

# JUVENILE JUSTICE ADMINISTRATION IN NIGERIA

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*This article seeks to analyse the state of the system of juvenile justice administration in Nigeria against the background of international framework and guidelines. The author finds the Nigerian setup to be inadequate for ensuring juvenile justice because of inconsistencies and ambiguities in municipal legislation – for example, the age of criminal responsibility is different under various statutes, and the bail provisions are capable of being abused. Further, policemen are known to have been brutal in their dealings with juvenile offenders, and lack of specially trained state officials makes the state machinery ill-equipped to facilitate the process of rehabilitative justice. The author then explains that having dedicated juvenile justice courts may be better than the current system where magistrates in charge of ordinary criminal cases handle juvenile justice matters as well. The article concludes with the observation that juvenile custodial institutions have not been efficacious in rehabilitating the juvenile offenders housed there, and makes recommendations to address these shortcomings.*

## I. INTRODUCTION

Juvenile justice system is an integral part of the criminal justice system.<sup>1</sup> It is guided by a philosophy of concern, care and reformation for persons under

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<sup>1</sup> Juvenile justice system may be regarded as a tract within the criminal justice system of a society. The criminal justice system consists of several tracts – adult and juvenile process and the rich and poor tracts to justice. Adult and juvenile tracts of justice administration were purposively designed and officially organized. However, the differential tracts for the poor and wealthy are invisible and formally unorganized. Their very existence indeed is denied, because to recognize class-based distinctions in the administration of justice, will negate the ideology of equality of all (poor and rich) before the law. But in all societies, the poor are more likely to be arrested, detained, denied bail, convicted and sentenced to

the age of seventeen years.<sup>2</sup> Juvenile justice administration is a system of justice which is applicable to juveniles all over the world and which is different from the justice system applicable to adults. Today, there are more than one million children in detention worldwide, most of whom have committed only minor offences.<sup>3</sup>

The juveniles, like adults accused of crimes, have certain rights. These rights are guaranteed by the Constitution of the Federal Republic of Nigeria. Such rights include proper and prompt notification of charges, private trial, impartial adjudication, adequate defence, examination of prosecution witnesses, etc.

The Nigerian juvenile justice system is grossly inadequate in quantitative and qualitative terms to meet the rights of the juveniles. These inadequacies impair the capacity of the courts, police, remand homes, approved institutions and borstal to meet the United Nations Rules and Guidelines as well as other international standards on the treatment of juvenile offenders. The inadequacies, which are due to policy defects, inadequate funding, incoherent and punitive programme, reduce these institutions to fortresses of punishment instead of correctional and rehabilitation institutions. The article will examine these inadequacies in the juvenile justice system in Nigeria. It will focus on the age and criminal responsibility of the juvenile, bail of juvenile offenders, pre-trial custody and detention of the juvenile, the constitution and procedure of the juvenile courts, and the juvenile custodial institutions.

## II. THE AGE AND CRIMINAL RESPONSIBILITY OF THE JUVENILE

There are differences in the age and criminal responsibility of the juvenile in Nigeria. For instance, § 30 of the Criminal Code Act<sup>4</sup> and § 50 of the Penal Code

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severe or harsh terms of punishment than their wealthy and politically influential counterparts.

<sup>2</sup> There is no universal definition of a 'juvenile'. The laws of different nations stipulate different age brackets for a juvenile. The concept of juvenile is sometimes used interchangeably with other concepts like a child, an adolescent or youth. For instance the children and young persons Act defines a child as "a person under the age of 14 years". Also, the law defines a young person as "a person who has attained the age of 14 years". The law did not define a juvenile. However other indicators in the law show that the term refers to a person under the age of 17 years. Juvenile justice system has been influenced by the activities of humanitarians and penal reformers who protested the cruelty perpetrated on children under the guise of administering justice, because earlier, children were harshly punished even for petty offences. The juvenile justice system is concerned about handling of juvenile offenders.

<sup>3</sup> United Nations Children's Fund (UNICEF), Children in Conflict with the Law, *Child Protection Information Sheet*, (2006), available at [http://www.unicef.org/protection/files/Child\\_Protection\\_Information\\_Sheets\\_\(Booklet\).pdf](http://www.unicef.org/protection/files/Child_Protection_Information_Sheets_(Booklet).pdf) (Last visited on December 15, 2009).

<sup>4</sup> Criminal Code Act, Laws of the Federation of Nigeria, 1990, Chapter 77, § 30 provides that "a person under the age of 7 years is not criminally responsible for any act or omission. A person under the age of 12 years is not criminally responsible for an act or omission,

Act<sup>5</sup> establish that a child under the age of seven years does not have criminal responsibility. From 7 to 12 years, a child can only be found responsible if it can be proved that he/she had the capacity to know that the act or omission should not have been carried out. Above the age of 12, the person is deemed as fully responsible for the act or omission. Contrary to the position of the Penal Code Law and the Criminal Code Law, the Children and Young Persons Act<sup>6</sup> defines a child as a person under the age of 14 years and a young person as a person who has attained the age of 14 years, but is under the age of 17 years.

Under the Islamic or Shari'ah Law,<sup>7</sup> the age of criminal responsibility is taken to be either 18 years or puberty. In cases involving fornication or adultery, which may attract flogging or the death penalty, the age of criminal responsibility is 15 years. The implication is that, in cases where children reach puberty earlier than 18 years, no distinction is made between them and adults, in dispensing Shari'ah punishments.<sup>8</sup> The age of criminal responsibility under the Shari'ah law allows for discrimination against girls because they often achieve puberty earlier than boys, as well as among Muslim and non-Muslim children.<sup>9</sup> Also, it creates

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unless it is proved that at the time of the act or the omission, he has the capacity to know that he ought not to commit the act or the omission. A male person under the age of 12 years is presumed to be incapable of having carnal knowledge." The Criminal Code Act is applicable to the Northern parts of Nigeria.

- <sup>5</sup> The Penal Code Law which is applicable to the Southern parts of Nigeria made similar provisions on age of criminal responsibility of children as discussed under the Criminal Code Act.
- <sup>6</sup> The Children and Young Persons Act is the most important legislation in Nigeria dealing with the treatment of juvenile offenders. The Act was first enacted as an ordinance in 1934; it has been subsequently amended through several legislations (i.e. Ordinances 44 of 1945; 27 of 1947; 16 of 1950 as well as the Laws of Nigeria 131 of 1954; 47 of 1955 and Order in Council 22 of 1946). Intended as a national law (Chapter 32 Laws of the Federation of Nigeria and Lagos 1958), provisions were made for its adoption as regional laws and subsequently as state laws. As a result, the law was extended to the Eastern and Western Regions of Nigeria in 1946 by Order-in-Council No. 22 of 1946. The law was enacted for the Northern Region in 1958 and constituted the Children and Young Persons Law, Chapter 21 of the Laws of Northern Nigeria 1963 Lagos State also adopted the law in 1970 – Children and Young Persons Law (Chapter 26 of the Laws of Lagos State). The law was enacted to make provision for the welfare of the young person and the treatment of young offenders and for the establishment of juvenile courts.
- <sup>7</sup> The introduction of Islamic or Shari'ah legal system in the northern parts of Nigeria has created new dimension in the administration of juvenile justice in Nigeria. The Shari'ah Code fixed the age of criminal responsibility of a child at either 18 years or puberty. This is quite different from the provision of the Penal Code Act and the Criminal Code Act discussed above.
- <sup>8</sup> Integrated Regional Information Networks (IRIN), *Nigeria: Focus on the Administration of Juvenile Justice*, August 26, 2002, available at <http://www.irinnews.org/report.asp?ReportID=29531> (Last visited on February 7, 2010).
- <sup>9</sup> The Shari'ah Penal Code only applies to persons of Muslim faith. It does not apply to the Christians living in the Shari'ah compliance states of Northern Nigeria.

discriminatory treatment among girls, as the menstruation is often considered as the achievement of “*maturity*” or “*puberty*”, even though the onset of menstruation is not the same for all.<sup>10</sup>

### III. BAIL OF JUVENILE OFFENDERS

§ 3 of the Children and Young Persons Act<sup>11</sup> provided for the release of a juvenile offender, apprehended with or without warrant by a police officer. Such release may be on “*a recognizance entered into by him or by his parents or guardian, with or without sureties, for such an amount as will, in the opinion of the officer, secure the attendance of such person upon the hearing of the charge*”. This bail condition, however, does not apply: (a) to a person accused of homicide or other grave crime or (b) to a situation where “*it is necessary in the interest of such person to remove him from association with any reputed criminal or prostitute*” or (c) to a situation where “*the officer has reason to believe that the release of such person would defeat the ends of justice*”. The last condition (c) appears too vague and may be abused to unnecessarily deny bail to young offenders.<sup>12</sup>

### IV. PRE-TRIAL CUSTODY AND DETENTION

There is wide consensus among human rights organizations that Nigerian policemen exhibit brutality and incivility in their relationship with juvenile offenders.<sup>13</sup>

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<sup>10</sup> B. Okoli, *Nigeria: The Constitution and Child Rights*, October 19, 2007, available at <http://allafrica.com/stories/200710190453.html> (Last visited on December 15, 2009).

<sup>11</sup> § 3 provides that “where a Person apparently under the age of seventeen year is apprehended with or without warrant, and cannot be brought forthwith before a court of summary jurisdiction, the police officer in immediate charge for the time being of the police station to which the person is brought, shall inquire into the case and may in any case, and shall (a) unless the charge is one of homicide or other grave crime or (b) unless it is necessary in the interest of the person to remove him from association with any reputed criminal or prostitute; or (c) unless the officer has reason to believe that the release of the person would defeat the ends of justice.

<sup>12</sup> *Id.*

<sup>13</sup> P. T. Ahire, *Native Authority Police in Northern Nigeria: End of an Era?* in *POLICING NIGERIA: PAST, PRESENT AND FUTURE*, (Tamuno, T. N., et. al, ed., 1993); P. T. AHIRE, *IMPERIAL POLICING* (1991); E.E.O. Alemika, *Policing and Perception of Police in Nigeria, Socio-Economic and Criminological Attributes of Convicts in Two Nigerian Prisons*, 16 (3) *JOURNAL OF CRIMINAL JUSTICE*, 197 (1988); E.E.C. Alemika & T. Chukwuma, *POLICE – COMMUNITY VIOLENCE IN NIGERIA* CENTER FOR LAW ENFORCEMENT EDUCATION (2000); F. Odekunle, *The Nigeria Police Force: A Preliminary Assessment of Functional Performance*, 6 *INTERNATIONAL JOURNAL OF SOCIOLOGY IN LAW* 73 (1979); O. Ohonbamu, *The Dilemma of Police Organization under a Federal System: the Nigerian Example* 6 *NIGERIAN LAW JOURNAL* 73 (1977); T.N. Tamuno, *THE POLICE IN MODERN NIGERIA* (1970); I.A. Ayua & I.E. Okagbue, *THE RIGHTS OF THE CHILD IN NIGERIA*, (1996); CLO Annual Reports 1988 & 1996 as cited in World Organisation against Torture and Clean Foundation, Committee on the Rights of the Children, *Report on the Implementation of Convention of the Rights of the Child by Nigeria*, January 2005, available at [www.cleen.org/nigeria\\_ngo\\_report\\_OMCT.pdf](http://www.cleen.org/nigeria_ngo_report_OMCT.pdf) (Last visited on February 8, 2010).

The Children and Young Persons Act prohibits detention of a child in prison, but that of young persons may be allowed, in exceptional circumstances.<sup>14</sup> A juvenile offender may be detained in remand homes, approved institutions including borstal institutions and prisons, set up by native or local authority or a Local Government Council with prior approval of competent authority.<sup>15</sup>

Contrary to statutory provisions on the matter, Nigerian prisons contain a large number of young offenders, who are often not separated from adult inmates.<sup>16</sup> Juvenile offenders often complain of the poor conditions while in police custody.<sup>17</sup>

## V. THE CONSTITUTION AND PROCEDURE OF THE JUVENILE COURTS

The procedure for the trial of juvenile offenders is provided under § 8 of the Children and Young Persons Act. The section regulates the trial procedure of juvenile courts in Nigeria including the right of juvenile offenders to due process. This provision satisfies the requirements of Article 40 of the Convention on the Rights of the Children and § 36 of the Nigerian Constitution.

§ 29 of the Children and Young Persons Act makes a provision to the effect that only juvenile courts can try juvenile offenders. It provides:

“Where a persons, whether charged with an offence or not, is brought before any court otherwise than for the purpose of giving evidence and it appears to the court that he is a child or young person, the court shall make due inquiry as to the age of

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<sup>14</sup> Children and Young Persons Act, § 7 deals with the remand or committal to custody of juvenile offenders. It provides that “A court on remanding or committing for trial a child or young person who is not released on bail, shall instead of committing him to prison, commit him to custody in place of detention provided under this ordinance and named in the commitment, to be there detained for a period of which he is remanded or until he is thence delivered in due course of law; provided that in case of a young person it shall not be obligatory on the court so to convict him if the court certifies that he is of an unruly character that he cannot be safely so committed, or that he is of so, depraved a character that he is not a fit person to be so detained”.

<sup>15</sup> The Children and Young Persons Act, § 15(1) (3) provides thus: “Where no remand home is conveniently situated a child or young person ordered to be detained in a custody may in the discretion of the officer or the court, as the case may be, be detained in an approved institution or in a prison provided that if a child or young person be detained in a prison he shall not be allowed to associate with adult prisoners.”

<sup>16</sup> This is contrary to the Article 37 (3) of the United Nations Convention of the Rights of the Child (CRC) which stipulated that every child should be separated from adult inmates in prisons.

<sup>17</sup> In a study by the Nigerian Institute of Advanced Legal Studies, 42 percent of the juvenile inmates said that their arrest involved verbal abuse while 40 percent reported that their arrest involved the threat or use of physical abuse. *See also* I.A. AYUA & I.E. OKAGBUE, *THE RIGHTS OF THE CHILD IN NIGERIA* 254 (1996).

that person, and for that purpose shall require the production of a birth certificate or other direct evidence as to the date of birth and in the absence of such certificate or evidence, a certificate signed by a medical officer in the service of the government giving his opinion as to such age.”

The constitution of juvenile courts is provided under § 6 of the same law, which states that:

“A juvenile court for the purpose of hearing and determination of cases relating to children or young persons shall be constituted by a magistrate sitting with such other persons, if any, as the Chief Justice of the region shall appoint.”

It appears from the provisions of § 6 and 29 of the Act that there are two approaches to the establishment of juvenile courts in Nigeria. The first approach, which is adopted in the Lagos State, envisages a visible structure of juvenile justice administration. In most of the other states in Nigeria, the second approach is popular. The magistrates hear cases involving juveniles outside the normal courtrooms or outside normal court sessions either in the courtrooms or in their chambers. The second approach often results in some difficulties because a magistrate, in the process of handling both adult offenders and juvenile delinquents, may lose sight of the procedure to be adopted.

In addition to the procedural inadequacies, the international standards enshrined in the Convention on the Rights of Children and other instruments such as the Administration of Juvenile Justice are not reflected in the Nigerian system of juvenile justice. For instance, the judges, police and other personnel handling cases involving juvenile offenders in Nigeria, have little knowledge on how best to handle juvenile cases.<sup>18</sup> Female police officers are often deployed to juvenile welfare departments in divisional and state police command headquarters. They are not given specialized training before assignment to the unit and in most cases they are frequently transferred in and out of the unit.

## VI. THE JUVENILE CUSTODIAL INSTITUTIONS

Juvenile Custodial Institutions are homes built to correct, reform and rehabilitate juvenile offenders. The institutions are meant to bear upon the inmates, every good influence which may establish in them, the will to lead a good and useful life when they are released from custody. The institutions are expected to provide vocational training in tailoring, photography, welding, building (masonry

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<sup>18</sup> Rule 12 of the UN Standard Minimum Rules provides that “In order to best fulfill their functions, police officers who frequently or exclusively deal with juveniles or who are primarily engaged in the prevention of juvenile crime shall be specially instructed and trained. In large cities, special police units should be established for that purpose.”

or bricklaying), electrical installation etc as well as formal institutional education up to the level of the General Certificate of Education.

There were very few custodian institutions in Nigeria. In many cases, they exist within the premises of the prisons. For instance, the first juvenile justice custodial institution established in 1937 is a wing of the Enugu Prison. The goals of such an institution are not realized in Nigeria due to lack of proper policy, legal and institutional framework for correction of the juvenile offender and prevention of juvenile delinquency prevention. The objectives of the institution are also compromised by the lack of proper planning and implementation, gross underfunding, inadequate staff, and lack of necessary training facilities. Most of these institutions are not provided with enough funds to provide quality and hygienic accommodation, food, sleeping materials, medical care, education, vocational training, recreation and leisure.

Another problem is that in most institutions, inmates are not adequately protected against physical and verbal abuse by officials and fellow inmates. According to Ahire, “There was near complete absence of medical and educational facilities at both the Yola and Bauchi remand homes”.<sup>19</sup> As Ogbonna put it:

“The so-called objectives of the institutions – correction, rehabilitation and reformation of young offenders are not been realized. There are numerous factors militating against proper and efficient functioning of the institutions. They include shortage of personnel, lack of fund, inadequate facilities—— it is noteworthy as well that due to the poor conditions of these institutions, juvenile offenders are now kept in prisons with adult criminals and under the same facilities. For instance, at Owerri prison there are many young offenders in such custody”.<sup>20</sup>

The inadequacy of the conditions and facilities in Nigerian juvenile institutions militate against the realization of the objectives of the institutions.<sup>21</sup>

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<sup>19</sup> P. T. Ahire, *Juvenile Delinquency and the Handling of Young Prisoners in Nigerian Borstal Institutions* in NIGERIAN PRISONS SERVICE AND THE PUBLIC, Section 12 (1987).

<sup>20</sup> C. Ogbonna, *Field notes and report on the condition of juvenile offenders in Nigeria Prisons*, as cited in *Report on the Implementation of Convention of the Rights of the Child by Nigeria*, *Supra* note 14.

<sup>21</sup> I.A. Ayua & I.E. Okagbue, *THE RIGHTS OF THE CHILD IN NIGERIA*, (1996); E.E.O. Alemika, *Professionalism in the Nigerian Prisons Service* in NIGERIAN PRISONS SERVICE AND THE PUBLIC, (1987); E.E.O. Alemika *Policing and Perception of Police in Nigeria in Police Studies*, 11(4) INTERNATIONAL REVIEW OF POLICE DEVELOPMENT 161 (1988); E.E.O. Alemika, *Socio-Economic and Criminological Attributes of Councils in Two Nigerian Prisons* 16(3) JOURNAL OF CRIMINAL JUSTICE 197 (1988).

Workshop facilities in the Nigerian juvenile institutions are in a state of obsolescence and un-serviceability.<sup>22</sup> The workshops lack serviceable equipment and even those available, are obsolete and often cannot be used because of poor maintenance and under-funding. The problems of inadequate staff to teach as well as overcrowding in the institutions also militate against the effective utilization of the obsolete facilities in the workshops.<sup>23</sup> In some cases, inmates are allowed to continue their education through attendance at any nearby school, or through informal classes organized within the institutions. These are clearly inadequate and unsatisfactory arrangements for the children/juveniles to receive and acquire proper education.<sup>24</sup>

The conditions in the juvenile custodian institutions in Nigeria have deteriorated. These inadequacies led the Nigerian Law Reform Commission to observe that:

“From all indications, the Nigerian Prison system at present is not geared towards the reformation of prisoners to enable them live a more useful life ---- instead our prison system appears more punitive and retributive”.<sup>25</sup>

## VII. CONCLUSION

The juvenile justice system in Nigeria in terms of facilities and services in the system is grossly inadequate. These inadequacies impair the capacity of the institutions to meet the obligations under the Convention for the Rights of the Children, the United Nations Rules and Guidelines, as well as other international standards on the treatment of juvenile offenders. The inadequacies, which are due to policy defects, inadequate funding, incoherent and punitive programmes, reduce these institutions to warehouses, or human cages and fortresses of punishment instead of correctional and rehabilitation institutions. To eradicate these inadequacies the Federal Government of Nigeria should address the following situations.

Firstly, the government should amend the age of criminal responsibility as provided under the applicable laws. The provisions under the Penal Code Law

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<sup>22</sup> *Supra* note 20; Human Rights Monitor, *Administration of Juvenile Justice. The Example of the Borstal Training Institute*, Kaduna, 1997.

<sup>23</sup> *Id.*

<sup>24</sup> For instance § 10, § 11 and § 12 of the Approved Institutions Regulations in Nigeria provided for the education, vocational training and religious training of inmates. Of particular note is §10 which states that “Every inmate shall receive education according to his age and development and such education shall be at least the equivalent of that which he would receive in his own special circumstances, were he attending school in the usual way of education”.

<sup>25</sup> Nigerian Law Reform Commission, *Report and Draft Bill for Reform of Prisons in Nigeria*, § 2, Lagos, 1983.



and the Criminal Code on the age of criminal responsibility should increase the age from 7 years to 14 years. The age of penal majority should be fixed at 18 years. The government should, in addition, amend the Children and Young Persons Act and all other legislations in the country to comply with the international standards as contained in the Convention on the Rights of the Children.

Secondly, the government should look into the situation where juvenile offenders are being detained in the Nigerian prisons to ensure that they are not fixed up with the adult inmates. The government must ensure that every child kept in prison detention is separated from adult inmates, in line with Article 37(c) of the Convention on the Rights of the Children. There is no doubt that inadequate remand carters, approved schools and borstal institutions in the country contribute to the ugly situation. However, the government must concentrate on improving the existing institutions for juvenile offenders and in addition creates new ones in all the states of the federation.

Thirdly, the government should create special courts for the trial of juvenile offenders. Well-trained judges should be assigned to try juvenile offenders. The government should establish new training programmes for the police, courts, remand homes, approved institutions, borstal and prison personnel, as well as for all others involved in handling juvenile offenders. The government should create a special unit in the police force, in line with the § 207 of the Child Rights Act.<sup>26</sup>

In addition the government should concentrate on building institutions that will cater to juvenile offenders. The institutions should be adequately funded and manned by trained staff. The inmates should be exposed to vocational training. The provision of educational, vocational and religious or moral training for juvenile offenders is considered as a viable measure for the correction, reformation and rehabilitation of juvenile offenders. In essence, the provision of education, vocation training, and moral/religious education along with the safe custody of the juvenile offenders is considered the primary responsibility of juvenile correctional and penal institutions in Nigeria. But in reality, these facilities and opportunities are grossly inadequate both in quantitative and qualitative terms, within the system of Nigerian juvenile institutions<sup>27</sup> and the wide criminal justice system.<sup>28</sup>

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<sup>26</sup> Child Rights Act, § 207 provides that specifically trained police officers deal exclusively with prevention, apprehension and investigation of alleged child offenders and use their discretionary powers to divert children from the formal justice system to community based programmes whenever possible.

<sup>27</sup> *Supra* note 20.

<sup>28</sup> E.E.O. Alemika, *Policing and Perception of Police in Nigeria in Police Studies*, 11(4) INTERNATIONAL REVIEW OF POLICE DEVELOPMENT 161 (1988); E.E.O. Alemika, *Socio-Economic and Criminological Attributes of Convicts in Two Nigerian Prisons*, 16(3) JOURNAL OF CRIMINAL JUSTICE, 197 (1988); E.I. Alemika, *Penal Crisis and Prison Management in Nigeria*, 1(2) LAWYER'S BI-ANNUAL, 62 (1994).

Furthermore, the Nigerian juvenile justice agencies such as the police, courts, remand homes, approved schools, borstal and prisons lacks adequate and qualified workers that are able to meet the needs, concerns and aspirations of the juvenile offenders.

The Nigerian civil society should concentrate on the provision of facilities and services for the development and welfare of young persons, and be active in monitoring the conditions prevailing in juvenile justice institutions, advocacy for progressive correctional, rehabilitation and non-custodial programmes for the treatment of young offenders in the country. The government should in its development planning, policies and programmes as well as in resource allocation be guided, by what the UNICEF prescribed as the principle of 'First Call'<sup>29</sup>

In addressing the problems above, it is recommended as follows:

1. *The government should embark upon a thorough reform of the juvenile justice system in accordance with the provisions of the Child Rights Act. In particular, the government should develop a system of non-custodial education measures and alternatives to imprisonment for children, adequately chosen and monitored by specialized personnel, trained in children's rights and restorative justice practice and principles. Juvenile detention facilities should take into account the specific needs of children and focus on strategies aiming at their effective and long-term reintegration into the community.*
2. *The sounding factor in all aspects of the child justice system should be to promote, enshrine and enforce the rights of the juvenile offenders.*
3. *The government should collaborate with specialized international organizations and their special mechanisms, as well as with national and international NGOs in the establishment, monitoring and the implementation of a comprehensive system of administration of juvenile justice in Nigeria.*
4. *The government must ensure that juvenile offenders are separated from the adult inmates in the Nigerian Prisons, in*

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<sup>29</sup> The principle advocates that the growing minds and bodies of children should have first call on society's capacities, and that children should be able to depend upon that commitment in good times and in bad. Whether a child survives or not, whether a child goes to school, should not have to depend on whether interest rates rise or fall, or whether commodity prices go up or down, or whether a political party is in power or whether the economy has been well managed, or whether a country is at war or not, or on any other trough or crest in the endless undulation of political and economic life in the modern nation state.

*line with Article 37(c) of the CRC. Also the existing specialized institutions for juvenile offenders must be improved and new ones established in all the states of the federation.*

- 5. The government should embark on a national campaign to promote non-custodial treatment of juvenile offenders. It should also promote measures to reduce the stigma attached to child offenders in the country and develop programmes to encourage and assist reintegration of child offenders into their community.*
- 6. The children in Nigeria are subjected to all forms of abuse and cruel, inhuman or degrading treatment and punishment. The structural causes of the violation of children's rights require economic and special change. Therefore, there is need for fundamental legislative and administrative changes in Nigeria that would facilitate the implementation of the children's rights. The government should adopt and implement the rights of the children enshrined in the Child Rights Act, 2003 in all the states of the Federation and in addition ratify the Optional Protocol to the Convention on the Rights of the Child as well as the African Charter on the Rights and Welfare of the Child.*
- 7. The government should improve the facilities in juvenile custodial institutions and also organize training programmes for the staff of these institutions. The government should organize regular in-service educational programmes for the police, courts, remand homes, approved institutions, borstals and prisons in order to make them aware of the needs of the children in Nigeria.*
- 8. The government should establish special unit of the Nigerian Police Force in line with § 207 of the Child Rights Act. The unit would focus on the investigations of juvenile offenders.*
- 9. The government should amend the existing laws so as to increase the minimum age of criminal responsibility from 7 years to 14 years and also fix the age of penal majority at 18 years.*

