been employed in this paper due to its holistic approach to the definition of corruption. The definition identifies sexual harassment among others as corruption which policy makers have failed to identify. Corruption has been examined as both a crime as well as a tort.¹⁷ Frantic efforts have been made to point out the drawbacks of some of the various definitions of corruption examined above. If corruption is defined as breaking the rules pertaining to a certain office, we use a modern, 'Weberian' definition of the phenomenon.¹⁸ Yet, Weberian bureaucracies hardly existed in the past, and are still lacking in many countries. What is more, breaking the rules can also be a practical necessity. All public functionaries do it, every now and then, without necessarily being corrupt. If we choose to align with the opinion of authors who define corruption economically, we might be using a modern public-private dichotomy alien to past societies, and 'general interest definitions' of corruption fall short for the simple reason that there is no such thing as 'general interest'. These interests claimed to be protected are only private interests claiming to be general interest depending on the area of interest of whoever is propounding the definition of corruption.¹⁹ Societal groups differ to a large extent in their views on corruption, and these views are highly dynamic particularly in the contemporary society.

The government has decided to view and fight corruption from the economic point of view. Shehu, explains in his work that corruption has been classified into many forms and that a distinction is often made between petty corruption and grand corruption. The former refers to minor corrupt acts such as giving preferential treatment in form of minor favours while grand corruption on the other hand involves often involves state officials and political elite sometimes in collusion with multinational companies. He however emphatically stated that the division of corruption into serious and less serious offences is unnecessary and misleading since both divisions of corruption have significant consequences.²⁰ Professor Akin Oyebo is also of this view and further divides the perpetrators of corruption into three that is, petty, ordinary and grand.²¹

Opinions of Scholars also differ on the forms of corruption. Gray and Kaufmann assert that acts of corruption as including bribery and extortions, fraud and embezzlement. According to them, it is observable in government activities through the appropriation of public assets for private use and

¹⁷ The wrong of assault and battery is both a crime as well as a tort. Battery may be defined as intentional touching the body of any person without the consent of that person.

¹⁸ Max-Weber was a key proponent of methodological antipositivism. He argued for the study of social action through interpretative (rather than purely empiricist) means, based on understanding the purpose and meaning that individuals attach to their own actions. Retrieved https://en.m.wikipedia.org/wiki/Max_Weber assessed 8th April, 2018..

¹⁹ Emmanuel Kreike, William Chester Jordan (eds), *Corrupt histories. Studies in comparative history », Crime, Histoire & Sociétés / Crime, History & Societies*, Vol. 11, n°2 | 2007, 151-153.

²⁰ A. Y. Shehu., 2006. 'Recovering the Proceeds of Corruption: The Challenges of Developing Countries'' Vol. 1, *Nigerian Journal of Economic and Financial Crimes*, 2010, P. 25; See also N. Hossain; C. N. Musembi, *Corruption, Accountability and Gender: Understanding the Connections*. New York. Automated Graphic Systems. p.2

²¹ Akin Oyebo Cited in Adeniyi Akintola (SAN), 2010. *Corruption and the Rule of Law; Wither Nigeria? In Contemporary Issues in the Nigerian Legal Landscape*. A Compilation in Honour of Prince Lateef Fagbemi, SAN. Crown Goldmine Communications Limited.

embezzlement of public funds by politicians and high-level of personnel.²² Agbaje creates a context for corruption in the paradigm of public service sector; he lists factors as pervasion of public rules, misuse of official power for selfish motives and the frustration of electoral process to make free and fair elections as pervading features of corruption with the public service.²³ According to him, other forms of corruption are the willful attitude not to declare one's assets on assuming and vacating a public office and of course using one's official positions to prevent the dispensation of justice as shown by the executives (past and present) of different capacities in Nigeria. Also, Gray and Kaufmann identify seven causes of corruption.²⁴ These include the value of remuneration, the abundant opportunities and awareness of corruption perpetration, weak measures for facilitating accountability, population manipulation, misdirection of natural resources, lack of political will and indecisive pressure.²⁵

The predominant form of corruption that has been addressed by many scholars is political corruption and it usually encompasses abuses by government officials such as embezzlement as well as abuses with the public and private sector such as fraud.²⁶ Ogbeidi posits that the political class constitutes the main driving force of corruption and corrupt activities throughout Nigeria's history.²⁷ He posits further that insignificant success has been recorded and this can be attributed to the undemocratic processes of governance to the detriment of Nigerians. He identified corruption in Nigeria to be divided in to corruption in the political leadership²⁸, corruption in the business sector²⁹, corruption in the educational sector.³⁰ Corruption occurs with impunity in places where the system that hold those in power accountable for their actions or that enforce sanctions against wrongdoings are weak, either because duty-bearers are inaccessible or because the state has withdrawn altogether.³¹

²²Gray Cheryl and Kaufmann Daniel (2008) *Corruption and Development*. Available at <http://www.worldbank.com/fandd/english/0398/articles/020398/html>, accessed 21 November 2016.

²³Agbaje Adigun, Corruption, Accountability and Good governance: Reflections on governance in Nigeria Fourth Republic 1999-2003, (2004), *International Review of Politics and Development*, Volume 2, Number 2.

²⁴Gray, Cheryl and Kaufmann, Daniel (2008) *Corruption and Development*. Retrieved on September, 20 from <http://www.worldbank.com/fandd/english/0398/articles/020398/html>.

²⁵ *ibid*

²⁶E. I. Alemika et al, 2016. *Towards Redefining the Legal Frameworks for Combating Corruption in Nigeria: Integrating the Theories of Crime Causation, Penological Concept of Punishment*. NSUK NALT conference p. 541

²⁷M. M. Ogbeidi, 2012. 'Political Leadership and corruption in Nigeria since 1960: A Socio-Economic Analysis'. *Journal of Nigerian Studies*. I (2) .1-25

²⁸Members of the political class in Nigeria have been known to use their power for personal gain and self-aggrandizement which has majorly accounted for the long years of mismanagement of the resources of the country. Both the military and the civilians have persistently perpetuated acts of corruption for personal, ethnic or religious gains.

²⁹Corruption has also pervaded the business and the private sectors in Nigeria and this has affected the economic potentials of the country and discouraged foreign investments. Advances in the electronic communication have also increased the scale of corruption.

³⁰There has been a consistent set back in the educational system due to lack of funding, poor infrastructure and in adequate manpower. Even among the students there has been of the increase a high rate of examination malpractice.

³¹Hossain & Musembi, p.5

Legal definitions of corruption can be found in the Laws, Acts and Statutes of every state. For instance in Nigeria, according to the ICPC Act (section 2), corruption includes vices like bribery, deception, and other related offences. Corruption is the mistreatment or abuse of power or position of trust for personal or group benefit (monetary or otherwise). An author listed about forty five (45) corrupt practices which permeate through the paradigm of the Nigerian Society starting from the home, schools and even religious institutions down to both the private and public establishments.³² It should be noted that to give a particular legal definition to corruption is not realistic. Obviously, we cannot apply our laws to past societies, but looking to contemporary law for definitions of corruptions is just as good as privatizing the meaning of corruption. As it happens, law often follows practice, but at a distance, and also reflects the norms and values of only a part of society. It is also difficult to have a generally accepted definition of corruption because it is empirically not possible to observe the phenomenon in a scientifically meaningful way.³³

3. Impacts of Corruption and Its Effect on Women and Children

Development and Aid agencies have only recently begun to conduct research and enquire into the relationship between gender equality issues and corruption in the last ten years.³⁴ The initial focus of scholars in the previous years has been dedicated to gender differences in corrupt activities in propensities to engage in corrupt activities.³⁵ There is now an increased attention paid on corruption differential impacts on the wellbeing of human capability women and men. This shift occurred in the wake of emerging evidence that corruption can disproportionately affect poor women and girls especially in access to essential public services, justice and their ability to engage in public decision making.³⁶ This section examines how corruption affects women differently and how it exacerbates gender based on asymmetries in empowerment, access to resources and enjoyment of rights. Understanding corrupt linkages to gender equality issues and how it impacts women's empowerment is part of the broader process of advancing the gender dimensions of democratic governance. Scholars are now expanding the traditional definition of corruption to include actions that are disproportionately experienced by women such as sexual extortion and human trafficking.³⁷ While findings may vary on how gender and corruption interact there is no spit on the harsh effect that corruption exacts on women's lives. Women often confront social, cultural, political and institutional discrimination which is compounded when corruption occurs with impunity. Where we have institutions already restricted for the women in reality what exists is that corruption creates additional obstacles for accessing public goods.³⁸

³² Odekunle Olufemi, in Aluko Jones, (2006), Corruption in the Local Government System in Nigeria, P.2.

³³ Patrick Chabal and Jean-Pascal Daloz, *African Works: Disorder as Political Instrument* (James Currey, (1999), 96. Cited in E. O. Okebukola & A. A. Kana, 2016, Is Corruption Mala Prohibita or Mala In Se?. Nigerian Association of Law Teachers (NALT), 2016 Conference Proceedings. 49th Annual Conference 22nd-27th May p.516.

³⁴ *ibid*

³⁵ M. G. Ann, 2003. *Political Cleaners: How Women are the New Anti-Corruption Force. Does Evidence Wash?* Brighton, United Kingdom. IDS

³⁶ Hossain & Musembi.

³⁷ *Ibid*, 5

³⁸ *ibid*

One of the reasons for corruptions disproportionately negative impact on women is because women form the majority of the global poor. The poor women who are reliant on publicly provided services disproportionately suffer when corruption depletes the amount of resources available to service.³⁹ Bribery for example has become a prerequisite for accessing services, rights and resources, women's relatively weaker access to and control of personal resources has meant that they are more frequently denied access to this services.⁴⁰ Some of the ways by which women and children are affected disproportionately by corruption are:

- a. Access to and control over resources: corruption reduces public revenue which often results in lower levels of spending on education healthcare, family benefits and other social services. The consequent effect of corruption predominantly affects the welfare of women and children who often rely most on accessing the vital services provided by the state. Corruption also increases obstacles for women whenever they must interact with the government officials. Women tend to be the target of corrupt officials than men possibly because service providers find women more susceptible to coercion than men and are less aware of how to file a complaint.⁴¹ It has the possible effect of distorting women's access to credit and makes it more difficult to gain access to credit facilities when they have business opportunities thereby further impoverishing already poor families. Poor women dependent on goods and services disproportionately feel the impact of high level or grand corruption which often takes the form of illicit commissions at the point of procurement which reduces the amount of public resources available for distribution and consequently affects equitable distribution among different population segments. Goetz is of the opinion that leakages of this kind are common with resources earmarked for marginalized groups as this group often lacks the political power to protest against corruption.⁴² Female mortality is on a high increase as a consequence of corruption and this occurs when the hospitals are not adequately equipped in terms of medical personnel and basic medical facilities due to the effect of corruption. A pregnant woman with a life threatening pregnancy may be forced to stay back at home to deliver and could in the process loose her life. Some government hospitals demand for bribes from these women, and those who are unable to pay are denied medical treatments.⁴³
- b. The impact of corruption on children is manifestly evident on the streets whereby children are found soliciting money on behalf of the adult male or female beggars. Majority of the child

³⁹B. Schimmel & B. Pech, 2004. *Corruption and Gender: Approaches and Recommendations for Technical Assistance*. Eschborn: Federal Ministry for Economic Cooperation and development of Germany. Khadiagala L.S., 2001. 'The Failure of Population Justice in Uganda: Local Councils and Women's Property Rights Development and Change'. 32(1) 55-76

⁴⁰Nyamu-Musembi., 'Gender and Corruption in the Administration of Justice' In *Transparency International* (ed) Global Corruption Report. New York Cambridge University Press, 2007, 121-128.

⁴¹ UNDP. 2008. Primer on Corruption: Anti-Corruption Interventions for Poverty Reduction, Realization of the MDG's and Promoting Sustainable Development: New York Domestic Governance Group Bureau for Development Policy. December.

⁴²A. M. Goetz & R. Jenkins, 2005. *Reinventing Accountability making Democracy Work for Human Development*. Basingstoke: Palgrave Macmillan.

⁴³N. Alolo, 2007. 'Gender and Corruption. Testing the New Consensus'. *Public Administration and Development* 27:227-237.

engaged in this are usually female within the age range of 10-16 years. This practice contradicts the provisions of The Child Rights Act 2003 which is a comprehensive piece of legislation enacted by Nigeria in November, 2003. It provides for the total well-being, protection and welfare of children in Nigeria.⁴⁴ African Charter on the Rights and Welfare of the African child adopted by Nigeria 1990 also guarantees the rights and protection of a child.⁴⁵ Article 6, Child Rights Act, 2003 provides that 'every child has a right to freedom of association and peaceful assembly in conformity with the law and in accordance with the necessary guidance and directions of his parents or guardians.' Article 11 specifically provides that every child is entitled to respect for the dignity of his person and in accordance, no child shall be;

11(a) subjected to physical or mental injury, abuse, neglect or maltreatments, including sexual abuse; or

(b) subjected to torture, inhuman or degrading treatment or punishment; or

(c) Subjected to attacks upon his honour or reputation; or

(d) Held in slavery or servitude, while in the care of a parent, legal guardian or school authority or any other person or authority having the care of the child.

- c. Corruption mitigates Protection and advancements of rights under the law: Nigeria to a large extent is predominantly a patriarchal society and one of the features associated with patriarchy in a typical African society is male dominance. Women's civil and political rights are grossly inequitable and not significantly protected by the society except when the law is evoked. Despite the provisions of the Constitution (CFRN)⁴⁶ that protects and guarantee for equal treatment of both male and female, issues that bother's on social, cultural, marriage, divorce, human trafficking, adultery, rape, child custody, inheritance, property rights, financial independence are still considered to a large extent in favour of the men in the rural communities. Though there are judgments which have ruled in favour of the women thereby upholding the women's rights.⁴⁷ The irony about these judgments has been with their enforceability. A poor woman in the rural setting is most likely unaware of her rights to justice and there are taboos

⁴⁴Section 1 of the Child Rights Act, 2003. The Act has 278 chapters and 11 schedules. The provision of the Act is almost similar to the Children and Young Person's Act (CYMC), except that it is a Federal Act while the CYMC is a State Law.

⁴⁵Nigeria adopted the Child Rights Act to domesticate the Convention on the Rights of the Child in 2003. This law was passed at the Federal Level but only effective at the State Levels if State Assemblies also enact it.

⁴⁶Chapter 4 1999 CFRN

⁴⁷See *Ukeje v Ukeje* where the Supreme Court held on July 1, 2016 that the Igbo customary law, which forbids a female from inheriting her late father's estate was void on the ground that it is discriminatory and conflicts with the provision of Section 42(1) and 2, 1999 Constitution. See also *Onyibor Anekwe v Maria Nweke* (2014) 9 NWLR (pt.1418) p. 393 at 399 where the Court of Appeal held that no matter the circumstances of the birth of a female child, she was entitled to an inheritance from her late father's estate. See also *Uke .v. Iro* [2001] 11 NWLR (pt. 723) 196 where the court held that the Nnewi Customary law that disentitles a woman from given evidence in relation to title to land is inconsistent with unconstitutional provisions and was repugnant to natural justice. It also offends all the decent norms applicable in a civilized culture where the rights of all sexes are protected under the constitution. See also In *Obusez v Obusez* [2001] 15 NWLR (pt. 736) p. 377 where the Court of Appeal overturned the Agbor Native law and Custom which denies a widow who was married under the marriage Act, a right to the management and distribution of the estate of her deceased husband with five surviving children. The court held that the surviving spouse who is the lawful widow should get first priority to a grant of letters of Administration of the estate.

restricting women from pursuing their cause. Besides these limitations many women will not pursue these rights to avoid the stigma they could possibly face thereafter. Under corrupt law enforcement system broader human rights for women and other vulnerable persons suffers. Where the system of adjudication is corrupt, there is a very high degree of female domination⁴⁸ since women lack access to resources, any case brought to remedy this discrimination will be lost most especially if the party on the other side has the available resources to buy a favourable judgment. Women also lack equal opportunities for decision making in Nigeria considering the ratio of men to women in the present administration. Gender roles and relations mean that women, more than men have restricted access to resources, information and connections, they need to avoid paying bribes and suffer or benefit from paying bribes. Corruption reinforces women's social, political and economic marginalization.

- d. Corruption in the form of Sexual Extortion:** Sexual extortion can involve various kinds of sexual assault ranging from sexual harassment and forced sex.⁴⁹ Sexual extortion could also take the form of public officials demanding sex from women in exchange for the performance of public duties. This category of sexual extortion falls well within the United Nations Convention against corruption (UNCAC) which includes extortion, bribery as various forms of corrupt offences.⁵⁰ However, despite this disproportionate effect of corruption on women, corruption involving sexual exploitation or extortion generally escapes measurements in standard corruption analysis it is less likely reported than other forms of corruption.⁵¹ The stigma attached to these offences, fear and shame associated with the wellbeing of a victim of sexual extortion means that evidence on its prevalence and the form it takes is usually anecdotal rather than systematically recorded.⁵² Available evidence recorded in sexual extortion relates to sexual violence in schools, sex in exchange for supplies.⁵³ For girls who become pregnant in

⁴⁸M. O. Ajayi, 2011. *The Dynamics of Succession and Inheritance Rights among the Avianwu of Edo State, Nigeria*. Ph.D thesis, African Law Unit, Institute of African Studies, University of Ibadan. Interview with male respondents revealed that the customary court judges were all men, and they all exhibited a high disregard for the Constitutional provisional guaranteeing equality. The judicial decisions regarding same had little or very insignificant effect to their reasoning for they strongly believe that customary law is equally a source of law and should not be overshadowed by English law.

⁴⁹ UNIFEM, 2007. *UNIFEM Strategic Plan. 2008-2011*. New York United Nations Development Fund for Women

⁵⁰ See Article 21 (a) (UNCAC) 'the promise, offering or giving directly or indirectly, of an undue advantage of any person who directs or works...' Article 21 (b) 'the solicitation or acceptance, directly or indirectly or of an undue advantage of anyone who directs or works, in any capacity....' The United Nations Convention against Corruption (UNCAC) is a multilateral convention negotiated by members of the United Nations. It has about 181 signatories and became effective 14th December, 2005. <http://en.m.wikipedia.org/wiki/Unite...> accessed August 1, 2018. The World Bank defines corruption as the abuse of public office for private gain. Source. V.bhargava.2006.curing the cancer of corruption p.1. Available online <http://siteresources.worldbank.org/EXTABOUTUS/Resources/CH18.pdf>. assessed 8th April, 2018. R. R. Babu, (ed). *The United nations Convention against Corruption: A Critical Overview*. Available online www.wiwi.unipassau.de/lambsdorff. Where he also opines that corruption has the greatest impact on the most vulnerable part of a country's population and the poor.

⁵¹ Hossain & Musembi, p.12

⁵² Hossain

⁵³ B. Shimmel & B. Pech, (2004) *op. cit.*

schools get expelled when they become pregnant and even run the risk of contracting venereal diseases.

4. Legal Framework on Corruption in Nigeria

Some Legal Instruments are in place to eradicate corrupt practices in Nigeria. These include the Code of Conduct under the Constitution of the Federal Republic of Nigeria,⁵⁴ the Economic and Financial Crimes Commission (Establishment) Act of 2004,⁵⁵ and the Corrupt Practices and Other Related Offences Act of 2000 (the Anti-Corruption Act),⁵⁶ Certain corrupt practices are also criminal offences under the Criminal Code⁵⁷ and the Penal Code.⁵⁸ In the Corrupt Practices and Other Related Offences Act the concept of corruption is defined in a limited manner to include bribery, fraud, and other related offences.⁵⁹ The corrupt practices and other Related Offences Act⁶⁰ provides for the establishment of the Independent corrupt practices and other Related Offences Commission (ICPC). it is the Anti- Corruption Act (the Act) that deals more directly and expansively with the crime of corruption. The Act requires that the ICPC shall consist of a Chairman and 12 other members to be selected from each of the six geo-political zones of Nigeria.⁶¹ It is required that the Chairman be a person who is an experienced Judge of a better-quality court of record in Nigeria and he is to be appointed by the President upon authentication by the Senate.⁶² Section 6 of the Act provides for the duties of the ICPC; these include to ‘investigate complaints and prosecute offenders under the Act; supervise the review of practices, systems and procedures of public bodies which aid or facilitate corruption; and instruct, advise or assist any officer, agency, or parastatal on ways to minimise fraud or corruption.’⁶³ The duty to investigate is activated where an officer of the ICPC has reason to suspect the commission of an offence under the Act following the receipt of a report made pursuant to the Act.⁶⁴ Section 5 empowers officers of the ICPC with all the authorities and immunities of a police officer under the Police Act⁶⁵ and under any other law which protects law enforcement agents. The ICPC also has the power to apprehend any person for the purpose of being questioned,⁶⁶ and to secure a court order to gain entrance into any premises to find, seize and take ownership of any document, book or other article pointing towards the commission of an offence under the Act.⁶⁷ The Act further portrays the ICPC Chairman as a principal pivot in the battle against corruption and he is also vested with additional powers which include the authority to confiscate movable property in the guardianship or control of a bank or financial institution, where the property is a subject matter of any enquiry under the Act.⁶⁸ the power to obtain

⁵⁴ Constitution of the Federal Republic of Nigeria, 1999.

⁵⁵ EFCC Act 2004, Section 1.

⁵⁶ Anti-Corruption Act 2000, Section 5.

⁵⁷ Chapter 77 of the Criminal Code Act.

⁵⁸ Chapter 89 of the Penal Code Act.

⁵⁹ Cap C 31, Vol. 3 LFN 2014

⁶⁰ 2000

⁶¹ Section 3 (3) of the Corrupt Practices and Other Related Offences Act, No 5 of 2000.

⁶² Section 3(4) and (6) of the Corrupt Practices and Other Related Offences Act, No 5 of 2000.

⁶³ Section 6 of the Corrupt Practices and Other Related Offences Act, No 5 of 2000.

⁶⁴ Section 27 (1) and (3) of the Corrupt Practices and Other Related Offences Act, No 5 of 2000.

⁶⁵ Cap 359, Laws of the Federation of Nigeria (LFN), 1990.

⁶⁶ The Anti-Corruption Act, S. 28.

⁶⁷ *ibid*, S. 36.

⁶⁸ *ibid*, S. 45.

information from any person as well as relatives and associates and their banks who have been assumed to have committed an offence under the ICPC Act;⁶⁹ and the power to make a submission to court for an order keeping out any person from dealing with any property which is the subject matter of an offence under the Act, where the property is held or deposited outside Nigeria.⁷⁰

Furthermore, the Act established and redefined 19 offences which relate to corrupt practices and abuse of office; among these offences are: accepting gratification⁷¹; fraudulent acquisition of property⁷²; fraudulent receipt of property⁷³; making a false statement or return⁷⁴; bribing a public officer⁷⁵; use of office or position for gratification⁷⁶; bribery in relation to auctions⁷⁷; bribery in relation to contracts⁷⁸; and failure to report bribery transactions.⁷⁹ It established a presupposition of corrupt enrichment against any public officer who fails to give details of the source of excessive interests in property having regard to his past and present emoluments.⁸⁰ It is noteworthy that the concept of 'gratification' under the Act is wide and goes beyond the general restraining approach of equating it to monetary gain or money's worth.⁸¹

From an individual jurisdiction point of view, the provisions of the Act are quite broad.⁸² The Act bothers on crimes that are perpetrated outside Nigeria and it relates to officials both in the public and private sectors⁸³ and to immigrants who have been granted permanent residence in Nigeria.⁸⁴ Even the Executive arm of government is not excluded from investigations. For instance, Section 52⁸⁵ provides that the Chief Justice of Nigeria is allowed to empower an independent counsel such as a legal practitioner of not less than 15 years' standing to investigate an accusation of corruption made against the President or Vice President, or against any State Governor or Deputy Governor. The independent counsel is expected to file a report of his findings under this section to the Federal Legislative House or to the appropriate state legislative house as the case may be. Given the constitutional immunity from being prosecuted that these officials enjoy when they are in office, it is still not clear what underlying principle this is meant to serve.⁸⁶ The thought of being investigated

⁶⁹ Anti-Corruption Act, S.44.

⁷⁰ *ibid*, S. 46.

⁷¹ *ibid*, S. 8.

⁷² *ibid*, S. 12.

⁷³ *ibid*, S. 13.

⁷⁴ *ibid*, S. 16.

⁷⁵ *ibid*, S. 18.

⁷⁶ *ibid*, S. 19.

⁷⁷ *ibid*, S. 21.

⁷⁸ *ibid*, S. 22.

⁷⁹ *ibid*, S. 23.

⁸⁰ *ibid*, S. 42(2).

⁸¹ *ibid*, S. 2.

⁸² In *Attorney General of Ondo State v Attorney General of the Federation* [2002] 9 Nigerian Weekly Law Report p222,306

⁸³ *ibid*, S. 2.

⁸⁴ *ibid*, S. 6.

⁸⁵ *ibid*, S. 52.

⁸⁶ Section 308 of the Constitution of the Federal Republic of Nigeria, 1999.

and even the findings of the investigation may further pave way for the commission of more acts of corruption as the concerned executive officer will try to bribe his or her way out.

It is important to note at this juncture that although the foregoing laws are fairly robust, they have failed to achieve the purpose of considerably reducing the prevalence of corruption in the society. Nigeria still occupies one of the lowest positions in the Transparency International Corruption Perceptions Index⁸⁷ and may just be getting to know how corrupt certain individuals in the contemporary civilian administration are.⁸⁸

However, there is still room for progress relative to these laws. There is a need for greater enforcement of these laws; also, simultaneously placing more importance on the role of non-state actors in fighting corruption is another way to do this.

The Economic and Financial Crimes Commission Act in an attempt to be exhaustive provides a much more comprehensive definition of corruption. Section 46 of the Act provides *inter alia*, 'economic and Financial Crimes, mean the non-violent and illicit activities committed with the objectives of earning wealth illegally... individually or in a group or in an organized manner thereby violating existing legislations governing the economic activities of the government and its administration and it includes any form of fraud, narcotics, drug trafficking, money laundering, embezzlement, bribery, looting'.⁸⁹ The above definition has obviously limits the act of corruption to economic crimes and crimes against the State. Other legislations that are employed to fight corruption in Nigeria are the Criminal Code, Penal Code, CPC Act, Evidence Act, Criminal Justice Act etc. Garner defines corruption to include but not limited to impurity, debasement, depravity, perversion, an impairment of integrity and impairment of public officers duties.⁹⁰ If the definitions of corruption according to the available Acts defining corruption are juxtaposed with Garners definition of corruption it can be seen that the opinion of some scholars readily comes into play that the definition of corruption is privately determined and used to satisfy the private interest of the government in power.⁹¹

5. Conclusion and Recommendations

Corruption is a crime that fights back when it is fought and this is evident in Nigeria on the battle against corruption. All the same, the Legal Framework though standard, but the Anti-graft agencies are not exhausting the provisions of the law in this regard. This paper addressed corruption as one of the hydra-headed problem in Nigeria and some other parts of the world with slight modifications in its ways of manifestations. It beamed its searchlight on the effect of corruption in the society from

⁸⁷Transparency International (2006) Corruption Perceptions Index: <http://www.transparency.org/policy_research/surveys_indices/cpi/2006>.

⁸⁸ Human Rights Watch (2007) 'Chop Fine: The Human Rights Impact of Local Government Corruption and Mismanagement in Rivers State, Nigeria'. 19, 24-39, Available at <http://hrw.org/reports/2007/nigeria0107/>, accessed August 4 2018.

⁸⁹ Economic and financial Crimes Commission Establishment Act, 2004. Cap E1, Vol. 5 LFN, 2014.

⁹⁰ Garner, Black's Law Dictionary, 9th (ed,) 2009

⁹¹K. Emmanuel & C. J. William, (eds), *Corrupt Histories. Studies in comparative history* », Crime, Histoire & Sociétés / Crime, History & Societies, Vol. 11, n°2 | 2007, 151-153; I. D. Sule, 'Understanding Corruption in Nigeria: the social Exchange Perspective'. *The Nigerian Journal of Sociology and Anthropology*, 2013, (11) (1)10.

a gender based perspective. It further addressed some of the scholarly definitions of corruption and identified that legal scholars and scholars in the humanities had concurrent and divergent opinions about the definition of the concept. The meaning attached to the concept corruption, determined the extent and scope of operation for the institutions established to fight corruption. The legal framework for corruption was examined and it took into cognizance of the fact that the fight against corruption was limited to offences against the State. The effect of corruption on women and children were the key areas of concentration, and the gender-specific manifestations of corruption were identified as against the broad perception of the effect of corruption. The paper concludes that a gender based perspective be mainstreamed into the current anti-corruption war, besides this a public accountability system be established. A rights based approach to gender equality and anti-corruption is therefore essential when designing and implementing anti-corruption policies in order to ensure good governance and a sustainable development in Nigeria.

This paper has addressed one of the hydra-headed problems of corruption in Nigeria with its searchlight beamed on the most vulnerable in the society which are women and children. It is therefore recommended that the prosecutors should not be biased or become corrupt themselves but endeavor to effectively try corruption cases to secure the convictions of accused persons when found guilty. This will serve as deterrence to potential accused persons and indirectly reduce the negative impacts of corruption on women and children. The trial of corrupt officials should not be selective neither should such trials be a pivot of victimization of political opponents as speculated by many Nigerians. At the national level, the present administration of President Buhari has shown commitment to stop unnecessary political interference especially with anti-corruption investigations and prosecutions. This should be combined with strong political will to ensure that those accused of corruption are properly investigated, punished and blacklisted from politics if found guilty, irrespective of their positions and connections. It is recommended that the UN Convention against Corruption which is the first universal, worldwide, all-inclusive and legally mandatory anti-corruption Instrument should be adopted where there are shortcomings in the provisions of the domestic laws. At the international level, Nigeria's international partners must uphold strong political pressure on the Nigerian government to allow anti-corruption institutions, including the Economic and Financial Crimes Commission (EFCC), to hunt vigorous and autonomous investigations of high-level corruption.

In order to mitigate the effect of corruption on the vulnerable in Nigeria it is recommended that the ambit of the word corruption be expanded to accommodate abuse of women's right and advocated for gender equality at all levels of governance. The fight against corruption should be addressed from a broad perspective and not along the narrow path that only addresses issues of stolen government funds. This paper identified some of the consequences of corruption on women to include, sexual extortion, rape, trafficking, street begging etc. This is not denying the fact that the government has been responsive to these vices, but it is advocated that the root cause of these effect on women stems from corruption and until this issue is tackled from the root it would continue to rear its head.

It is recommended that Policy makers in Nigeria should develop gender sensitive and corruption initiatives that address the forms of corruption which have the propensity to affect the women more than the men. Women should be engaged and consulted in anti-corruption and good governance

efforts. Public accountability mechanisms should be strengthened in their responsiveness to women's needs. This can be achieved through oversight mechanism, promotion and performance review with respect to government structures and the rule of the law must be invoked at all times without favour. There should be an increase in the number of women in government and at the frontline of service delivery. In Nigeria for example there have been efforts to situate women in the previous administrations at senior government positions and there was a record of reported decline in corruption.⁹² Where there are female judicial personnel in the judiciary they will be much more willing than the men to apply gender equality in deciding cases.⁹³ However having a gender balanced personnel in the governance of a country is not sufficient to curb corruption alone, there should be in place public accountability systems.

⁹² ABA-UNDP. International Resource Center (ILRC) 2008. *Gender and Corruption: ILRC Research Report*. Mimeo. New York UNDP.

⁹³J. I. Peresie, 2005. 'Female Judges Matter. Gender and Collegial Decisions making in the Federal Appellate Courts'. *The Yale law Journal*. 114(7):1759-90. In O. Aigbovo & A. O. Ewere 'Adjudicating Women's Customary Law Rights in Nigeria: Has the Tide finally turned?' 2015 5 *AJLC* 12-25, The authors were also of the opinion that was probably the presence of the female justices on the panel that influenced the upholding of women's rights in *Ukeje v Ukeje*.