A SOCIOLOGICAL ANALYSIS OF THE LAW AND PRACTICE OF JUVENILE JUSTICE IN NIGER STATE, NIGERIA

BY

JULIANA HUSSAINA DAUDA

DEPARTMENT OF SOCIOLOGY

AHMADU BELLO UNIVERSITY,

ZARIA NIGERIA

JANUARY, 2016

A SOCIOLOGICAL ANALYSIS OF THE LAW AND PRACTICE OF JUVENILE JUSTICE IN NIGER STATE, NIGERIA

BY

Juliana Hussaina DAUDA
Ph.D/Soc. Sci./1654/ 2009-2010

A DISSERTATION SUBMITTED TO THE SCHOOL OF POSTGRADUATE STUDIES, AHMADU BELLO UNIVERSITY, ZARIA
IN PARTIAL FULFILLMENT OF THE REQUIREMENTS FOR THE AWARD OF A DOCTOR OF PHILOSOPHY DEGREE (Ph.D) IN SOCIOLOGY

DEPARTMENT OF SOCIOLOGY
FACULTY OF SOCIAL SCIENCES
AHMADU BELLO UNIVERSITY, ZARIA
NIGERIA

JANUARY, 2016

DECLARATION

I declare that this work entitled 'An Assessment of the Law and Practice of Juvenile Corrections in Niger State, Nigeria' was carried out by me in the Department of Sociology. The information derived from the literature has been duly acknowledged in the text and in the list of references provided. No part of this dissertation was previously presented for another degree or diploma at this or any other Institution.

_____	_____	_____
Name of Student	**Signature**	**Date**

CERTIFICATION

This dissertation entitled "A Sociological Analysis of the Law and Practice of Juvenile Justice in Niger State, Nigeria" by Juliana Hussaina DAUDA, meets the regulations governing the award of the Degree of Doctor of Philosophy (Ph.D) in Sociology of the Ahmadu Bello University, and is approved for its contribution to knowledge and literary presentation.

Name: Dr. J.E. Gyong _____
Chairperson, Supervisory Committee **Date**

Name: Dr. B.F. Okeshola _____
Member, Supervisory Committee **Date**

Name: Dr. A.S. Maliki _____
Member, Supervisory Committee **Date**

Name: Dr. Y.K. Gandu _____
Head of Department **Date**

Name: Prof. K. Bala _____
Dean, School of Post-graduate Studies **Date**

Dedication

To Alvin Kajegna Edward Dauda and Assibi Zinariya Yakubu, all of blessed memory.

ACKNOWLEDGEMENTS

I wish to express my gratitude by first appreciating God Almighty whose grace, mercy and favour I enjoyed throughout the time of the study. There is no way this study would have been completed without the contribution of individuals, groups, ministries and parastatals. These, I want to acknowledge their contributions. However, I may not be able to put down everybody's name here, but God knows that even with that omission, I remain eternally grateful for all you did for the success of this study.

I feel greatly indebted to my Supervisors Dr J. E. Gyong, Dr B. F Okeshola and Dr A. S. Malik for their unflinching support and tireless contributions towards the success of the study. Only God will reward your doggedness and resoluteness toward the exercise from the beginning to the end. I lack words to express my appreciation. I thank Dr Y. K. Gandu (HOD) for his support and pieces of advice always.

I wish to express my gratitude to Dr B. Babaji and Dr. K. M. Danladi of Faculty of Law for all your efforts made toward the success of this study. Furthermore, I am grateful to Dr J. Hellandendu for his dogged and unquantifiable support and contributions throughout the study. Dr P. Mudiare, I will always remember your pieces of advice and words of encouragement. God bless you abundantly. I am equally grateful to other members of academic and non-academic Staff of the Department for your concern and assistance you rendered to me during the programme. I will never forget how you rallied round me throughout the study. Jesse, you were wonderful. You availed yourself to the task of typing this work by being up and doing. I am grateful. For the Chaplain, Reverend Ishaya Baba, Chapel of Redemption, ABU, Zaria and the entire members of his family I cannot thank you enough, God will reward you for your kind gesture throughout my stay during this programme.

My appreciation goes to Niger State Ministry of Gender and Social Development, Ministry of Justice, Nigeria Police Force Niger State Command and Nigeria Prison Service Niger State Command. The members of staff therein were of tremendous help throughout the study. They provided information that was needful and helpful to the study. I therefore acknowledge the inputs of the Directors, Commissioner of Police,

Assistant Commissioner of Police (investigation), Assistant Comptroller (Prisons) judicial officials especially Magistrates Fati Takuma and Ruth Dauda.
I cannot forget the respondents, whose responses make up this study. Mention must be made here of Honourable Daniel Shashere for his immense moral and financial contributions to the actualization of this gigantic study.

Finally, my sincere gratitude goes to the members of my family-Barrister E N Dauda, Glorie Dauda, my sisters-Justina, Hassana, Gambo and Janet; my brothers-Adamu Yakubu, Dauda Yakubu and Emmanuel Yakubu. Mention must also be made here of my brothers and sisters in-law who had waited patiently in anticipation to the realization of this great venture. To my father, Honourable Yakubu Alafagami Yohanna, I cannot thank you enough for your sacrifice toward my education and the rest of the children. My prayer continually is that God spares and gives you long life to eat from the fruits of your labour. You all will always have a special place in my heart for sticking with me to the end of the study.

Juliana Hussaina DAUDA
Ahmadu Bello University
Zaria, Nigeria
2016

ABSTRACT

The administration of juvenile justice in Nigeria, Niger State inclusive has often generated criticisms from the public because of the discrepancies between the laws and their implementation at various stages. In Niger State the simultaneous application of the world acclaimed CRA and the old CYPL has been criticized for not furthering the interest of juveniles. This study entitled 'A Sociological Analysis of the Law and Practice of Juvenile Justice in Niger State, Nigeria', examined the existing laws guiding the practice of juvenile justice at every stage of the juvenile justice administration. The study was designed and guided by the following objectives: one, examine the legal framework of juvenile justice administration at every stage in Niger State; two, analyze the process and application of laws to juvenile justice administration at the stages of arrest, pre-trial detention, adjudication and disposal; three, examine the facilities for the administration of juvenile justice in Niger State; four, determine the adequacy and capability of personnel responsible for the administration of juvenile justice in Niger State; five analyze the perception of juvenile justice by juvenile offenders in custody in Niger State; and lastly, make recommendations of possible ways to improving the practice of juvenile justice administration in Niger State. Relevant literature materials were reviewed and the conflict theory was adopted as the theoretical frame-work for the study. Quantitative and qualitative methods of data collection were used. The survey method was used to gather quantitative data while IDI, documentary and observation techniques were used to generate qualitative data. Questionnaires were administered to one hundred and twenty-eight (128) personnel engaged in the administration of juvenile justice in Niger State. Similarly, sixty-seven (67) juvenile offenders in custody in the three Remand Homes in Niger State also completed the questionnaires during the study. IDIs were conducted for 6 police officers, 3 court officials, 2 prison officers, 1 rehabilitation officer, 7 social welfare officers and 5 juvenile offenders in custody totaling 24 IDIs in all. In addition, documentary records were content analyzed and non-participant method of observation was done guided by a checklist. Key findings of the study include one, the confirmation that the juvenile justice system is not yet in tandem with the CRA adopted in 2010 because the personnel still apply the CYPL which is supposed to have been repealed; two, disparity between Child Rights Act (CRA) and Niger State Child Right Laws (NSCRL); three, the non-familiarity of personnel with laws guiding juvenile justice as well as non-specialized training in matters affecting children; four, use of CYPL and other adult laws (CPC and PC) in the administration of juvenile justice in Niger State despite the adoption of CRA in 2010; five, facilities for full take-off of the CRA are not yet in place; and six custodial facilities meant for juvenile offenders in the State were still at their temporary sites and therefore the structures were not serving their purpose (of custody). In conclusion, it has become evident that there are glaring discrepancies between the laws (CYPL, NSCRL) and the practice of juvenile justice administration because of action or inaction of the agencies and personnel involved. In this regard, the study calls for a reform of laws governing the administration of juvenile justice; capacity building and general orientation and awareness for stakeholders particularly the Police, Court officials, Prison Officers, Rehabilitation and Social Workers in Niger State, to ensure effective adherence to local as well as international standards on administration of juvenile justice as well as the observation and adherence to the rule of law and due process.

TABLE OF CONTENTS

Title Page - - - - - - - - i

Declaration - - - - - - - - - ii

Certification Page - - - - - - - - iii

Dedication - - - - - - - - - iv

Acknowledgements - - - - - - - - v

Abstract - - - - - - - - - vii

Table of Contents - - - - - - - - viii

List of tables - - - - - - - - - xi

List of figures - - - - - - - - - xi

Acronyms - - - - - - - - - xii

CHAPTER ONE

INTRODUCTION - - - - - - - - 1

1.1 Background to the Study - - - - - - 1

1.2 Statement of the Research Problem - - - - - 5

1.3 Aim and Objectives of the Study - - - - 8

1.4 Significance of the Study - - - - - - 9

1.5 Scope of the Study - - - - - - - 13

1.6 Limitation of the Study - - - - - - 13

1.7 Organization of the Study - - - - - - 15

1.8 Definition of Key Terms - - - - - - 16

CHAPTER TWO

LITERATURE REVIEW AND THEORETICAL FRAMEWORK - 19

2.1 Introduction - - - - - - - 19

2.2 Definition and Meaning of Juvenile Justice, Juvenile Justice

Administration - - - - - - - 19

2.3 History of Juvenile Justice Administration in Nigeria - - 21

2.4 Child/Juvenile, Age of Criminal Responsibility and Juvenile Offender- 25

2.5 Legal Instruments on Juvenile Justice Administration - - 31

2.6 Juvenile Justice Administration in Niger State - - - 38

2.7 The Institutions and Personnel in the Administration of Juvenile Justice 46

2.8 Theoretical Framework - - - - - 52

CHAPTER THREE

RESEARCH METHODOLOGY - - - - - - 62

3.1 Introduction - - - - - - - - 62

3.2 The Location of the Study - - - - - - 62

3.3 Population of the Study - - - - - 65

3.4 Sampling Method - - - - - - - 65

3. 5 Types and Sources of Data - - - - - - 67

3.6 Methods of Data Collection - - - - - - 68

3.7 Techniques of Data Analysis - - - - 72

3.8 Ethical Matters in the Study - - - - - - 74

CHAPTER FOUR

ANALYSIS OF THE LAW AND PRACTICE OF JUVENILE JUSTICE IN NIGER STATE - - - - - - - - 75

4.1 Introduction - - - - - - - 75

4.2 Legal Framework of Juvenile Justice Administration in Niger State 75

4.3 Process and Practice of Juvenile Justice Administration in Niger State 107

4.4 Legislation and Procedures of Juvenile Justice in Niger State - 123

4.5 Analysis of the institutions Involved in Juvenile Corrections in Niger State - - - - - - - - 135

4.6 Analysis of Personnel in Juvenile Justice Administration in Niger State 163

4.7 Analysis of Juvenile Offenders in Custody to Juvenile Justice Administration in Niger State - - - - - - 166

4.8 Attrition Rate within the Juvenile Justice System in Niger State - 171

CHAPTER FIVE

SUMMARY, CONCLUSION AND RECOMMENDATIONS - - 178

5.1 Introduction - - - - - - - 178

5.2 Summary of Major Findings - - - - - 178

5.3 Conclusion - - - - - - - - 180

5.4 Recommendations - - - - - - - 181

5.5 Recommendations for Further Research - - - - 186

References - - - - - - - - 184

Appendices - - - - - - - - 195

Appendix I: Questionnaire Schedule for Personnel in Juvenile Justice Administration (Self-Administered) - - - - - 195

Appendix II: Questionnaire Schedule for Juvenile Offenders In Custody (Interviewer-Administered) - - - - - - 199

Appendix III: IDI Guide for Personnel in Juvenile Justice Administration (Police) 203

Appendix IV: IDI Guide for Personnel in Juvenile Justice Administration (Court Officials) - - - - - - - 205

Appendix V: IDI Guide for Personnel in Juvenile Justice Administration (Prison Officers, Social Workers/ Correctional Officers) - - - 207

Appendix VI: Observation Check List Police Station - - - 209

Appendix VII: Department of Sociology, ABU, Zaria (Letter of Introduction) – 210

Appendix VIII: The Nigeria Police (Re-letter of Introduction in Favor) - 211

Appendix IX: Nigeria Prison Service (Letter of Introduction) - - 212

LIST OF TABLES

Table 4.5.1: Socio-Demographic Attributes of Personnel in Juvenile Justice Administration in Niger State - - - - 136

Table 4.5.2: Socio-Demographic Attributes of Juvenile Offenders in Custody 140

Table 4.5.3: Protection of Rights and Welfare of Juvenile Offenders in Custody 147

Table 4.5.4: Juvenile Offenders' Responses on Rights while in Custody - 159

Table 4.5.5: Personnel's Knowledge of Laws Guiding the Administration of Juvenile Justice - - - - - - - 162

Table 4.7.1: Arrest of Juvenile Offenders from 2010-2012 - - - 167

Table 4.7.2 Time Spent in Remand Custody by Juvenile Offenders - - 167

Table 4.7.3: Juvenile Offenders' Responses on when they were taken to Court 168

Table 4.7.4: Juvenile Offenders' Responses on how they were taken to Court 169

LIST OF FIGURES

Fig. 1: Offences Committed by Juvenile Offenders in Custody - - 144

Fig. 2: Offences Committed by Juvenile Offenders in Custody reported by Personnel in JJA - - - - - - - 145

Fig.3: Number of Times Juvenile Offenders Appeared in Court- - - 170

Fig. 4: Treatment of Juvenile Offenders in Court - - - 171

ACRONYMS

ACRWC:	African Union Charter on the Rights and Welfare of the Child
Beijing Rules:	The United Nations Standard Minimum Rules for the Administration of Justice.
CLEEN:	Centre for Law Education and Enforcement Network
CJS:	Criminal Justice System
CRP:	Constitutional Rights Project
CYPL:	Children and Young Persons' Law
IRIN:	Integrated Regional Information Networks
JJS:	Juvenile Justice System
NPC:	Nigeria Population Commission
NSCRL	Niger State Child Right Law
PRI:	Penal Reform International
UNICEF:	United Nations Children Cultural and Education Fund
UNCRC:	United Nations Convention on the Rights of the Child
Riyadh Guidelines:	The United Nations Guidelines for the Prevention of Juvenile Delinquency.

CHAPTER ONE

INTRODUCTION

1.1 Background to the Study

The plight of juvenile offenders under custody in correctional care facilities in Nigeria has attracted national and international attention. Sections of the public have at various times expressed concern over the way and manner agents of juvenile justice administration in Nigeria handle young offenders. The Nigerian public is often dismayed by media reports on the arrest and mishandling of juveniles by security operatives especially for minor offences. For example, it has been equally reinforced that the police regularly keep the juvenile offenders in their custody longer than necessary and force them to do manual labour.

Nigeria ratified the major International Human Rights Treaties, Conventions and other Guidelines on the Rights of the Child pertinent to ensure the protection of children's rights in the Juvenile Justice System. The three main international guiding juvenile justice documents are the United Nations Standard Minimum Rules for the Administration of Juvenile Justice, the United Nations Rules for the Protection of Juveniles Deprived of their Liberty, and the United Nations Guidelines for the Prevention of Juvenile Delinquency. The Convention on the Rights of the Child (CRC) serves as the umbrella or the principal binding treaty upon which the three documents were built. The CRC document guides member-states' of special needs and vulnerability of children be taken into consideration where laws are enacted and implemented with the sole aim of rehabilitation and reintegration (of the juvenile) as the major goal.

Ratification of any international instrument in Nigeria requires its enactment into a local version adapted by the executive arm of the Government, presented to the Legislative arm

for deliberations before it is passed into law, and assented to by the former. This makes Nigeria a dualist State in which international law has to be enacted into a local law and does not automatically become applicable in the domestic jurisdiction by virtue of ratification. The situation is further compounded by virtue of the fact that the same process has to be repeated at the level of the 36 States so that the enactment of any law by the National Assembly becomes automatically and immediately operational at the Federal and State levels. This explains why this landmark legislative achievement has not yet translated into improved legal protection throughout the federation. Nigeria has been unable to deal with several issues hindering the protection of the rights of children such as children living on the streets, children affected by communal conflict, drug abuse, human trafficking and the weaknesses of the juvenile justice system among others.

Nigeria became a member of the United Nations in 1960 and thus obliged to comply with its Universal Declarations. However, Sections 12 (1) of the 1999 and 2011 (amended) Constitution of the Federal Republic of Nigeria stipulate that no international instrument ratified by Nigeria shall be legally enforceable in Nigerian courts unless it is enacted as a domestic law by the federal legislative body (FGN, 1999). The provisions say '*no treaty between the Federation and any other country shall have the force of law except to the extent to which any such treaty has been enacted into law by the National Assembly'.* Not only that, some Shari'ah activists have dismissed human rights provisions in the Constitution and other international standards on the ground that Shari'ah law supercedes any local or international law (Abdu, 2002). Of all the treaties relating to children that Nigeria has ratified, only the African Charter for Human and Peoples Rights is domesticated to the full (Human Rights Monitor, 2005). Although the provisions of the various treaties ratified by Nigeria are technically not legally binding on the Federal

Government or on other State authorities in Nigeria, they do have great moral force and have influenced judicial decisions in Nigeria. Thus, Child Right Act 2003 was adopted and passed into law as the Niger State Child Right Law on 15th April, 2010. It is in this view that the study will assess the practicability of the laws guiding child justice administration in Niger State.

The Nigerian juvenile system has been described as weak and accorded little priority despite the fact that the country is a signatory to major international instruments relevant to its administration. Alemika, and Chukwuma (2001) observed that laws, processes, institutions and channels of juvenile justice administration in Nigeria under the Children and Young Persons Law were far below the standard of International laws guiding the administration of juvenile justice. The study also investigated the experiences and perceptions of juvenile offenders and officials in the juvenile justice system and concluded that the CYPL was far below the international standards. The study however was conducted before the enactment of the Child Rights Act, 2003. Likewise, Ijaiya (2009) critically analyzed the system of juvenile administration in Nigeria and opined that the inconsistencies and ambiguities in the laws had generated its inadequacies. The work is however not all encompassing because it treated only a few aspects of juvenile administration.

The specific mechanisms for administration of Juvenile Justice have varied over time among societies and even among jurisdiction within the countries (Jensen 2012). The concept of delinquency as well as special trials and institutions for confining and controlling youth was established in the mid 19th Century in Great Britain where courts acquired the authority to intervene as '*Parens Patriae*' (Parents of the Land) to protect the

property rights of children. Yet, juveniles were tried in the same court as adults until the Juvenile Court of Law was created in Chicago in 1899. The first court dedicated to cases involving delinquent children was a success, which led to the creation of other courts known as Children/Family Courts in other States (of America). The model was adopted in other countries such as Canada and Great Britain (1908); France (1912) Russia (1918) Poland (1919) Japan (1922) and Germany (1923) (Jensen, 2012).

Most early delinquency laws in European countries as it was believed took after that of United States. However, each country implemented the programs to suit its own historical antecedents, culture and values. For example, France placed emphasis on the educational and emotional needs of youth and passed its juvenile court legislation in 1912. Germany established a separate system of juvenile court with the sole aim of changing undesirable behaviour patterns often by working within the family. Welfare system and a Family Court to handle youths who exhibit delinquent behaviour are considered more accountable for their actions (Newman and Wright, 2012).

All the States of the Federation have separate legislation guiding procedures for children not only in contact with the law, including those needing protection and beyond parental control. In addition, the legal system in Niger State is a mixture of Islamic law and English common law. In Niger State, the criminal juvenile justice laws that were enacted before Independence are the ones still in existence in conjunction with Shariah Laws enacted following the adoption of 1999 Constitution. The Shariah Laws in the Niger State in 2001 although it was not widely adopted. The Child Rights Law (2010) even though is the domestication of CRA has not fully taken up. The Shariah Laws are expected to apply only to Muslims, although non-Muslims may voluntarily seek to be tried in accordance with Shariah Laws.

1.2 Statement of the Problem

Niger State does not have a properly, well established, adequately fixed equipped institutions and clearly stated programmes to tackle juvenile offenders in the State. The legislative and institutional facilities on ground are instead either inherited from colonial government or have had Islamic principles incorporated. For example, the CYPL was enacted during the colonial rule (1943), of Provincial and Regional Governments and adopted in Northern Nigeria in 1958 before independence. States were then not in place. Thus, the laws of contemporary standards on the treatment/correction of juvenile delinquents were said not to be maximally applied in the administration of juvenile justice in the State. If that is the case, how then does the State treat juveniles in conflict with the law? In addition, parents and guardians have reported their children or wards for behavior they describe as 'beyond parental control' and ask for their confinement only to abandon them for a long period unless the Social Workers go to look for them. To this regard, parents dump their delinquent children on Social Workers.

Juvenile offenders' rights are sometimes violated. Not only that, they are said not to receive adequate care and treatment and therefore miss relevant education, vocations, recreations and religious programmes that will enable them actualize themselves (Ijaiye, 2010). One may then ask that with the adoption of the CRA into law by the Niger State Government in 2010, have the personnel involved in juvenile justice been trained for its effective application. In addition, juveniles are detained for long while waiting to appear in Court. Two of the Remand Homes (Kontagora and Minna) were established in 1976 and 1984 respectively. Up till 2013, the three remand homes were still on temporary sites. Since the creation of Niger State in 1976, not much has been done apart from renovating the homes from time to time especially if there were going to be a visit from a high-

ranking officer. There is also a legal tussle over the ownership of one of the permanent sites. Corruption is said to be in existence among members of staff in juvenile justice system (Amnesty International, 2012). These are challenges that lead one to ask whether the government and the family have the best interest of their youths and children at heart. Finally, Nigeria is a Federal Republic with 36 States and a Federal Capital Territory.

In addition, instead of being transformed, more and more children may either be traumatized or hardened in crime. For instance, (Nwankwo, 2011) observed that juveniles are often tried, jailed and incarcerated with adults instead of being given reform-oriented, non-custodial forms of punishment. This treatment goes contrary to international and national legal framework guiding the administration of juvenile justice (Sa'ad, 2008).

The Report (2002) on the Northern Consultative Conference on Juvenile Justice Administration indicates that despite the fact that Nigeria is signatory to the International instruments on Juvenile Justice Administration, the sector has remained a weak area with little or no priority from the judicial system. Furthermore, inadequate juvenile courts and poor legal representation during prosecution results in too many children being kept in custody with adults.

The Juvenile Welfare Department is a unit in the Police Headquarters under the State Police Commissioner. It is expected to be manned by trained Police Officers that will attend to cases involving children and young persons in a child-friendly manner and facilities (Wahab, 2012). The unit is supposed to treat cases of children who need care (abandoned, neglected, motherless, indigent, children of lunatics or prison inmates) and may be referred to Orphanages or other related Homes. According to him, Officers, who

are mostly women are not trained therefore not current with laws guiding the treatment of children who are in conflict with the law. The question is what is the current situation in Niger State as regards the responsibility of the police towards juvenile offenders?

Furthermore, children who commit serious offences may be charged to court even when their parents or guardian are not informed or present in the court. Juveniles are also tried in chambers or conventional courtrooms with a few witnesses. The atmosphere is really not different from the conventional court even though the proceeding may not take place in public glare (Alemika, 2005). In addition, some of the sanctions meted out against the offenders including strokes of the cane and committal to remand are not in line with CRA standard. Thus, another issue of concern is whether these are the current practices in Niger State. Lastly, Nigerian government in order to care for children including those beyond parental control established remand homes. It is however observed by UNICEF (2009) that remand homes are sometimes used as a dumping ground for children that do not fit anywhere else. It is also observed that the poor living conditions at the remand homes constitute a violation of the children's rights to health, nutrition, education and recreation. According to the organization, lack of appropriate medical treatment can be said to be seen in the children's skin rashes and sores. In some cases, the older children are said not to go to school or receive any education at remand homes because of lack of facilities including teachers. Whether this is applicable to remand homes in Niger State, the study is aimed at discovering just that.

Research Questions

Thus, the relevant research questions to ask in this regard are;

(1) What is the legal framework for juvenile justice administration in Niger State?

(2) How are the laws guiding juvenile justice applied during the administration of juvenile justice in respect of arrest, detention, trial and correction applied in Niger State?

(3) Are the facilities where juvenile justice administration takes place adequate and convenient?

(4) How adequate and capable are the personnel responsible for the administration of juvenile justice in Niger State?

(5) What is the background of juvenile offenders in custody in Niger State?

(6) What step can be taken to improve the administration of juvenile justice in the State?

1.3 Aim and Objectives of the Study

The aim of the study is to analyze laws guiding the administration of juvenile justice in Niger State. The specific objectives of the study are:

1 To examine the legal framework for juvenile justice administration for arrest, pre-trial detention, trial and disposition in Niger State.

2 To analyze the process and application of laws to the juvenile justice administration at the arrest, pre-trial detention, trial and disposition stages.

3 To examine the facilities for the administration of juvenile justice at the pre-trial and post-disposition stages.

4 To determine the adequacy and capability of personnel responsible for the administration of juvenile justice in Niger State.

5 To analyze the perception of juvenile justice by juvenile offenders in custody in Niger State.

6 To recommend measures to be taken to improve the administration of juvenile justice in Niger State.

1.4 Significance of the Study

The issue of administration of juvenile justice in Nigeria has been part of the traditional society from time immemorial. Juvenile justice administration specifies the condition under which Nations and States may legitimately intervene in a juvenile's life with laws guiding the rehabilitative philosophy behind the juvenile justice. Before the laws, juveniles were subjected to the same punishment for an offence as an adult. Therefore, laws were enacted to eliminate the arbitrary nature of juvenile justice administration on juveniles. However, the practice of administering juvenile justice on juvenile offenses is perceived to be contrary to what the laws say. This has constituted a great concern to the public. The perpetual argument over why offences are committed perpetually by juvenile has generated many investigations over the phenomenon. This study therefore seeks to examine the practice of juvenile justice administration using the various laws, institutions, personnel and juvenile offenders to determining the role each one plays. The study is therefore significant at both practical and theoretical levels.

The study therefore attempts to comprehend the ground for the adduced disparity between the laws and their implementation. This is done with the aim of increasing public understanding between the real practice of the juvenile justice administration with the law. This, it is hoped would have to provide some relieving measures to address the weakness (es) of the entire system. Exposure to this study would broaden the horizonof personnel in the system in order to curtail the arbitrary nature of the practice of the juvenile justice law. Now, the specific objectives of the study provided an insight not only on the laws and how they are practiced or implemented on juvenile offenders they further

led to the assessment of institutions and personnel in order to have a grasp of the problems in the treatment of juvenile offenders. This provides a systematic evaluation of the laws guiding juvenile justice administration in Nigeria.

Problems associated with institutions and encountered by personnel as well as the juvenile offenders in custody in the juvenile justice system tend to call for urgent attention for effective administration of juvenile justice

Lastly, socio-demographic attributes associated with personnel in juvenile justice system were studied thereby giving insight to practical problems and defects in the system.

Generally, this study is the first of its kind in Niger State. The age structure of a population affects the nation's key socio-economic issues and countries with young population including Nigeria, need to invest more in schools, health and other infrastructures (http://www:nationmaster..com/graph/people_agestr014year-age-structure-0-14years Idris and Ejikem, 2005). In the same vein, young people aged 10-19 years account for a major proportion of Nigeria's population, making them a force for profound change (UNICEF, 2007). Furthermore, because juvenile delinquency/crime is mostly committed by this age group, urgent measures are needed to curb it in order to save their future. This is what this study has tried to do by suggesting proper planning to arrest potential political issues in terms of rapid growth of a young population that is probably unable to find employment thereby leading to some vices. The study attempts to address a national problem that is eating deep into the country's future leaders. Children and young persons constitute a significant proportion of the population involved in crime that calls for attention.

In summary, the objectives of the study are significant for bringing to light the way juvenile justice is administered on juveniles. The findings of the study are not only

significant in understanding the discrepancies between law and practice but to the understanding of theoretical direction that best explains juvenile justice. Through this, a pathway is led for the formulation and implementation of a reformed system policy to improve and achieve an effective administration of juvenile justice.

Findings from the study will assist the government in its policy formulation for juveniles in conflict with the law, law enforcement agencies and guardians/parents of juveniles in conflict with the law to minimize delinquency among the Nigerian youths and to mould citizens that will be effectively re-integrated to the society. Thus, personnel particularly involved in the administration of juvenile justice (police, magistrates, social and correctional officers and students alike), will find this study vital to their various endeavors. This is because they constitute the primary agencies through which juvenile offenders are processed. The issue of juvenile corrections in Niger State just like the entire country is perceived to be based on laws that are outdated, alien and not child-friendly (Babaji, 2008; Ladan, 2006). This study therefore, examines the laws and practice of juvenile corrections in the State. The study makes possible practical attempts to assess the practice of juvenile corrections based on the laws governing the administration of juvenile justice. The study provides suggestions for policy makers in coming up with relevant policies that will affect juveniles positively. Thus, the study serves as a reference point to the gaps that exist in the practice of juvenile justice. The study has been of immense significance to the researcher for the knowledge acquired and exposure to the practice of juvenile justice in Niger State. Therefore, the study serves as a source of literature to other related researches. Theoretically, laws are made to curb crime, but the study found that despite the existence of conventional laws to guide the administration of juvenile justice, juveniles have continued to be in conflict with the law. The study suggests a re-visit to some positive traditional methods of corrections for

juvenile offenders and deemphasizes institutionalization. Thus, bringing NGOs and individual agencies to play a part will be of great help.

As the study analyzes the law and practice of juvenile corrections in the State, awareness is created of the existing gaps in the administration of juvenile justice in Niger State. The objectives of identifying and examining the various functions performed by personnel in child justice system and the various perceptions of corrections and the personnel in administration of justice by juveniles in custody enable the researcher to maximally assess the actual practice of juvenile corrections in Niger State. The distribution of the juvenile correctional facilities in the State also helps to determine the pattern of operation thereby providing a basis for systematic assessment of juvenile corrections in Niger State.

The responses of juveniles on how they were treated while in custody during the study, is paramount at this stage. This is because such responses portray the extent to which they were treated at each stage from arrest to committal. Their shared experiences at the various level/stage of juvenile justice provided a better picture of the deficiencies in the juvenile system. Generally, the objectives of the study highlight the actual operation of justice on children who have come in contact with the law. The findings help in mapping out policies and guidelines to the acquisition of an efficient and effective administration of juvenile justice that is child's rights friendly. At the end, it is expected that the study will identify the gap between the law and the actual practice of juvenile corrections in Niger State, thus creating more knowledge and awareness to the government, individuals, public, the judiciary personnel and all others involved in the administration of juvenile justice. In addition, useful information is provided for the formulation of policies aimed at having law reform effective for juvenile correction practice in Niger State. This will be possible when laws considered foreign by the local people are harmonized with their religious and other cultural traditions for acceptance and implementation.

1.5 Scope of the Study

Geographically, the study on the assessment of the law and practice of juvenile corrections was conducted in Niger State only. The study assessed the municipal and international legal framework and instruments that were used for the assessment of law and practice of juvenile justice in Niger State. However, emphasis was laid on child-specific laws. Institutionally, the study is limited to the activities of personnel in the police stations, courts and custody during arrest, pre-trial detention, trial, disposition and corrections in juvenile justice administration in Niger State. In terms of personnel, the study is limited to the role/functions of the police, magistrates, prison officers, rehabilitation officers and social welfare workers in juvenile justice administration (JJA) during arrest, pre-trial, adjudication, disposal and corrections. The study limited its activities to police stations, courts, prisons, rehabilitation centre and remand homes.

Police, Court officials, Prison officers, Rehabilitation officers and Social Welfare officers and agencies of juvenile justice administration in Niger State were analyzed. The stages in juvenile justice administration comprise arrest, pre-trial detention (investigation), adjudication (trial) and disposition (conviction and corrections).

1.6 Limitation of the Study

This section discusses the problems and hardships the researcher faced in the process of gathering data for the study. One of the major problems encountered was how to take off with the study. This problem became obvious when the researcher got to the various offices armed with letter of introduction from the Department of Sociology and was asked to go to the headquarters of each agency visited. This exercise took more than three weeks trying to get letters of introduction from the various agencies. It is only the Social Work Unit of the Ministry of Gender and Social Welfare that the Director instead made

calls and arrangement for the researcher after being contacted. For the days the researcher went for letters of introduction from Niger State Commands of Police and Prison Headquarters, nothing else was done.

Regardless of the letters of authorization/approval in hand, the courts were not forth coming with records or information on juvenile cases. The researcher had the worst experience in the hands of court officials because they were just not ready to cooperate. The Police on the other hand attended to the researcher by accepting to fill the questionnaires and even granted interview but would not want the researcher to go through records because they had to protect the identity of the juveniles brought to their stations. The researcher had to drop any cell phones and electronic recording facilities including writing materials to ensure that they were neither photographed nor videotaped. Most police personnel preferred that the researcher listened to the conversation that ensued. Furthermore, while juvenile offenders would have mentioned being detained for more than twenty-four hours, the Police were not specific on how long they had detained juvenile offenders. To this regard, the researcher relied much more on information gathered from the juvenile offenders than on what was provided by the Police.

Another problem faced by the researcher was in trying to get in contact with former juvenile offenders who had been in custody at one time or the other. The researcher was reminded of the rights to be shielded from the public especially for those who had settled and were into one vocation or the other. Again, a visit was made to the Director for further permission who asked the Staff (of Social Welfare) to make contact with them. Even at that, parents refused their children/wards being interviewed.

Furthermore, while interviewing juvenile offenders who could not speak English, it took the assistance of the staff of the homes for the researcher to comprehend and know words like 'Polisawa', 'Yan Bindigawa', 'Wadawa', etc, in narrations of their experiences in the hands of juvenile justice personnel. Some personnel, especially court officials and police however, did not return their questionnaires. In addition, Some Police Officers would not allow their subordinates to submit questionnaires direct to the researcher until they censored the content. Interview in the remand homes was very cumbersome mainly because the environment was noisy and characterized by stench odour from the staff toilet and the juvenile offenders dormitory whose toilet/bathroom was inside. Furthermore, although, the presence of Social Welfare Officers helped to a large extent, juvenile offenders did not fully express their feelings during interview because according to them, they were not sure of what might befall them if they spoke against the staff in their presence. Therefore, it is possible that some pieces of information got from the juvenile offenders might not be the exact thing they would have given if they were let alone with the researcher.

These and other problems not mentioned of course would have prolonged the period for the fieldwork but did not alter the various data gathered on behalf of this study. To this effect, the data should be considered as valid and reliable.

1.7 Organization of the Study

In an attempt to assess the laws and practice of juvenile administration in Niger State, effort was made in chapter one to give a general background of the laws guiding the administration of juvenile justice, the personnel and the institutions involved. Statement of the research problem, followed by research questions, aim and objectives were

discussed respectively. Other sections include the significance and scope of the study, the limitations of the study and organization of the study. Chapter two contains literature review and theoretical framework. Chapter three covers methodology under which the study location, population of the study, sampled population, methods of data collection, methods of data analysis and ethical considerations are dicussed. The fourth chapter contains the analyses and presentation of research findings. Chapter five finally presents the summary, discussion of the findings, conclusion and recommendations.

1.8 Definition of Key Terms

Arrest: The action of taking a child into police custody for the purpose of charging him or her with a delinquent act. The police officer will generally take one of three actions at intake or arrest: 1) release the child to his or her parents with a warning or reprimand, 2) release the child to the parents under the condition that the child enrolls in a community diversion programme, or 3) keep the child in custody and refer the matter to the juvenile courts for further processing.

Bail: Securing release of a suspect or an offender who has been arrested or charged with an offence by the police or court on condition that they report at a certain date and time.

Best interest of the Child: Refers to the guiding and mediating principle in the United Nations Convention on the Rights of the Child and African Charter on the Rights and Welfare of the Child when there are conflicting rights, which have to be taken into account while administering juvenile justice.

Children in Conflict with the Law: Refer to children who come into contact with law enforcement authorities because they are suspected of breaking the law or of participating in ‘anti-social’ behaviour or because they are considered likely to become involved in an offensive act that is contrary to the law of their immediate environment.

Correctional Facility: Facility for the confinement of individuals accused or convicted of criminal or delinquent activity.

Criminal Responsibility: There is no universal acceptable age of criminal age of responsibility. However, the age of criminal responsibility is the age at which a juvenile can be held accountable for his delinquent behaviour and can be found guilty in a court depending on the law of his country. Although, the Nigerian constitution stipulates 18 years it is not so in some of the States of the Federation particularly some Muslim States. Niger State adopts 18 years, Jigawa 16, Cross Rivers 16, Zamfara puberty.

Deprivation of Liberty: According to the UN Rules on the Treatment of Juveniles Deprived of Liberty or JDLs, deprivation of liberty means, "any form of detention or imprisonment or the placement of a person in a public or private custodial setting, from which this person is not permitted to leave at will, by order of any judicial, administrative or other public authority."

Disposition: The decision reached concerning a child's case.

Diversion: This refers to organized and systematic efforts to remove juveniles from the formal criminal justice process by placing them in programs that offer alternatives to the next more restrictive stage of processing.

Juvenile: He is a child or young person below the upper age of juvenile court authority, as defined in the local jurisdiction (usually 18 years in most Nigerian States.

Juvenile Justice System: Refers to legislation, norms and standards, procedures, mechanisms and provisions, institutions, personnel and bodies specifically applicable to juvenile justice.

Juvenile Justice Administration: Refers to the legal systems around the world that reflect the interests of society to promote the rule of law and aims to reintegrate the juvenile accused of infringing the law.

Probation: It is a sentence imposed by court on offenders who have either pleaded or have been found guilty by a court of law.

Status Offence: Conduct sanctionable only where the person committing it is under the age of 18. They are violations of social norms, which apply only to children and only by virtue of their status as children. Truancy, running away from home or being indigent or out of control are examples of status offences.

CHAPTER TWO

LITERATURE REVIEW AND THEORETICAL FRAMEWORK

2.1 Introduction

In this chapter, relevant literature materials on the practice of juvenile justice in Nigeria were examined. Conceptual discourse on juvenile delinquency, juvenile justice, juvenile justice administration is presented. Other topics discussed are evolution of juvenile justice administration, international legal instruments on the administration of juvenile justice, laws on juvenile justice in Nigeria and Niger State.

Juveniles, today occupy a special place in the administration of justice because of their peculiar emotional, mental and intellectual capacities which have made them different from adults. Furthermore, because of the adverse effect that exposure to formal criminal justice system may have on their rehabilitation and reintegration into the society, the need for a separate juvenile justice system became inevitable (Okagbue, 1996; Akinseye-Goerge, 2009).

2.2 Conceptual Discourse on Juvenile Delinquency, Juvenile Justice, Juvenile Justice Administration

Children and young persons fall into the hands of law most often because of offensive behaviours committed by them. Juvenile delinquency refers to the criminal behavior committed by children and young persons that is unacceptable and contrary to the social norms of the environment in which they live. Juvenile justice system is an integral part of the criminal justice system regulated by international and municipal laws guided by the philosophy of concern, care and reformation for persons under the age of 17 years and applicable to juveniles all over the world. In other words, it is an organized set of principles, procedures and administration guiding the application of juvenile justice.

Thus, the law is different from the justice system applicable to adults (Ijaiya, 2009). It is nevertheless the most neglected at both Federal and State levels and grouped with social welfare at State level and consequently does not receive the attention as the other aspects of the justice system (Centre for Socio-Legal Studies, 2009). The juvenile, before the enactment of the present procedures, was subject to the same punishment as an adult (Oduwole. et al, (2010).

The need for effective rehabilitation and reintegration of juvenile offenders as good citizens in society calls for juvenile justice administration. Juvenile Justice Administration (JJA) is described as a system of justice which is applicable to juveniles all over the world and which is different from the justice system applicable to adults (Ijaiya, 2009) in recognition to the rights of children to survival, growth, protection and effective participation in the society. It is therefore part of the rehabilitative philosophy enacted to eliminate the arbitrary nature of juvenile justice in matters affecting juveniles, since they were seen as not fully responsible for their behaviors because of forces beyond their control (Mayhew, 1861). Therefore, by virtue of the immaturity and vulnerability of juveniles, whether as perpetrators or victims of crime they should be accorded a special place in the administration of justice. This is because exposure to formal justice processes may have adverse effect on subsequent attempts to rehabilitate and reintegrate them into society (Okagbue in Wahab, 2012).

The study will rather describe JJA as that system of justice applied to juveniles below the age of 18 years through child-specific and friendly laws, specialized personnel, conducive institutions, receptive family and community members. In other words, it is the application of the criminal justice related to persons that are young usually below the age of 18 years. Furthermore, its guiding philosophy in both traditional and modern societies has been corrective, preventive and advocacy oriented (Abuja Report, 2000). The advent

of colonialism and urbanization led to the creation of urban underclass children who resorted to crime and other delinquent acts as a result of neglect from their parents.

In an important manner, the goal of Juvenile Justice System (JJS) is to establish a pattern of society justice for children in conflict with the law, to provide separate courts and flexible alternatives to punishment (Akinseye-George, 2009). Thus, concern, care, reformation, rehabilitation and reintegration of juvenile offenders are the main factors behind the philosophy of JJA which equally brought about the enactment of laws to that effect. Therefore, the scope of JJA lies on matters involving and affecting children such as delinquency prevention, law enforcement, adjudication and rehabilitation. In a long run, JJA takes into consideration children who are in need of care and protection, children who are physically, mentally or emotionally ill or handicapped and those in conflict with the law which has also necessitated this study.

2.3 Juvenile Justice Administration in the Western World, Europe and Nigeria

The specific mechanisms for administration of Juvenile Justice have varied over time among societies and even among jurisdiction within the countries (Jensen, 2012). The concept of delinquency as well as special trials and institutions for confining and controlling youth was established in the mid 19th Century in Great Britain where courts acquired the authority to intervene as '*Parens Patriae*' (Parents of the Land) to protect the property rights of children. Yet, juveniles were tried in the same court as adults until the Juvenile Court of Law was created in Chicago in 1899. The first court dedicated to cases involving delinquent children was a success, which led to the creation of other courts known as Children/Family Courts in other States (of America). The model was adopted in other countries such as Canada and Great Britain (1908); France (1912) Russia (1918) Poland (1919) Japan (1922) and Germany (1923) (Jensen, 2012).

Most early delinquency laws in European countries took after that of United States believed to be the origin of modern juvenile justice. However, each country implemented the programs to suit its own historical antecedents, culture and values. France for example placed emphasis on the educational and emotional needs of youth and passed its juvenile court legislation in 1912. In 1923, Germany established a separate system of juvenile court with the sole aim of changing undesirable behaviour patterns often by working within the family. Welfare system and a Family Court handle youths who exhibit delinquent behaviour and only adolescents (19-21 year olds) are considered more accountable for their actions (Newman and Wright, 2012). China's Juvenile Justice Administration is although modeled after the United States' system is defined by traditional, communal and familial principles that reflect the influence of communism (Xihui, 2003). Philippine has a juvenile justice system (Barangay) that blends cultural to economic traditions based on principles of reconciliation and informal mediation (Jensen, 2012).

The current system of juvenile justice in Nigeria is tied to Nigeria's colonial past (Ijaiya, 2009). Most of the laws guiding juvenile justice administration in Nigeria were entrenched by the British, Nigeria's colonial master "whose philosophy on justice required a repressive legal system with oppressive penal institutions whose aim was to deter and punish offenders, as their disobedience to law was deemed detrimental to colonial interests' (Alemika and Chukwuma, 2001). Reformation of such offenders, even if they were juveniles, was the least of the colonial master's worries. After many years of political independence and with a new democracy anchored on freedom and human rights in place, the need has arisen, perhaps more than ever before, for Nigeria to "radically review its entire juvenile system of administration". The concept of juvenile justice is

being "anchored on the recognition of the rights of the child to survival, growth, protection and effective participation in the society" (AUCRWC, 1990; Alemika and Chukwuma, 2001). However, the advent of colonialism and the growth of urbanization created new social problems such as over population resulting from rural-urban drift. This in turn led to an unconscious creation of an urban underclass populace that increasingly began to neglect the welfare of their offspring, owing to growing poverty in their midst. Consequently, many of these urban poor children resorted to violence, crime and other youthful misdeeds (Godswill, 2013).

In response, the colonial government and Christian Missionary organizations set up "Approved Schools" and Remand Homes to cater for delinquent juveniles. But the growth in the number of young persons getting involved in crimes continued unabated, to the extent that the corrective institutions set up to reform young offenders were now over-stretched with only minimal care available (Alemika and Chukwuma, 2001). This is why a critical examination of the existing framework with a view to addressing areas of shortcoming in it as well as embarking on a pragmatic programme of action to achieve desired changes has become imperative.

The laws on juvenile justice administration in Nigeria include the Constitution of the Federal Republic of Nigeria (1999; 2011), the Children and Young Persons Law (CYPL, 1958), the Penal Code, Criminal Procedure Code, the Child Rights Act, 2003. Prior to the 2003 Child Rights Act, Nigerian child protection was defined by the Children and Young Persons Law (CYPL). Originally the law was passed by the Colonial Government in 1943 and revised and incorporated into Nigeria's Federal Laws in 1958 (formerly chapter 32 of the Laws of the Federation of Nigeria and Lagos). However, its legal provisions fell short of the international standard. However, while Nigeria is a signatory to CRC and

AUCRWC, the Conventions have not been incorporated into domestic law and thus have no legal force in Nigeria (CFRN, 1999; 2011).

In 1988, the Nigerian Chapter of the African Network for the Prevention and Protection against Child Abuse and Neglect organized three (3) conferences with the Ministries of Justice, Health and Social Welfare in conjunction with UNICEF to produce new draft laws on protecting children in Nigeria. This led to the development of Child Rights Act 2003. The Act defines a new child protective system and allows opportunities for the participation of children in matters that concern their rights and welfare which were hitherto not present in the CPYL. The Child Rights Act (CRA), (2003), domesticated to replace CYPA, created a discretionary guardian (*ad litem*) position for representation of the child who is a legal practitioner. The court may, for the purpose of any specified proceedings, appoint a guardian *ad litem* for the child concerned to safeguard the interests of the child (Section 68 (7c), CRA, 2003).

Nigeria is a Federal Republic composed of 36 States and the Federal Capital Territory Abuja. The Government includes Federal, State and Local Government Areas that are in charge of the implementation of national policies as defined and monitored by the Federal authority. Nevertheless, each State has its own government, laws and judiciary. The legal system of Nigeria is based on three different and often conflicting legal traditions; the English Common Law, the Islamic Shari'ah Law and the Customary Law, which have often posed a challenge, confronting the harmonization and implementation of laws affecting children in Nigeria (CLEEN Foundation, 2005).

The main law, the Nigeria's Children and Young Persons Act (CYPA) adopted in 1943, states as its purpose, "to make provision for the welfare of the young and the treatment of young offenders and for the establishment of juvenile courts" (CPYL, 1958).

Nevertheless, Nigeria is making efforts to reform system of juvenile justice, tensions between the constitution and diverse religious laws, customs and cultures have posed a major challenge confronting the harmonization and implementation of laws affecting children in Nigeria. Thus, the protection of children's rights has largely been left with non-state actors especially civil society organizations which work with women, youth and children.

With the universal support for their survival, development, protection and participation, it is only common to rightly expect to get practical attention for children. Yet due to various factors, this has been far-fetched. What is more difficult for the children to come by is "due process of law". It involves the just due and fair administration of justice on the children especially when they come in conflict with the law.

Generally, the juvenile criminal justice system is comprised of those concerned with the apprehension, adjudication, and correcting the delinquent behavior of juveniles. Therefore, the police, court, prison, and remand homes are the mainstream of juvenile justice administration. They are interwoven in their functions.

There are several international legal instruments to safeguard children who are in conflict with the law. Because of their age, juveniles are vulnerable to abuse, neglect and exploitation and therefore, need to be protected. "In keeping with the objective of diverting juveniles away from the criminal justice system and redirecting them towards the community, special measures for the prevention of juvenile delinquency must be developed.

2.4 Child/Juvenile, Age of Criminal Responsibility and Juvenile Offender

The Nigerian juvenile justice 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 borstals to meet the International standards on the treatment of juvenile offenders. The inadequacies which are due to policy defects, inadequate funding, incoherent and punitive programme reduced these institutions to fortresses of punishment instead of correctional and rehabilitation institutions (Ijaiya, 2009). Thus, a cursory look will be made on the definitions of a child/juvenile, the age and criminal responsibility of the juvenile, bail of juvenile offenders, pre-trial detention and detention of the juvenile, the constitution and procedure of the juvenile courts, and the juvenile custodial institutions as key factors that influence juvenile justice administration in Nigeria.

There are many different ages enshrined in a multitude of legal texts and in customary law all over the law. In addition, laws affecting children continue 'to be scattered' in different legislation and the perception of age as a definition of a child depends on who is defining, because it varies depending on cultural background, purpose, gender as well as the region of the country (Alemika, 2005). Therefore, there is no universal definition of a juvenile instead, the laws of different nations peg different age bracket for a juvenile and the concept is often used interchangeably with the concepts of a child, an adolescent and young person or youth (Ijaiya, 2009). A child is defined as 'a young male or female human who is not yet an adult' and a juvenile as 'a young person' The Children and Young Persons Act (CYPA) defined a child as a person under the age of 14 years and a young person as a person who has reached the age of 14 years but under 17 years.

Although, the CYPLs had different definitions of who a child is, the most current of all laws guiding the administration of juvenile justice in Nigeria (CRA, 2003) has defined a child as 'a person under the age of eighteen (18) years (Section 277). The Children and Young Persons Laws of the various States of the federation on the other hand set different

age limit to the concept of a juvenile. The CRA/L, which is the most current law, supersedes all other laws guiding juvenile justice including CYPA/L.

In view of the above, it is suggested by the researcher that 17 years should be the pegged age for a juvenile in all the States of Nigeria. This is to enable uniformity at least in age despite differences in culture, religion and other peculiarities. Thus, for the sake of this study, a juvenile is considered to be a child or young person aged 17 years and above but not up to 18 years.

2.4 (b) Juvenile Offender

Ugwuoke (2010) has defined a juvenile offender as a young person who violates the provision of the criminal law. Furthermore, he averred that, while such an offender in law is criminally responsible for his/her act or omission, his/her trial is governed not by the Criminal Procedure Act (Part 46) but by the provision of the CYPL. Most juvenile offenders are children, who have committed offences under laws which are also applicable to adults. Children who play truant may be brought before the juvenile court in the exercise of its criminal jurisdiction under the CYPL and "if found guilty" be sent to a remand home for a period of not more than three (3) months (Uwakwe, 2011).

2.4 (c) Age of Criminal Responsibility

Because of differences in the age (limit) and criminal responsibility of juveniles, not all categories of juveniles who commit offences are brought under the law. Although, the concept of 'juvenile' has not been defined specifically in both the local and international instruments dealing with juvenile justice, it is however implied from the concepts of 'child' and 'young person' in the basic laws of Nigeria (Section 2, CYPA; Section 2,

CPA) to be a person under the age of 17 years. The Criminal Procedure Act (S:30) and Penal Code Law (S:50) aver that a child under the age of 7 years does not have criminal responsibility and can only be found responsible if it can be proved that he/she had the capacity to know the act or omission should not have been carried out if the child is between the ages of 7-12 years. Above the age of 12 years, the person is deemed fully responsible for the act or omission.

According to CYPL, Nigeria does not have a jointly nationally defined age of criminal responsibility but has adopted age demarcations under which responsibility may or may not be assigned depending on the offence and the circumstances. Therefore, different States stipulate different age brackets for a juvenile by their laws. Although, the Constitution of the Federal Republic of Nigeria did not specify the age of criminal responsibility it is nevertheless implied that only persons of eighteen (18) years and above should stand public trials (Section 36(4) CFRN). The CRA, (2003) did not specify a minimum age of criminal responsibility but the CYPL, (1958) set 7 years as age of criminal responsibility and required that even children below 7 years must be brought to Juvenile Court if found to have committed an offence while persons older than 16 years are tried as adults.

For instance while some parts (Niger, Kogi, Kaduna) of the country apply the Children and Young Persons Law to establish that a child under seven years does not have criminal responsibility, the parts that practice shariah law (Zamfara, Katsina) rather advocate 18 years or puberty, as the age of criminal responsibility (Alemika, 2005; Akinseye-George, 2009). Abdu (2005) pointed out that, because a child is not determined simply by age but by maturity and State of religious responsibility children of varying ages are given severe punishment that could be considered degrading and inhuman against the provisions of the

international standard and CRA. Not only that, the age of criminal responsibility under the Islamic law varies depending on the circumstance. For example in fornication or adultery, the age of criminal responsibility under the Islamic law is fifteen (15) years and further discriminates against and among girls because they often reach puberty earlier than boys as well as among Muslim and non-Muslim children (Alemika, 2005; Ijaiya, 2009). In conclusion, the adoption of the CRA by some States in the country in addition to the provisions in the Constitution, has laid to rest the issue of responsibility of criminal age. Thus, although the CRA, (2003) prevails over all other Acts/Laws for the administration of juvenile justice, the law appears to have differing levels of acceptance and implementation among Nigerian States.

Juvenile justice system before now was no different from the adult criminal justice system. In the present dispensation, juvenile justice system cannot be said to be any better than during the colonial period because an offending child will still feel the heavy weight of outdated colonial approaches that rely on arrest, containment and institution-based rehabilitation (UNICEF 2006). Children who are exposed to the law are often from the most vulnerable and marginalized parts of society. Most often, juveniles are deprived of liberty because institutionalization has remained the first response whether the police apprehend them or they are in need of protection. Even where alternatives exist, the procedures to put them into practice are not adequately developed. Certain contacts, however, report that the law has had little true effect on child's rights across Nigeria, due to lack of implementation among the other States, which have their own government and judiciary. Despite the national government's passing the Child Rights Act in 2003, there exists no provision of national force that truly protects children against abusive conditions and that in many States child protection activities in Nigeria are still the purview of

NGOs. Implementation has been made challenging as Nigerian States and Local Governments represent a diverse range of ethnic groups and customs (Wikipedia, 2012).

In most parts of Nigeria, children who come into contact with the law are at a great risk of having their fundamental rights violated. It is in this regard that the CRA established a guiding principle for the processing and treatment of children in conflict with the law. The Nigerian Children and Young Persons Law (CYPL 1958), the Shariah Law and several other laws on the treatment of juvenile offenders are said to violate the rights of children (The Defense for Children International 1979; Alemika, et al 2002; Ostien, 2008). Some of these rights include the rights to life, fair hearing, to be free from torture and cruel, inhuman or degrading treatments and privacy. Thus, there is a general dissatisfaction among Nigerians and residents of Niger State in particular on the fairness and efficiency of the Nigerian juvenile justice system especially from arrest to committal to custody. It has been observed by Ijaiya, (2009) that the rights of the child-offender are not only violated but also the existing juvenile law and related process deny them the benefits of humane treatment and relevant educational, vocational, social, recreational and spiritual or religious opportunities for their self-actualization.

In Nigeria like other societies, juvenile crime is considered a serious problem because it touches every human life including the government, the family and the stakeholders to take up the responsibility of parents to the juveniles– *'Parent Patria'*.

It is this principle that has laid a responsibility on all State Parties including Nigeria to establish laws, procedures, authorities and institutions specifically applicable to children alleged as, accused of or recognized as having infringed the penal law.

2.5 Legal Instruments on Juvenile Justice Administration

This section discusses some international instruments on administration of juvenile justice in Nigeria. The instruments are child-specific although, they are not without flaws. These instruments among others, include United Nations Convention on the Rights of the Child (CRC), United Nations Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules), United Nations Guidelines for the Prevention of Juvenile Delinquency (Riyadh Guidelines) and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty (UNJDLs).

2.5 (a) Convention on the Rights of the Child (CRC)

According to Oduwole, et al, (2010), most provisions in the Rights of the Child are very relevant to juvenile justice and that if all were respected, promoted and protected juveniles will not be involved in crime. The Convention encourages family to play a vital role as caregivers and the prevention of institutionalization whenever possible. Articles 37, 39 and 40 (of CRC) are the most appropriate sections relevant to the administration of child justice. Article 37 prohibits unlawful or arbitrary arrest of juveniles. Arrest, detention or imprisonment is to be applied only as a last resort and for the shortest period while cruel treatment torture or punishment, capital punishment or life imprisonments are prohibited. Furthermore, Article 40 demands that all rights due children alleged as, accused of or recognized as having infringed the penal law should be granted them. Lastly, Article 39 recommends rehabilitation and social reintegration of children, victims of neglect, exploitation and abuse. Despite the laudable provisions made by the Convention, some difficulties including Nigeria's diverse ethnic groups, complex socio-economic cultures and the persistence of certain harmful traditional practices and customs had had a negative bearing on the enjoyment of the rights guaranteed under the Convention (UNICEF, 2006). These inadequacies have rather compounded matters by

turning the juvenile justice channels into punitive rather than correctional and rehabilitative fortresses.

2.5 (b) United Nations Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules).

The Beijing rules were the first instrument to have made comprehensive statement specifically on juvenile justice system administration. The Beijing Rules were adopted in Beijing China in 1985. The rules aimed at a system that would be fair and humane, emphasizing the well-being of the juveniles by providing for separate juvenile justice system and advocated for recognizance and incorporation in any legislative change. It demands for proportionate reaction of authorities to the circumstances of the offender as well as the offence. Diversion from formal hearing, respecting the right to due process while conducting proceedings, careful consideration before depriving a juvenile of liberty, specialized training for all personnel within juvenile justice system and the consideration of release both on apprehension and at the earliest possible occasion are some of the advocate strategies of the Beijing rules.

2.5 (c) United Nations Guidelines for the Prevention of Juvenile Delinquency (Riyadh Guidelines)

The Riyadh Guidelines were adopted by the UN General Assembly one year after the CRC emphasizing the holistic nature of the administration of juvenile justice. The guidelines advocate for the promotion of the well-being and harmonious developments of adolescents with respect for and promotion of their personality from early childhood. The guidelines also believe youthful behavior contrary to societal norms and values to be part of the maturation and growth process which will disappear spontaneously with transition

from childhood (Oduwole. et al, 2010). It prohibits labeling of a young person because it will lead to a consistent pattern of undesirable behavior. Thus, it calls for community-based services and programmes for the prevention of juvenile delinquency and formal agencies of control to be used as a means of last resort.

With all these provisions, there have been obstacles to the full implementation of the laws by the juvenile justice system. According to Ayua and Okagbue (1996) and Alemika., et al, (2001), corruption, the protracted military rule, the repressive criminal laws, law enforcement agencies and penal practices inherited subjected offenders including juveniles, to torture, inhuman and degrading treatment by the police and prisons. Again the inadequate funds, equipment leading to delay in trials of suspects, overcrowding, unhygienic and inhuman conditions in police cells and prisons is yet a limitation.

2.5 (d) African Union Charter on the Rights and Welfare of the Child (AUCRWC).

The African Charter on the Rights and Welfare of the Child (ACRWC) is a regional instrument comprising member States of African Union adopted in 1990. The Charter adheres to the principles of the rights and welfare of the child as contained in the CRC. Like the CRC, the AUCRWC is a comprehensive instrument that sets out rights and defines universal principles and norms for the status of children. The AUCRWC and CRC are the only international and regional human rights treaties that cover the whole spectrum of civil, political, economic, social and cultural rights. The Charter explicitly recognizes the position of an African child and advocated for 'cultural heritage, historical background and the values of African Civilization which should inspire and characterize the concept of the rights of the child' (Babaji, 2008). Good as it sounds, the Charter is not without flaws listed below.

It does not protect children from life imprisonment without the possibility of release;

There is no provision for alternative measures when dealing with criminal activities;

Articles 20 and 31 defined domestic discipline and respect to elders vaguely.

2.5 (e) Children and Young Persons Act (CYPA)

The Children and Young Persons Act was introduced with the purpose of making provision for the welfare of the young and the treatment of young offenders and for the establishment of juvenile courts. Prior to the 2003 Child Rights Act, Nigerian child protection was defined by the Children and Young People's Act (CYPA), a law relating primarily to juvenile justice. Originally passed by the British colonial government in 1943, the CYPA was later revised and incorporated into Nigeria's federal laws in 1958 (formerly Chapter 32 of the Laws of the Federation of Nigeria and Lagos.) However, its legal provisions fell short of the rights afforded by the African Charter on the Rights and Welfare of the Child (ACRWC), the United Nations Convention of the Rights of the Child (CRC), and United Nations Standard Minimum Rules for the Administration of Juvenile Justice. The CYPA(L) was thus thought to be outdated and no longer in conformity with international conventions which Nigeria had signed(IRIN, 2011).

2.5 (f) Child Rights Act (CRA)

The Child Rights Act was passed into law by the Federal Government of Nigeria in 2003. The Act was thought necessary because the Nigerian Constitution of 1999 under chapters four and two on fundamental human rights and on fundamental objectives and directive principles of State policy respectively are not child rights specific also because the various States' CYPLs were largely juvenile justice administration biased and not necessarily child rights and responsibilities specific (Ladan, 2007). The CRA has been domesticated by 24 States of the federation but some core Northern States have yet to do

so because of some cultural issues (International Federation of Women Lawyers FIDA, 2013). Specifically, concerns have been raised by Islamic Scholars that the provisions of the CRA are contrary to Islamic law which gave rise to its rejection even though the Federal Government can apply the Act at federal level (UNICEF, 2011; Ladan, 2007).

The Child Right Act is the most inclusive of all the legislations in Nigeria that deal with all matters relating to children in juvenile justice administration. Its full application is however limited to the Federal Capital Territory while States are left to adopt it with recognition of their peculiar background. Niger State among other few, adopted the Act in 2010.

Interestingly, the CRA introduced a juvenile justice administration system known as child justice administration with a very striking law of the Act that stands out from the provisions of CYPA because it specifically removes a child from the paraphernalia of the criminal justice process. It provides that non-subjection of the child to the criminal justice process or criminal sanctions (Section 204). It also provided for the establishment of Family Court at the High and Magistrate Courts' levels (Sections 149 and 150) while the procedures for administering juvenile justice is stated in Section 217 (CRA, 2003). These courts are conferred with unlimited jurisdiction to hear and determine, among others, any criminal proceeding involving or relating to any penalty, forfeiture, punishment or other liability in respect of an offence committed by a child, against a child or against the interest of the child (Section 151). Furthermore, Parents or Guardians are expected to be informed immediately (about the offence and or arrest) of the juvenile and consider releasing him without delay (Section 217).

Sections 211 and 214 provides that the juvenile offender be handled with dignity by respecting his legal status, and promote his well being and best interest during

adjudication in order to avoid harming him, having regard to the situation of the child and the circumstance of the case.

The CRA (Section 206) emphasized on the competence, training and professionalism of all personnel (Judges, Police, Supervisors and Social Welfare Officers) dealing with child offenders in order to guarantee and protect their interest. Because of the significance of the Police in juvenile justice administration (JJA), the Act emphasized on the establishment of a special section to specifically deal with children and to prevent them from committing offences. In addition, the section or unit is to apprehend and investigate child offenders and any other function that may be referred to the unit by the Act (Section 207).

Under the child 'justice administration provisions of the CRA, the Police, prosecutor or any other person dealing with a case involving a child offender has the power to dispose the case without formal investigation or trial (Section 209, CRA 2003).

The Act also provides that cases could be settled through supervision, guidance, restitution and compensation of victims if only the offence is not serious. The Act advocates for reconciliation, taking into account the disposition of the family; school institution or where the police deems it necessary or appropriate in the interest of the child offender and the parties involved, while detention be used as a last resort and only for the shortest period of time (Section 212). If because of the nature or circumstance of the offence the court did not release the child offender on bail he shall be remanded in a State Government accommodation even though 'a State Government accommodation is not defined (Section 212). However, State Government accommodation may be interpreted to include Homes or Centres established by the State Government for such purposes. The Act guaranteed to the child, fundamental rights to presumption of

innocence, the right to be notified of charges, the right to remain silent, the right of legal representation and free legal aid among others, as well as rights to fair hearing and due process.

The court in the determination of cases involving a child offender is prohibited from ordering the imprisonment of the child offender, subject the child offender to corporal punishment or death penalty or have death penalty recorded against a child offender. The child offender can only be deprived of his liberty if he is found guilty of (i) 'a serious offence involving violence against another, (ii) persistence in committing other serious offences and there is no appropriate response that will protect the public safety. Where however, the court decides against institutionalization, it shall utilize such disposition measures such as; dismissing the charge, discharging the child offender on his entering into recognizance, placing the child under care, guidance and supervision, including supervision by a supervision officer. Again, a child offender can be committed to the care of a guardian and supervision by a relative or any other fit person. A child offender may equally be ordered to participate in group counseling. He may also order to pay a fine, damages, compensation or costs or to undertake community service. The child offender may equally be to live in educational settings or ordering the parents or guardian of the child to pay a fine, damages compensation or costs, or to give security for good behaviour of the child'.

In broad perspective, the CRA in content and principles satisfies the a great deal of standard set by UNCRC, AUCRWC, Beijing Rules as well as other international treaties or instruments. However, the CRA is not without challenges in most States where the CRA has been enacted as State laws and FCT, complete machineries and structures for the implementation of the CRA are not yet in place. It is observed not to have taken care of local peculiarities (hawking, trafficking, the right to education, girl child education,

adoption, etc) into consideration. This development puts to question of the sincerity of government. It would appear that the commitment of the government towards the protection and promotion of the rights of the child merely stops at enacting the law either to satisfy international obligations for the sake of it or political propaganda and aggrandizement. Other challenges are omission of State Shari'ah Courts of Appeal in matters relating to family matters including children, lack of political will to protect the best interest of the child, lack of collaboration and cooperation between State Governments and Civil Society groups to promoting children's rights in States and lack of continuing judicial education in comparative human rights jurisprudence. Other legal instruments used for juvenile justice are the Constitution of the Federal Republic of Nigeria, Penal code, Criminal Procedure Act and Police Act.

2.6 Juvenile Justice Administration in Niger State

In this subtitle, the study discusses the background to the evolution of juvenile justice administration in Niger State, such as the police, the courts, the prisons, the Remand Home and the Social Welfare Unit of the Ministry of Gender and Social Development in order to determine their effectiveness and efficiency against the provisions of CYPL and CRL, (2010).

Prior to 1976 when Niger State was created, the administration of juvenile justice was coordinated by the then North Western State with the capital at Sokoto using the CYPL inherited from the colonial masters. According to one of the pioneers of Social Welfare work in Niger State, Vunchi (2015), there was only one Remand Home in the then State Capital (Sokoto). On the creation of Niger State in 1976, he and others were deployed to the State Capital (Minna) to put up working facilities for the commencement of work. In October 1976, a Remand Home was established in Kontagora being a town with beehive

activities of transport and commerce to and from the North. Because of expected vices from people of different backgrounds who had come to Minna the State capital, a Remand Home was located in Keteren Gwari-an outskirt of Minna then. However, the property owner asked the government to vacate the flat because of its inability to pay rent regularly. The Home was relocated to two more locations before the present one Ahmadu Bahago way along Bosso road and the headquarters of Chanchaga local government area council Sayakwo-Minna close to the prison built by the colonial masters in the 1900s. In these two places, the government was ejected for lack of rent payment to the property owners. Because of lack of adequate space, the State government got a land for the remand home but abandoned it. However, the remand home was hurriedly relocated to the present site in 1990, when the wife of the then Head of State Mrs Maryam Babangida was to make a visit.

The main laws applicable to Niger State Juvenile Justice include Penal Code (1960), Criminal Procedure Code 1960, Niger State Shariah Penal Codes and Criminal Procedure Code (2001), Child Rights Law (2010); Children and Young Persons Law (1958) and the Nigerian Constitution (1999; 2011) Otsien, (2008).

2.6 (a) Legislation and Procedures of Juvenile Justice in Niger State

The Children and Young Persons Law, until recently, is the major piece of legislation dealing with matters affecting children and young persons in Niger State with the purpose of making provision for the welfare of the young and the treatment of young offenders and for the establishment of juvenile courts (CYPL, 1958). The Law deals with children in conflict with the law, children in need of care and protection and children beyond parental control. Although, Niger State adopted the CRA in 2010, it was observed that CYPL and PC are still in force in the administration of juvenile justice.

2.6 (b) Jurisdiction and Scope of Juvenile Justice in Niger State

According to Children and Young Persons Law-CYPL-(1958), the law is to make provision for the welfare of juveniles and the treatment of young offenders and prohibit the participation by juveniles in political activities while the NSCRL made provision for the protection of the right of child in Niger State and other related matters. The jurisdiction does not only stop on children in conflict with the law, children in need of care and protection and children beyond parental control but also on matters affecting them and other family members (NSCRL, 2010).

The Children Rights Act (2003) defines a child as less than 18 years and clearly prohibits capital and corporal punishments. However, because of some variations, the principle is not strictly adhered to. The Niger State Child Rights Law for example section 27 (1) states that Islamic Personal Laws shall prevail where there is a conflict involving questions of Personal Law with any of the provisions of the State's Law although, it defined a child as a person below the age of 18 years.

2.6 (c) Arrest and Procedures of Arrest

Although juveniles were subjected to the same treatment as adult criminals before the introduction of the present procedures (Oduwole, Atere, Yesufu, and Adegoke, 2010), one common feature of the practice of juvenile corrections is that the police even for minor offences exhibit incivility and arrest children arbitrarily (Bohm and Haley, 1999; 2002; Alemika and Chukwuma, 2001; UNICEF, 2006; Ijaiya, 2009). The parents of the child offender are not informed and the children experience excruciating pain because of torture, threats and deprivation when kept in police custody. The UNICEF (2006) confirms that there are no special police units for juvenile formal arrest as a means of initiating proceedings against a child offender. Instead, police has broad powers to

apprehend children on variety of grounds including status offences while force is often used on them. The CYPL (1958) which was the legal instrument mostly used in juvenile justice administration in Niger State is silent about arrest procedures of child offenders and NSCRL did not provide laws for the arrest of a juvenile offender. Furthermore, because of lack of time and sometimes financial and human resources families of juvenile offenders are not usually traced.

The 1999 Constitution (of Nigeria) prohibits torture and inhuman or degrading treatment and requires that every person must be informed in writing and within 24 hours of the facts and ground for his arrest.

In practice, however, most of the constitutional provisions are not met especially those related to time requirements as found by the study headed by Okagbue (1995). In their study, it was revealed that 40% of children in criminal custody stated that their arrest involved the use of threat or physical force while almost 45% stated that they were subjected to various forms of pressure to admit to the offense they were charged with. The courts too have authority to release juvenile offenders although refusal to do so abound on the ground that the child may be more exposed to moral danger or on the allegation that he has not said what he knew about the offence he committed. Thus it is common to find juvenile offenders languishing in police or any other custody.

2.6 (d) Bail and Pre-trial Detention

The CRA/L and CYPL set out principles that should guide the treatment of young offenders during bail and pre-trial detention. Sub-section 3 of the CYPL, prohibit detention of juveniles ‘except in grievous cases like murder or homicide and it shall be used as a measure of last resort and for the shortest possible period of time’. To this end some scholars, Ijaiya, 2009; UNICEF, 2006; Alemika and Chukwuma, 2001 aver that

juvenile offenders are not only arrested but confessions are forcefully extorted and physically abused while in police custody, where they are held for a period relatively longer than necessary. UNICEF (2006) and Alemika (2002) also observed that child offenders are held together in the same cells with adult inmates and their parents not necessarily notified of their child's offence.

Monetary bonds beyond parental means are often required to guarantee a child's release just like an adult. As a result, children on the street and those from disadvantaged families or even those whose parents are not located and therefore not contacted, fall victims of pre-trial detention. They fall victims not because of the severity of the offence they committed but because their parents cannot be located, or cannot afford to pay for their release or have been deemed as unfit by the courts (UNICEF, 2006). It is also a common sight, according to Amnesty International (2008) to see child-offenders subjected to pre-trial detention in closed facilities (to preserve their evidence) and left to languish for months or even years waiting for their cases to be completed due to delays in the criminal justice system in addition to the failure of police prosecutors and judges to prioritize cases involving children.

2.6 (e) Constitution and Procedure of Juvenile Court

During trial, the CYPL and CRA state that all child offenders shall have their cases heard in a court constituted by a magistrate for the purpose of hearing and determination of cases relating to children or young persons (CYPL, 1958). Proceedings are expected to be conducive to the best interest of the child granting him freedom of expression and privacy in order to avoid harm being caused to them through publicity or by process of labeling; of which a contravention will attract a fine. In practice however, Niger State does not have permanently constituted juvenile/family courts. Instead, juvenile cases are handled

in designated magistrate courts on certain days of the week. Sittings are fixed in different rooms or buildings from those in which ordinary sittings are held on different days and times. The CYPL did not however make special rules of procedure of juvenile courts. The rules also call for the presence of parents or guardian and legal adviser. The police are under no obligation to notify parents of the arrest of their children. Even when parents are contacted, they would be of little assistance to the child because of their ignorance, fear, and worry with which contacts with police are usually viewed (Alemika et al, 2002).

Furthermore, Nigeria does not explicitly recognize the children's right to express themselves during proceedings. Although the offence of publication is considered serious, there are cases where juvenile and young offenders are published even on the internet for the world to read about. In addition, the judges, police and other personnel in juvenile justice administration in Nigeria do not have special training in handling juveniles. In addition, female police officers are often deployed to juvenile welfare departments in divisional and State police headquarters. Although the rules are silent about the training of judges, it is believed that judges who deal with adult cases cannot have the right attitude and mood for humane treatment of juvenile offenders more so that wide spread derogation by the police, judges and parents are reported (Okagbue, 1996; Human Rights Monitor, 1997). Again, the social enquiry that is supposed to be conducted and produced by 'competent authority' to aid in the juvenile's case are not demanded by the courts and where produced, are so scanty and shallow to be of any meaningful use (Human Rights Monitor, 1997).

2.6 (f) Sentencing and Disposition Measures

Sections 11-14 of CYPL lay emphasis on the punishment of children and young persons. Section 11(1) prohibits the imprisonment of a child, but Section 11(2) provides that a

young person shall be imprisoned only if he cannot be suitably dealt with in any other way including probation, fine, corporal punishment, committal to a place of detention or to an approved institution or otherwise. Section 11(3) states that where there is imprisonment, young offenders will not be associated with adult prisoners. However, although Section 11(1) prohibits imprisonment of a child (offender), Section 11(2) allows it, though sparingly and only when other forms of non-custodial punishment or correctional orders are not feasible. Section 12 prohibits the pronouncement of death sentence against a juvenile below the age of 17 years although he may be committed to custody 'at the pleasure of Head of State.' Section 14 on the other hand provided various dispositions a juvenile (offender) could be disposed to when charged with an offense and tried by a juvenile court. The various dispositions include the following;

i Dismissing the charge,

ii Discharging the offender on his entering into recognizance,

iii Discharging the offender and placing him under the supervision of a probation officer,

iv Committing the offender by means of corrective order to the care of a relative or other fit person, sending the offender by means of a corrective order to an improved institution or

v To be whipped, pay a fine, damages, or costs or ordering the parents/guardian of the offender to pay a fine, damages or costs or ordering parents/guardian of the offender to give security for his good behavior. Other sanctions are committing the offender to custody in a place of detention under the ordinance, ordering him to be imprisoned if he is a young person or dealing with the case in any other manner in which it may be legally dealt with.

In reality, according to Alemika and Chukwuma (2001), the dispositions provided for in the law differ in a variety of ways with international standard and CRA. For example, the

retention of whipping, the liability of parents to the child-offender's misbehavior and the dismissal of a charge even after the court is satisfied of the child-offender's guilt contravene international standard. They went further to assert that CYPL laid much emphasis on detention in remand homes, approved schools and Borstal institutions even though they were not adequate. This they attributed to the CYPL's colonial antecedents that did not encourage non-custodial sentences. The CRA/L provide for alternative measures including close supervision, probation and community service among others.

2.6 (g) Juvenile Custodial Institutions/Conditions in Detention

The CYPL, CRA and Prison rules require that children be separated from adults in all places of detention. This has become difficult to achieve because there are very few custodial institutions in most parts of countries of the world (Ijaiya, 2010; UNICEF, 2006; Alemika and Chukwuma, 2001). According to Ijaiya, the few custodial institutions that exist in Nigeria are located within the premises of prisons like the one in Enugu prisons that was established in 1937. The CYPL empowered local and State governments to establish remand homes and approved institutions (sections 15 and 18) respectively. Borstal Institutions and Remand Centre Act (no 32/1960) makes provision for the establishment of Borstal institutions as federal juvenile correctional institutions. The goal of this Act is to impact on the residents (inmates) good influence that will make them to lead a good and useful life on release and fit them to do so because their character, capacities and personal sense of responsibilities would have been developed to the fullest. However, the goals of the Act are not realized in Niger State due to lack of proper policy, legal and institutional framework for the correction of juvenile offender and prevention of juvenile delinquency (Ijaiya, 2010). Ijaiya went further to say that, the objectives of the institution are compromised by the lack of proper planning and implementation, gross

under-funding, inadequate staffing and lack of necessary training facilities. In addition, most of the institutions are not provided with enough funds to provide quality and hygienic accommodation, food, sleeping materials, medical care, education, vocational training, recreation and leisure.

Furthermore, officials and fellow inmates do not adequately protect inmates against physical and verbal abuses. Thus, medical and educational facilities are nearly absent at the remand homes when this study was conducted. Ogbonna (1987), pictured lack of adequate personnel, fund and facilities as factors militating against proper and efficient functioning of the institutions, thereby causing juvenile offenders to be kept in the same facilities as and with adults (Ahire, 1987; Human Rights Monitor, 1997).

2.7 The Institutions and Personnel in the Administration of Juvenile Justice

This section discusses the institutions and personnel that are employed for the administration of juvenile justice.

2.7 (a) The Police

The police, as an important instrumentality saddled with the responsibility of fighting against crime, according to Iorhen (2010), are the agency that sets the criminal justice system in motion. As in the adult justice system, the police are the gatekeepers of juvenile justice administration therefore, a symbolic representative of the system because they are the first point of contact a juvenile offender comes across with. Apart from protection of lives and property, prevention, and detection of crime, the police also investigate, apprehend, detain and prosecute offenders to which discretionary powers could be employed. Therefore, on arresting a juvenile offender, they determine the next line of action-whether to be released or referred to appropriate programme for detention or

community service. In addition to the various functions, the Children and Young Persons' Law assigned law enforcement duties to the Police that juvenile welfare units were to be established and managed in major divisional offices. Generally, the police in juvenile justice system deal with problems of delinquency and focus on the rehabilitation and treatment of juvenile offenders.

2.7 (b) The Court

The English court Laws and other forms of judiciary were introduced into Nigeria in March 1863 (Alemika and Chukwuma 2001). Sources of Nigerian law include colonial laws, post-colonial statutes and military decrees, customary laws, Islamic legal system and international conventions. Contemporary Nigerian legal system consists of a hierarchy of courts. They are; Federal Supreme Court, Federal Court of Appeal and Federal High Court and State High Court, State Customary Court of Appeal, Sharia Court of Appeal in Northern Nigeria, Magistrate Court, Area Court and Customary Court. The CYPL and CRA have provided for the establishment of a separate justice process and Juvenile or Family Courts for matters affecting juveniles.

The juvenile court is a major device for dealing with young offenders (usually under the age of 18 years who are not sufficiently able to distinguish between right and wrong to be held responsible for their illegal actions. This has added to the difficulty of definition of a delinquent as he who has adjudicated as a delinquent by court of proper jurisdiction and juvenile delinquency as any act, course of conduct or situation which might be brought to a court of law and adjudicated as such." The police without going to court settle many juvenile cases and others are handled by the court unofficially. Court procedures resemble regular criminal proceedings but there are a number of important differences some of

which suggest constitutional questions. Guilt is not nearly considered an issue. Instead, a greater effort is made to discover why the young offender has appeared before a court regardless of the fact that he is delinquent. In most juvenile court hearings, no counsel appears for the juvenile and case law holds that he is not entitled to counsel. The child cannot demand jury trial. Again, the validity of corrective measures can be questioned (http://www.about juvenile delinquents.com/help.html).

The CPYL advocated a juvenile court for the purpose of hearing and determination of cases relating to children or young persons to be constituted by a Magistrate and other persons determined by the Chief Justice of the region. Only Lagos is cited as an example of a State that has permanent structure for juvenile courts. In most States, cases involving juveniles are heard outside the normal courtrooms or outside court normal sessions either in the courtrooms or chambers in order to protect the privacy of the young offenders. Worthy of note is that there are no specialized Judges or Police to handle cases involving juvenile offenders. According to Alemika and Chukwuma, (2001); and Ijaiya (2003) female police officers who do not have specialized training are deployed to the juvenile welfare departments. Also because of lack of training, same Judge who tries adult criminals is the one who tries juvenile offenders. It is argued that he (Judge) cannot have humane treatment of young offenders. Widespread derogation by the police, Judges and parents are reported instead of the due process advocated by CPYL (Okagbue 1996, Human Rights Monitor 1997 in Alemika and Chukwuma 2001). For example, derogatory terms like ‘accused’, ‘arrest’, ‘conviction’, ‘jail’, ‘trial’ and ‘punishment’ are used instead of terms like ‘investigation’, ‘‘under custody’, ‘committal’, ‘hearing’ and ‘correction’ (Sa’ad, 2008). Inquiries and reports about the juvenile offenders background are rarely demanded and where done they are so scanty that do not serve any significant meaning. There is also too much emphasis on remand in custody at the expense of other custodial

institutions. Although the idea of juvenile court is to handle juvenile cases differently from adults there are disadvantages however. They include delays as result of case over-loading or inefficiency and informality. Although there are good intentions behind the act of informality of juvenile justice system, it has however posed a threat to the juvenile offender's rights to due process (Elrod and Ryder, 2013). This, according to them is because juveniles are not familiar with their rights and do not receive orientation to that regard. Instead, Courts are quick to send juvenile offenders to custody rather than long-term solution of rehabilitation and reformation. Lastly, extra resources, time, finance, energy and knowledge are required to run juvenile courts efficiently.

(c) Juvenile Custodial Institutions

The colonial government established the first juvenile justice custodial institution in 1937 as a wing of the Enugu prison. Inmates from the various Nigerian regions were brought in. The CPYL empowered local authorities to establish remand homes and State governments to establish approved institutions. Provisions were made in different laws to establish Borstal institutions.

(i) Borstal Institutions

The word 'Borstal' is derived from a village called Borstal in Rochester in Britain (Wills, 1962 in Sa'ad, 2008). According to CYPL, the purpose of the institution is to "bring to bear upon the inmates every good influence which may establish in them the will to lead a good and useful life on release and to fit them to do so by fullest development of their character, capacities and sense of personal responsibilities". Borstal training institution was established in Kaduna to serve as a remand and reception center prior to the transfer of committed juvenile offenders to the Borstal institution. In order to achieve full reformation, provisions were made for vocational training in various fields as well as educational instructions up to ordinary (secondary) level. The facilities were fairly well

managed in the 1970s according to Alemika (1978) but by the 1980s the facilities and training had deteriorated (Ahire, 1987) and were virtually non-existent in the 1990s (Human Rights Monitor 1997 in Alemika and Chukwuma, 2001). Overcrowding has been pointed out as one of the constraining problems of the Borstal institution (Alemika 1978; Ahire 1987; unpublished data from Nigeria Prison Service, 2000). This implies that inmates will not adequately be catered for since facilities would have been provided based on the institution's capacity (of 120). In summary, the good goals of the institution are not realized because of lack of proper policy, legal and institutional framework for juvenile delinquency prevention. Furthermore, the objectives or goals of the institution are also compromised by lack of proper planning and implementation, inadequate funding, inadequate number and of qualified staff and lack of necessary training facilities in the workshops and educational programmes.

(ii) Approved School

The idea of approved schools has its base from the early 19th Century schools of industry in Britain. Its sole aim was to suppress child begging (Ferguson, 1952 in Sa'ad 2008:77). The first time it was introduced in Nigeria in 1932, it was called Industrial School. The first Industrial School in Nigeria was in Enugu (Milner 1972). The name was later changed to Approved School. Only children are to be committed for vocational and educational training with no or less emphasis on physical training. The period of committal, last for as long as three years or more with a two-year follow-up after release programme. The school is also expected to serve as a substitute home. Niger State however, does not have an Approved School.

(iii) Remand Home

Remand homes came much later after Borstal and Approved institutions. According to Nigerian Institute for Advanced Legal Studies (NIALS, 1990 in Sa'ad

2008:77), numerous of remand homes exist in Nigeria as every State of the federation has at least one remand home. Kogi State did not have a Remand home by 2013 while Niger State has three of them. It does not have Approved School or Borstal Institution). Approved schools are not many and only Ilorin, Kaduna, Lagos and Ogun States have a Borstal institution each although, owned by the Federal government. Some of the objectives of remand homes are the detention of juveniles on trial for the purpose of conducting a special scrutiny of the juvenile, that may assist the court in disposing of the juvenile case (Milner in Sa'ad 2008:78). Other objectives are, to grant custody to endangered children and committal of juveniles for short sentences to a maximum of six months except if extended by the Minister (CYPL, 1958).

For instance, the adoption of various age demarcations which responsibility may/may not be assigned depending on the circumstances of the offence, the inaccurate statistics, silence on the mode and procedure of arrest, grant of bail, the procedure for juvenile courts and the committal of the juvenile offenders to custody have posed a problem to which it was opined that the inadequacies have reduced the institutions to warehouses or human cages and fortresses of punishment instead of correctional and rehabilitation institutions (Alemika 1983, 1987, 1988, 1993c, 1990; Kayode 1987; 1990; Ahire, 1987 in Alemika and Chukwuma, 2001; Sa'ad, 2008).

(d) Juvenile Correctional Officers

The Juvenile Correctional Officers have the responsibility of rehabilitating and providing security to juvenile offenders under detention. They intervene in fights among juvenile inmates and search for possible weapons and contraband possession. They monitor offenders' behavior for likely traits of any form including violence. They transport juvenile offenders to, and from Courts, and to Correctional Facilities. They counsel and

guide them for life skills. Lastly, the Correctional Officers monitor juvenile offenders progress to rehabilitation and make recommendations on when they are fit for release or further rehabilitation or treatment (http://www.econ.yale.edu/egcenter/research.htm). In Niger State however, the Social Welfare Officers are in charge of these facilities as observed by the researcher.

Some empirical studies conducted by Centre for Law Enforcement Education in Nigeria (CLEEN) under the team leadership of Alemika and Chukwuma (2000); Ijaiya (2003) and Sa'ad (2008) found that the provisions in the Children and Young Persons Law do not satisfy a range of international and continental standards. From the definition of a juvenile to the provision of facilities (both human and non-human) to the channels (police/welfare officers, juvenile courts and juvenile custodial homes/institutions) - which are grossly inadequate- are characteristic features of the Nigerian juvenile justice systems.

Sa'ad (2008) sums up by saying that 'the juvenile institutions in Nigeria have deviated from the essential provisions of CYPL that sought to provide a secure and supportive environment for sound rehabilitative purposes'.

2.8 Theoretical Framework

Theories are used to interpret reality in unique ways by providing frameworks/perspectives in which observations are logically ordered. To be able to apply or enforce the law, certain pre-requisites are expected to be followed to give a leeway to understanding the phenomenon. In this regard, this section looks at various theories from which the study is based.

Law can be deduced to be functional as well as conflictual. Functional when used to resolve and settle disputes amicably and administer justice through courts but a means of

oppression and conflict when it is used to protect the interest of the ruling class. The latter perspective (conflict) is employed for this study.

Conflict Theory

The history of conflict theory can be traced back to thinkers such as Machiavelli or Thomas Hobbes, both of whom viewed humanity cynically. In its current form, conflict theory attempts to refute the functionalist approach, which considers that societies and organizations function so that each individual and group plays a specific role, like organs in the body.

Conflict theory states that society or an organization functions so that each individual participant and its groups struggle to maximize their benefits, which inevitably contributes to social change such as political changes and revolutions. The theory is mostly applied to explain conflict between social classes, proletariat versus bourgeoisie; and in ideologies, such as capitalism versus socialism.

While conflict theory successfully describes instances where conflict occurs between groups of people, for a variety of reasons, it is questionable whether this represents the ideal human society. Although some theorists, such as Karl Marx, have claimed that growth and development occur through the conflict between opposing parties, cooperation is also a source of healthy growth. It needs to be determined under which situations, conflict is necessary to produce change, as compared to those under which cooperation and harmony lead to the greatest advances.

There are radical basic assumptions (society is always in conflict) and moderate ones (custom and conflict are always mixed). The moderate version allows functionalism to

operate as an equally acceptable theory since it would accept that even negative social institutions play a part in society's self-perpetuation.

The essence of conflict theory is best epitomized by the classic "pyramid structure" in which an elite dictates terms to the larger masses. All major social structures, laws, and traditions in the society are designed to support those who have traditionally been in power, or the groups that are perceived to be superior in the society. Conflict theorists would argue that all groups in society are born from conflict. An example might be that of labor unions, which are developed to fight for the interests of workers, whereas trade organizations are made to fight for the interests of the moneyed classes. This theory of groups is opposed to functionalism in which each of these groups would play a specific, set role in society. In functionalism, these groups cooperate to benefit society whereas in conflict theory the groups are in opposition to one another as they seek to better their masters.

Willem Adriaan Bonger

Willem Bonger, a Dutch criminologist averred that there is a causal link between crime and socio-economic conditions. He asserted that crime is social in origin and a normal response to prevailing cultural conditions. In primitive societies, he contended that survival requires more selfless altruism within the community. Nevertheless, once agricultural technology improved and a surplus of food was generated, systems of exchange and barter began to offer the opportunity for selfishness. As capitalism emerged, there were social forces of competition and wealth, resulting in an unequal distribution of resources, avarice and individualism. Once self-interest and more egoistic impulses assert themselves, crime emerges. The poor would commit crime out of need or out of a sense of injustice. Hence, those with power exercise control and impose

punishment, equating the definition of crime with harm or threat of harm to the property and business interests of the powerful. Although the inherent activities comprising, a theft, may be identical, theft by the poor will be given greater emphasis than theft by the rich. This will have two consequences: direct which will increase the pressure for survival in an unequal society, and indirect in that it will increase a sense of alienation among the poor. Crime in the streets was a result of the miserable conditions in which workers lived in competition with one another. He believed that poverty alone could not be a cause of crime but rather poverty coupled with individualism, materialism, false needs, racism, and the false masculinity of violence and domination among street thugs. According to William Bonger, who linked Marxism and crime, the impoverished in a capitalist state are stimulated to break the law for two reasons: in order to survive and because wealth is the measuring rod by which people are judged in a capitalist society.

Thorsten Sellin

Sellin, a Sociologist at the University of Pennsylvania, asserted that in a homogeneous society, norms or codes of behaviour emerge and become laws where enforcement is necessary to preserve the unitary culture. However, where separate cultures diverge from the mainstream, those minority groups will establish their own norms. Socialization will therefore be to the subgroup and to the mainstream norms. When laws are enacted, they will represent the norms, values and interests of the dominant cultural or ethnic group in a State which may produce Border Culture Conflict. When the two cultures interact and one seeks to extend its influence into the other, each side is likely to react protectively. If the balance of power is relatively equal, an accommodation will usually be reached. But if the distribution of power is unequal, the everyday behaviour of the minority group may be defined as deviant. The more diversified and heterogeneous a society becomes, the

greater the probability of more frequent conflict as subgroups who live by their own rules break the rules of other groups.

William Chambliss' Marxist theory of crime states that crime diverts the public's attention from the exploitive nature of capitalism and focuses it on the offenses of the impoverished.

Richard Quinney and Law

Quinney attended the University of Wisconsin and retired from Northern Illinois University's Department of Sociology. He stated that during his time at UW he became intrigued with critical thinking in his search for understanding sociological issues (Quinney, 1998/int.) when he stated that "Critical philosophy is a form of life" (1974.a./10).

Quinney has a deep interest in the thoughts, discourse, and potential of Marxism. He constructs the argument that socialist society is not only a necessity, but in some form, inevitable. His Marxist perspectives offer a relatively radical perspective on the issue of crime in society.

For Quinney, the legal order makes morality "...a technical question" therefore, trying to understand law and crime without radical thought is to perpetuate the current system of domination (Quinney, 1974.b/p.31). He states that the initial thrust of the first territorial state is where the major impetus for laws is acquired; that desire to tax, create an army, maintenance of bureaucracy, and keeping the population as subject. For instance, laws that were once to protect common beliefs, including religion, came to protect property, and the state profited off of the system it established (Quinney, 1974.b/39). They profited primarily through taxes, licenses, fees, and fines.

According to him, there are basic propositions that seem obvious among which are:

1. Advanced capitalist economy is the foundation of society.

2. The State works to serve the interests of the capitalist ruling class.

3. Criminal law is merely an instrument of that class to perpetuate the current social and economic order.

4. A variety of institutions run by governmental elites representing the interests of the ruling class, are utilized for crime control with the purpose of establishing domestic order.

5. The coercion and violence of the legal system are necessary to maintain the required oppression of the subordinate classes, because of the inherent contradictions of advanced capitalism.

6. A new society based on socialist principles is a necessary part of the solution to crime control. This cannot occur without the collapse of the capitalist society (Quinney, 1974.a/p.16).

Quinney works to develop and expand upon an area of understanding with the central focus on the need, development, and justification for law in society. It is an examination of how law is thought to have evolved, and what justifies contemporary law. Quinney declares because law "...gives behavior its criminality," it cannot be ignored as far as its formulation and administration. He attempts to address the question, "what are the influences that shape our laws?"(1969/Preface)

He states that communities develop laws related to, and surrounding, beliefs and values. For instance, the Massachusetts Bay colony developed their laws from scriptural sources

the Puritans believed and lived by. It was natural to do so, as it was consensual. He also refers to the Volstead Act of 1920, a result of rural puritan interests over a developing urban culture. He states the act was "..a dramatic attempt to control morality through criminal law" (Quinney, 1969/p.7) of which only a few are able to influence the formulation of law. Therefore, laws do not necessarily serve to protect the accepted, consensual, good in society, instead they are developed by a few with the most influence/power. He asserts "Law serves the powerful over the weak; it promotes the war of the powerful against the powerless" (Quinney, 1974.a/24).

Although, it is believed that law is necessary, and that it is the only way in which society can be protected from the overlapping interests of individuals, this assumption creates a paradigm where social scientists begin their inquiry (Quinney, 1974). They fail to look at the morality of the legal order itself, and instead seek to study how it effects society, and then to refine those effects, to use law to manipulate a desired goal of social harmony. This way of thinking, Quinney proposes, is like running with blinders on, or disenabling a broader view of alternative potentials for social, human, existence. "A sociology of law as presently conceived and practiced cannot break out of the ideology of the age. It can only confirm the existing order; problems of the age are only exacerbated by the sociological-scientific study of law"(Quinney, 1974.a/26).

In "The Problem of Crime," (1970) Quinney discusses how laws and social norms are often conflicting with each other. He states that a large portion of society does not accept many of our current laws. He illuminates the disparity between laws that are based on moral, cultural norms, and those that do not have custom as its purpose...such as trade laws (economics) (p.29). Even when laws are derived from morals, they are usually the products of special groups who have more influence in guarding their morals than other

groups. To these "other" groups, some laws are not considered legitimate, they do not pertain to their particular cultural norms - thus a selective obedience occurs (p.30). Groups that occupy the power positions, legislate the content of criminal law. Thus, criminal law protects that small minority of the powerful, by proscribing behavior they interpret as threatening, or "wrong." In addition, laws do not always keep up with the changes that occur in society. "Blue laws" are an example of those that lag behind social changes. More importantly, sometimes law serves to influence changes in society. They often form without any moral impetus at first but are later supported by the morality they outlined. For example, civil rights laws helped to spread a type of moral code to places they did not exist before the laws there reflected them (p.31).

In his own contributions to the perspective, he emphasizes an awareness and consideration for interest structures. In our society, he maintains, the interest structure is characterized by the unequal distribution of power and conflict (Quinney, 1969/preface). "Law is created by interests," and he suggests that this should be more the focus than how much law maintains interests. Moreover, seldom is law the product of a whole society, instead it is the product of a specific group that has the most influence in translating their interests to policy (1969/p.17). Here lies the impetus for undergoing examinations of the constructs of law, or sociology of law; to find out what interests are being served, and who do they belong to. Quinney finds it is the interests of the ruling class, and not the population. What is created is a legal order based on capitalist interests as a mechanism for control of the repressed. His argument is that legal order is the basic framework from which a system that generates suffering, and therefore disobedience, can devise measures to control threats to maintain its existence.

Quinney suggests that the State's promotion of capitalism works to create a surplus of labor. Social welfare programs such as education and health care satisfy some of the needs of the working class, and work to legitimize the system. Crime control has as its function to control those that are not "pacified" by employment or social welfare programs. Moreover, the State's expense of crime control will increase as capitalism increases. Quinney states that confinement in prison is merely one way of controlling the surplus of labor that capitalist economy produces and needs (Quinney, 1980.a/p.114). He further states that existing laws are a construct of consensual contract, and serve the majority interests, and values. Instead, they are the tools of the ruling class to protect the status quo (Quinney, 1974.a/p.140).

He develops his argument by reporting that there is consensus on the influential control of foreign policy by the wealthy. In addition, he states that there is plenty of evidence that they have overwhelming influence in domestic policy as well (specifically in protective labor legislation, regulation of business, social security, and recognition of labor unions) (Quinney, 1974.a/p.56). He then explains that the wealthy, consistent with foreign and domestic policy, have influential control over crime policies as well. He declares "...crime fighters are indeed influentially drawn from an elite segment of society. The majority enjoys an income that is without question considerably higher than the national average"(Quinney, 1974.a/p.57). What Quinney asserts here, is that, whether it is the ruling class directly who influence policy or those who benefit from the system, is circumstantial. They are all the ruling class that benefits from the established order. The economic and political nature of criminal policy making in America is that which is determined by the ruling class. The functions of the system are the goals of the capitalists, to protect the established order through maintaining/insuring domestic order (Quinney, 1974.a/p.59).

Quinney has as his objective, and he states he is in the company of most critical philosophers, to develop a "critical-Marixian" analysis of crime control in capitalist society. This will undertake an extrapolation of basic Marxism, as Marx said little about criminal law and crime control. He acknowledges that legal order contains more than criminal law, however, he states that criminal law is the fundamental to that order. He states "it is the coercive instrument of the State and its ruling class to maintain the existing social and economic order (Quinney, 1974.a/p.15).

In short, legal order, the defining of deviancy and control over those who fit those definitions, is used merely as a tool to control threats to the capitalist system, by those who benefit the most from that system. Moreover, the legal order is assumed by the population through the use of ideology, to represent the collective interests. Finally, the criminal justice system is, as he puts it, ‘an instrument of control within the legal order.

CHAPTER THREE

RESEARCH METHODOLOGY

3.1 Introduction

The focus of this chapter is methodology. The areas covered in the study are mentioned and discussed. The population of study and sampling procedure are also discussed. In addition, methods of data collection and data analysis are stated and discussed.

3.2 The Location of the Study

Niger State, formerly Niger Province was part of the then Northern Region and later North Western State created under the Gowon's administration in 1967. Ten years later, precisely on 3 February, 1976, the then North Western State was split into Sokoto and Niger States by the Murtala Mohammed's administration (Salisu, 2007). It had a population of three million, nine hundred and fifty-four thousand, seven hundred and seventy-two people (3,954,772m) (NPC, 2006). Several ethnic groups live in the State. These include Nupe mainly found in Bida, Gbako, Lavun, Mokwa, Lapai and Borgu Local Government Areas. The Gbagyis mostly occupy Chanchaga, Bosso, Paikoro, Gurara, Suleja, Tafa, Shiroro and Munya Local Government Areas. The Hausas predominate in Kontagora, Suleja, Mariga, Chanchaga and Magama Local Government Areas. Other ethnic groups include Kadara, Koro, Fulani, Ganagana, Gwandara, Dibo, Kambari, Dukkawa, Ingwai and Gade. Apart from these indigenous ethnic groups, there are others from all over and outside Nigeria who live therein. Niger State is situated in the North-Central geo-political zone and bordered by five States and the Federal Capital City-Abuja. These States are Kebbi (North-West) with a population of 3,238,628m, Kaduna (North-East) 6,066,562m, Kogi (South) 3,278,487m, Zamfara (North) 3,259,846m, Kwara (South West), and Federal Capital Territory (South-East) 1,405,201m. It also

shares boundary with Republic of Benin (West). Niger State has 25 Local Government Areas with eight Emirate Councils. The State is also divided into three Senatorial zones. Majority of the population live in rural areas and depend almost exclusively on subsistence farming earning very little. Twenty-six police personnel, nine each for court and rehabilitation centre, and forty-two each for prison and social welfare personnel participated in this study.

Bida, Kontagora and Minna all in Niger State are the towns selected for the study. These towns were selected for the study because they host both human and non-human resources for juvenile justice administration as well as the juvenile custodial facilities.

The State comprises of 25 Local Governments grouped into three administrative zones namely A, B and C with each zone having eight, nine and eight Local Government Areas (LGAs) respectively. In line with the constitution of the Federal Republic of Nigeria, two levels of government are run therein: the State and the Local Government Councils. Niger State is one of the largest States in Nigeria covering about 86,000km2 (8.6million hectares) representing about 9.3% of the total land area of the country (Abara, 2004).

The main economic activity in the State is agriculture:-farming, fishing and cattle rearing. Other economic activities (though limited in scale) include banking, trading, transportation, local arts and crafts with Bida's brass work. These activities constitute the means of living for most people in Niger State (Niger State Government Information Service, 2007).

Niger State is accessible by road, air, rail and water transportation (with about 1503kms of trunk 'A' roads and 276km of gravel earth roads), access to, and communication with the State are relatively easy.' In addition, telephone, postal and courier services are

available in the State capital, Minna and in some local government areas. Other socio-economic infrastructures in the State include three NTA stations, one State Television and a State Radio station properly networked throughout the State. Education and Health facilities (both public and private) exist at primary, secondary and tertiary levels (Salisu, 2007).

The choice of Niger State was influenced by not only its familiarity to the researcher, but also its accommodation to people from different socio-economic and cultural backgrounds. Similarly, despite recent happenings (bomb explosions in Suleja and Madalla), the State is yet one of the relatively most peaceful in Nigeria. Though not industrialized, urbanization is fast telling on it with its attendant problems including crime and delinquency. Above all, Niger State is one of the States in Nigeria that has the higest number of Remand Homes. This reason among others made the choice of Niger State relevant. The presence of law enforcement agencies comprising the Police, the Courts and the Prisons/Corrections is felt in the three towns that were used in the study. The heterogeneous nature of the population of the State will be of relevance to this study. Finally, although Niger State operates Penal Code, it was still found to be suitable because there is not much difference with the Criminal Code in operation in the Southern States of Nigeria. Thus, given the relative homogeneity in the operation of the juvenile justice in Nigeria, the researcher believed that the handling of juveniles in conflict with the law would have given a true picture of juvenile justice system in Nigeria. Above all, the researcher is used to Niger State, thus was convenient and easy to access locations of study.

3.3 Population of the Study

The population of the study comprise of human resources which are the personnel and they include the police, magistrates, prison officers as well as rehabilitation officers and social welfare officers. Others and critical to the study are the juvenile offenders in custody when this study was conducted. Thus, the population of the study are the personnel working in juvenile justice system and juvenile offenders in Niger State. There are the non-human resources involved in juvenile justice administration. They are police stations, courts, prisons, rehabilitation centre and remand homes. The correction facilities are the prison, remand homes and rehabilitation centre in Bida, Kontagora and Minna. The three towns also fall into the three senatorial zones of the State. While Minna is the capital city and administrative nucleus of the State as well as the headquarters of Chanchaga Local Government Area, Bida is a traditional city and Headquarters of Bida Local Government Area much more bound by traditional values and customs. Kontagora is a relatively large city and a major stopover route linking north to the south. It is also the Headquarters of Kontagora Local Government Area. The juvenile delinquents are mostly Hausa speaking; however, others from different language backgrounds were also identified. Bida, Minna and Kontagora could be described as semi-urban areas with sizeable infrastructural facilities such as good road networks, educational institutions of all levels, administrative structures, financial and health institutions. The population of the study was one hundred and twenty-eight (128) personnel working in juvenile justice system and all the sixty-seven (67) juvenile offenders in custody during the study.

3.4 Sampling Methods

The study is designed to analyzed the administration of juvenile justice in Niger State through the personnel and agencies in juvenile justice system (police and police stations, magistrates and courts, correctional facilities/custody and correctional officers including

social workers and prison officers). The selection of personnel involved in the administration of juvenile justice in the State and the juvenile offenders in custodial facilities was not very purposive because the researcher got access to them through gatekeepers. However, because the duties of the personnel in the administration of juvenile justice depended on shift bases, only those who were on duty during the researcher's visits to the various agencies with demonstrable experience and expertise in juvenile justice administration were selected. One hundred and twenty-eight (128) personnel were selected while all juvenile offenders in custody of the three remand homes and prison during the study were selected for the study too.

The sampling frame was derived from personnel on duty as of the time of visit and determined by their Superiors who were the Gatekeepers. The police personnel were selected by their superiors from among those that were on duty when the researcher visited. Some of the qualities taken into consideration for selection were, but not limited to, being on duty as at the time of the researcher's visit, one's proficiency in written and spoken English language and belonging to Juvenile Welfare Unit of the Station. Thus, one Assistant Commissioner of Police (CID) from the Headquarters, Minna provided letters of Introduction as directed by the State Police Commissioner. One DPO each from Bida, Minna and Kontagora respectively also participated along other officers and rank they distributed the questionnaires to. Others are three women officers (a corporal in Kontagora and two sergeants at Bida and Minna) in charge of juvenile welfare unit-JWC, five, six and seven other police officers from the rank of sergeant to Assistant Superintendent of Police at Bida, Kontagora and Minna respectively. The police stations used for the study are the ones located where Remand Homes are located and also have Juvenile Welfare Centres (JWC) within. In all, 80, 29 and19 personnel participated in the

study in Minna, Bida and Kontagora respectively. The Remand Home in Minna had the largest number (35) of residents in custody.

All the Magistrates included in the study are those who preside over juvenile cases as well. Visits were made to courts and magistrates who expressed willingness to participate were the ones involved for the study. The same procedure as that of police personnel was used in selecting prison officers. Three officers in charge of the prisons in Bida, Kontagora and Minna selected prison officers including officers in charge of medicals-6, welfare-12, vocations 3 and general duties 21 (42). The nine (9) personnel in rehabilitation centre were all the staff on duty on the day of visit to the centre by the researcher. The Officer in Charge (1), three (3) psychiatric nurses from the rank of Assistant Senior Psychiatric Nursing Officer to Chief Psychiatric Nursing Officer. Others are three (3) Registered General Nursing Officers (RNs) and two (2) attendants. Forty-two social welfare officers were selected by their superiors. One Director, Deputy Director, (from Ministry of Gender Affairs and Social Development), 11, 13 and 16 Social Welfare Officers from the rank of Social Welfare Officer II to Chief Social Welfare Officer from Bida, Kontagora and Minna were selected respectively. For the selection to be done, the researcher visited the Ministry of Gender Affairs and Social Development and met the Director who contacted the officers in charge of the Remand homes. The officers in charge then selected officers according to their ranks and the sections they belonged to (care givers, health, vocations and welfare).

3. 5 Types and Sources of Data

The types of data used for the study were primary and secondary. Primary data for this study were collected from the two categories of respondents (personnel in juvenile justice system and juvenile offenders in custody). The secondary data were collected through

documents including laws related to corrections of juveniles in conflict with the law and mostly social work records. All these sources became vital in the course of this study because they provided the base for assessing and comparing the ideal and real practice of juvenile justice administration in Niger State. Thus, the sources of data comprise personnel working in juvenile justice system and juvenile offenders in custody and documentary records. These sources became vital because they provided a pathway that enabled the study to compare the laws and practice of juvenile justice administration.

3.6 Methods of Data Collection

Quantitative and qualitative methods were used to collect data for this study. Quantitative methods took the form of questionnaires in which responses were summarized into numerical values for statistical analysis. Qualitative methods took the form of seven in depth interviews (IDI), content analysis of documentary records and observation. Each of these methods became necessary because they were used to complement and verify each other in order to achieve convincing results from the study.

(a). Survey

The research instruments used for the survey were questionnaires to obtain primary data directly from respondents comprising personnel in juvenile justice system at various stages of juvenile justice administration and juvenile offenders in custody at different locations of the study. In order to obtain the data, two sets of questionnaire were administered to the personnel administering juvenile justice and juvenile offenders in custody during the study (Appendices A and B). The questionnaires were self-administered to personnel and interviewer/other administered to juvenile offenders in custody. The survey had to be carried out within the shift schedule to which personnel

belong. Thus, the questionnaires were administered on personnel who were or had been posted to juvenile justice sections of the various institutions at the time of the study.

Two sets of questionnaire were used to collect primary data. On the part of the personnel, the interviewer directly interviewed only one person because of his low level of education (primary school leaving certificate). One hundred and twenty-seven (127) questionnaires were however, self administered to personnel in juvenile justice system. Sixty-seven (67) questionnaires were administered to juvenile offenders in custody in the State by the interviewer. The researcher employed direct interview method because there were some juvenile offenders in custody who could neither read nor write. Through this method, the researcher got more and detailed information. The juvenile offenders were mostly on short-term stay therefore, all who were in custody during the period of the study were involved in the study. This also helped tremendously for the juveniles were able to remember and even demonstrate how they were treated at each stage of juvenile justice administration.

(b) In-depth Interview:

The in depth interview (IDI) method of data collection was used on the two categories of selected respondents comprising the personnel in the administration of juvenile justice and juvenile offenders in custody during the study. The interview conducted gave the researcher explicit information on the juvenile offenders' assessment of the treatment they received through the various channels of the (juvenile justice) system. This method helped greatly in complementing the questionnaire which is often 'skinny' in information. For instance, the interviewer was able to achieve a holistic understanding from the point of the interviewee. Twenty-four respondents comprising six (6) police officers, three (3)

court officials, two (2) prison officials, one (1) rehabilitation officer, seven (7) social workers and five (5) juvenile offenders in custody were interviewed. Interview with the personnel in the juvenile justice system, provided much more detailed information on some of the things they do that is not necessarily statutory but considered as necessary while processing juvenile offenders. Through IDI, personnel provided information for objective 2.This method also gave the researcher the opportunity to probe the interviewees for exclusive information. At the end of the in-depth interview, the researcher had gathered ideal and real elaborate information about the processes in the administration of juvenile justice during arrest, pre-trial detention, trial and disposition from this category of respondents. This paved way for the researcher to assess or compare and validate information from observation, from juvenile offenders with that from the personnel (Appendix D). One special feature about IDI is its ability to generate detailed information through probing. This provided the researcher the ability to gain indepth knowledge about the subject matter under study. The IDI is in fact a good method of authenticating information gathered through other methods i.e triangulation of data.

(c) Observation

The act of observation actually started immediately the researcher set out to the Police Headquarters in order to obtain permission to carry out the study. It took a call and a complementary card from a Commissioner in the State before the researcher was allowed in without much scrutiny. While in the reception of the Commissioner of Police waiting to have audience, the researcher was asked to move to another part of the reception because the Commissioner was having an audience with an adult criminal suspect. When the researcher insisted it was all right to wait in the reception. The officer insisted that the researcher moved out to rule out eavesdropping from the interrogation within and avoid

having a glance of the suspect interrogated. The researcher however heard the sounds of fetters and slaps as the suspect was brought out from the Commissioner's office and 'shege dan banza, ka ki ka fadi gaskiya ko?' (Rascal/bastard, why would you not say the truth)?

From the Commissioner's office, the researcher was referred to the office of the Assistant Commissioner of Police (CID), where the researcher did not leave until well after 6.00pm because he had to attend to several cases while he gave instructions for typing out letter of permission to various police units that were to be visited by the researcher. Although he declared interest in the study, he however declined to release documents on records of juvenile cases but insisted that if the researcher had come earlier, the researcher would have seen two juveniles brought from Suleja on allegation of rape. An officer had opined though on the lighter mood that the study would have been on the Police so the Federal Government would pay them attention. This he did in order to draw the researcher's attention to the poorly furnished office the officers were occupying. On few occasions, the researcher had observed how juvenile offenders were handled in Police Stations and mostly in Remand Homes. The researcher did not observe only the police stations but other agencies of juvenile justice administration including courts, prisons and remand homes. Checklists were prepared to guide the researcher's observation. Some of the items of the checklists included the state of the agencies, procedures for processing juvenile offenders by the police, courts during trials and custody in prison or remand homes. Other factors observed were accommodation and furniture, feeding, clothing, general welfare of juvenile offenders in custody, sanitation and health, educational and vocational training of juvenile offenders in custody.

(d) Documentary Method:

The documentary method was utilized in the Social Welfare Offices and the Courts. Statuses guiding operation of juvenile justice, records of juveniles brought in by courts, parents/relations and others were provided by officers. The focus was however on how juvenile offenders were treated on arrival to the correctional facilities (remand homes) to discharge from such facilities. Documents on laws and records guiding arrest, pre-trial detention, trial, disposition and corrections in juvenile justice were content analyzed.

3.7 Techniques of Data Analysis

In this section, techniques that were employed in analyzing the data collected during the study are discussed. Quantitative as well as qualitative data were collected during the study. The quantitative data were collected from the questionnaires administered on personnel in juvenile justice system and juvenile offenders in custody during the study in the State. Qualitative data were generated from observation, documentary sources and IDI. This was possible through the interview of a selected few of the personnel in juvenile justice system, juvenile offenders in custody, non-participant observation and evaluation of documentary records. In view of this, inferential and descriptive analyses were used to analyze data for this study.

(i) Quantitative Analysis

The quantitative data collected during the study were collated, organized and processed for easy analysis through editing. The data collected from the personnel in juvenile justice system and juvenile offenders in custody were first of all edited to ensure adequate coverage and rule out ambiguity. Open-ended questions were coded and values assigned to responses. Coding was done and the data were transformed into numerical and taken to

the computer for computer analysis. The statistical package for social sciences (SPSS 21.0, 2012) was used to obtain statistical print out for frequencies and percentage distributions.

(ii) Qualitative Analysis: Qualitative analysis was employed for the qualitative data gathered through IDI, observation (non-participant) and documentary sources. Consequently, descriptive analysis became essential for better illustrative explanation of findings made in the course of this study. To this regard, data from IDI (recorded on voice recorder and notebooks) were transcribed, edited, re-arranged according to the objectives of the study. The findings were discussed alongside the findings from quantitative analyses.

For observation, a guide comprising checklists was constructed in line with the objectives of the study. Following the checklists, the researcher made observation and notes at different stages/institutions of juvenile justice administration. The notes were then edited and re- arranged based on the objectives of the study for discussion and analysis. Finally, the researcher analyzed the observed events from the various institutions during arrest and pre-trial detention, trial, and disposal in juvenile justice system.

For the analysis of documentary records, the researcher content analyzed distinctive documentary records comprising statutory provisions and guidelines for juvenile justice administration from the point of arrest to disposition. This enabled the researcher to decipher the real from the ideal practice of juvenile justice administration. For comprehensive analyses of data for this study, documentary records/content analysis were

used for objective one, IDI for objective 2 while observation was employed for objective 3. Questionnaire, observation and IDI were employed for objectives 4 and 5.

3.8 Ethical Issues in the Study

The researcher complied and obtained institutional approval through the Department to conduct such a study. Informed consent of participants was equally obtained by informing them about the purpose of the research, expected duration and procedures. Furthermore, they were informed about their right to decline and withdraw from the research once participation has begun. They were informed about foreseeable consequences of declining or withdrawing, any prospective research benefits, limits of confidentiality, incentives for participation, whom to contact for questions about the research and reasonably foreseeable factors that may be expected to influence their willingness to participate such as potential risk, discomfort or adverse effect. In addition, they were assured of privacy and protection against physical and psychological injury/harm in the course of this study. There were letters to that effect (See appendix). Informed consent was also obtained from the participants (personnel in JJS and juvenile offenders in custody during the study). The respondents were briefed about the research and its purpose. They were also assured of confidentiality, anonymity, trust and protection, therefore the need for their cooperation. Furthermore, they were informed of likely discomfort to certain questions and their rights not to respond if so. Therefore, the study did not ask both personnel and juveniles their names nor publish their pictures or any information given privily.

CHAPTER FOUR

ANALYSIS OF THE LAW AND PRACTICE OF JUVENILE JUSTICE IN NIGER STATE

4.1 Introduction

The effectiveness and efficiency of the juvenile justice administration largely depend on the law, personnel and institutions responsible to that effect. This chapter presents the analysis and interpretation of data from fieldwork. Niger State Child Rights Law (NSCRL) (2010) guides juvenile justice administration in Niger State. The CRA/L is a domestication of CRC and AUCRWC. Prior to the introduction of the law, the Children and Young Persons Act (1943) later Children and Young Persons Law (CYPL) (1958) was used to determine juvenile matters. Other laws used are the Constitution of the Federal Republic of Nigeria (CFRN) (1999; 2011), the Penal Code (PC) and Criminal Procedure Code (CPC). The CYPA is a law primarily relating to juvenile justice enacted by the Colonial government in 1943. It was incorporated into Nigeria's Federal Laws applicable to the Northern Region as CYPL in 1958. The PC (1963) and CPC (1963) are the procedural laws regulating all criminal trials including the trial of children (Wahab, 2012). Institutions however involved in the administration of juvenile justice in Niger State include the police, the court, the rehabilitation centre, the prison and the remand homes. Analysis and discussions are based mainly on CYPL and CRA/NSCRL. The Niger State government did not adopt the CRA in its entirety, instead made some adjustment to suit its peculiarities.

4.2 Analysis of the Laws on Juvenile Justice Administration in Niger State

The juvenile justice system in Niger State is part of the general Nigerian criminal justice system. The philosophy of juvenile justice lies on the vulnerability of children and a focus

on rehabilitation and prevention rather than punishment and retribution. In this section, effort is made by content analyzing legislations guiding juvenile justice administration in Niger State in line with the first objective.

Before the enactment of Niger State CRL (2010), the administration of juvenile justice was guided by the CYPL (1958). The law was enacted 'to make provision for the welfare of juvenile and the treatment of young offenders and to prohibit the participation by juveniles in political activities'. In like manner, the NSCRL was enacted to 'provide and protect the right of child in Niger State and other related matters'.

Furthermore, the definition of a child by the CYPL is inconsistent with the provisions of NSCRL. The CYPL defined a child as a person under the age of 14 years and a young person as a person who has reached the age of 14 years but under 17 years. Although, the CYPL has different definitions of who a child is, the most current of all laws guiding the administration of juvenile justice in Nigeria (CRA, 2003) has defined a child as 'a person under the age of eighteen (18) years (Section 277). Thus, the laws are at variance with each other. Lastly, the concept of a child (above 7 but less than 14 years) in CYPL is quite different from the both the CRA/L. These have proved to be areas of conflicting views to the detriment of the administration of juvenile justice in the country.

Although, the concept of 'juvenile' has not been defined specifically in both the local and international instruments dealing with juvenile justice it is however implied from the concepts of 'child' and 'young person' in the basic laws of Nigeria (Section 2, CPA) to be a person under the age of 17 years. Based on some indicators in the law, a juvenile is

referred to as a person under the age of 17 years. Thus, a juvenile in this study, will be that young person that is below the age of 18 years.

In like manner, different parts of Nigeria determine the age of responsibility for juveniles. According to CYPL, Nigeria does not have a jointly nationally defined age of criminal responsibility but has adopted age demarcations under which responsibility may be assigned depending on the offence and the circumstances. However, the Criminal Code Act (Section 30, Cap C38) and the Penal Code (Section 50) provide that a child below the age of 7 years is not criminally responsible for any act or omission. They also provide that a child between the ages of 7 and 12 will not normally be held responsible for his or her actions unless it can be proved that at the time of committing the offence the child had the capacity to know he or she ought not to do so. Contrary to the position of the Penal Code and Criminal Code, the CFRN did not specifically set the age limit of a child. These have proved to be areas of conflicting views to the detriment of the administration of juvenile justice in Niger State.

Although, the Constitution of the Federal Republic of Nigeria does not specify the age of criminal responsibility it is nevertheless implied that only persons of eighteen (18) years should stand public trials (Section 36(4a)). For instance, while some parts of the country will apply the Children and Young Persons Law /Act to establish that a child under seven years does not have criminal responsibility, the parts that practice shariah law will rather advocate 18 years or puberty, as the age of criminal responsibility. Not only that, the age of criminal responsibility under the Islamic law varies depending on the circumstance. For example, in fornication or adultery, the age of criminal responsibility under the Islamic law is fifteen (15) years and further discriminates against girls because they often reach puberty earlier than boys as well as among Muslim and non-Muslim children.

However, although the NSCRL is not specific about age of criminal responsibility, Section 22 (1) provides that *no child under the age of 18 shall be kept in police custody….* In conclusion, the adoption of the CRA by some States in the country in addition to the provisions in the Constitution has laid to rest the issue of responsibility of criminal age. Thus, the CRA, 2003, prevails over all other Acts/Laws for the administration of juvenile justice in Nigeria when it provides that *the provision of this Act supersedes the provisions of enactments relating to children and … other matter pertaining to children already provided for in this Act. Accordingly, where any provisions of this Act is inconsistent with that of any of the enactments specified…, the provision of this Act shall prevail and that other provision shall, to the extent of its inconsistency, be void* (CRA, Section 274 (1a and 2)).

Nevertheless, Section 27of the NSCRL (2010) on the contrary provides that *where there is a conflict involving questions of Islamic personal law with any of the provisions of this law, Islamic personal law shall prevail.*

Until 2003 when the CRA was enacted and adopted by Niger State in 2010, the age ceiling in Niger State juvenile laws was lower than the age standard in the relevant international instruments. The laws guiding the conceptualization of these concepts have turned out to be complicated, vague and ambiguous thereby misleading. Application of guidelines to the concepts has therefore become difficult considering the vast nature of culture in Niger State.

4.2i Arrest

The basis of the juvenile justice system is the correction, reformation, rehabilitation and reintegration of the juvenile offender to the society as a useful citizen. Thus, all the processes of juvenile justice from arrest to disposition of a juvenile offender demand a conduct of restorative justice rather than retributive justice to ensure and safeguard the

best interest of the juvenile. Juvenile offenders are generally arrested in three major ways. These are through direct apprehension, through complaint or through raids. To this end, laws are geared to direct the path of juvenile justice to which Section 204(1) of the CRA (2003) provides that 'no child shall be subjected to the criminal justice process or to criminal sanctions, but a child alleged to have committed an act which would constitute a criminal offence if he were an adult shall be subjected only to the child justice system and processes set out in this Act'.

The CYPL that used to be the governing law for juvenile justice administration in Nigeria does not contain any special provision for effecting arrest of juvenile offenders. These laws are child specific but are somehow vague for lack of their specifications on how arrest of juveniles should be carried out. Furthermore, CRA (2003) in Section 207 (2b) and Niger State CRL Section 50 (2b) provide that 'not only apprehension (arrest) of child offenders shall be handled by a specialized unit of the Force to be known as the Specialized Children Police Unit but also the prevention and control of juvenile crime and the handling of juvenile offenders'.

Section 208 (1) and NSCRL Section 51 (1) also made provision for the use of discretion by personnel involved in the administration of juvenile justice when it states

> *in view of the varying special needs of children and the variety of measures available, a person who makes determination on child offenders shall exercise such discretion, as he deems most appropriate in each case, at all stages of the proceedings and at the different levels of child justice administration, including investigation, prosecution, adjudication and the follow-up of dispositions.*

The Constitution of the Federal Republic of Nigeria (CFRN) (1999, 2011), the Criminal Procedure Act (CPA) and the Criminal Procedure Code (CPC) though not child specific, have made provisions on the mode of arrest which are consistent with international

standard. The CFRN (1999, 2011) in Sections 35(1) describe the circumstances under which a person (including children) may be arrested. Resorting to these statutes therefore becomes necessary because they are consistent with international standard. This is to the effect that arrest must be in 'conformity with the law'. The Criminal Procedure Code (CPC) (Section 26 (a-m) for instance, listed circumstances for arrest but did not specify the manner such arrest would be made. However, Section 3 of gCPA and Section 37 of CPC described how arrest should be carried out when they provided that

> *arrest requires that a police officer actually touches or confines the body of the person to be arrested unless there is a submission to the custody by word or action and that an arrested person is not to be subjected to unnecessary restraint except in certain circumstance.*

Niger State CRL Section 53 (1)(a)(i-ii) on the other hand, have a common law that says

> *Upon the apprehension of a juvenile, his parents or guardian shall be immediately notified of such apprehension, and where such notification is not possible, the parents or guardian shall be notified within the shortest possible time thereafter.*

CRA Section 211 (1a-c; 2) says

(1) *on the apprehension of a child-*
(a) the child, parents or guardian of the child shall-
(i) Be immediately notified or
(ii) where immediate notification is not possible, be notified within the shortest time possible after the apprehension
(b) the Court or Police, as the case may be, shall, without delay, consider the issue of release;
(c) contact between the police and the child shall be managed in such a way as to;
(i) respect the legal status of the child ;
(ii) promote the best interest and well being of the child;
(iii) avoid harm to the child, having due regard to the situation of the child and the circumstances of the case.

(2) In this section-

> *harm' includes the use of harsh language, physical violence, exposure to the environment and any consequential physical, psychological or emotional injury or hurt.*

The Niger State CRL Section 53 (1a-c, 2) has the same provision as above except that sub-section (cii) in the CRA becomes (ciii) in CRL and does not include sub-section (2) that explains the concept of 'harm'.

The Rule deals with fundamental aspects of the procedures and behavior of the police in handling juvenile matters. 'To avoid harm' may be regarded as relative, whether to the juvenile or the police. Involvement in the juvenile justice processes in itself as well as the use of harsh language, physical language, etc, can be harmful to the juveniles. Thus, a better and broader meaning should be given for 'avoid harm' to mean least harm possible as well as undue harm to the juvenile. CRA however interpreted the word 'harm' to mean the use of harsh language, physical violence, exposure to the environment and any consequential physical, psychological or emotional injury or hurt.

The Police Act and the various Criminal Procedure Laws empower the Police to arrest any person including a child who is reasonably suspected of having committed an offence, unless the law creating the offence directs to the contrary (Section 20 Police Act, Cap P19). Therefore, the police may arrest any person who commits an offence in his presence (Section 26 (a) Criminal Procedure Code). Nevertheless, the procedure for influencing an arrest requires that a police officer actually touches or confines the body of the person to be arrested unless there is a submission to the custody by word or action (Section 3 CPA, Section 37 CPC). An arrested person is not to be subjected to unnecessary restraint except in certain circumstances (Section 4 CPA and Section 37 of the CPC). The use of force is only allowed where the offender resists or attempts to evade arrest.

However, a person making an arrest can only use such force as may be reasonably necessary to overcome any force used in resisting arrest. Where a person authorized by law to use force uses excessive force such a person would be summarily liable.

However, exceptions exist where the right of any person inclusive of children, to personal liberty could be violated without infringing on the law. The exceptions are (Section 35 (i) CFRN, 1999) which states that every person may be entitled to his personal liberty and no person shall be deprived of such liberty save in the following cases and in accordance with a procedure permitted by law:

(a) In execution of the sentence or order of a court in respect of a criminal offence of which he has been found guilty;

(b) By reason of his failure to comply with the order of a court or in order to secure the fulfillment of any obligation imposed upon him;

(c) For the purpose of bringing him before a court in execution of the order of a court or upon reasonable suspicion of his having committed a criminal offence, or to such extent as may be reasonably necessary to prevent his committing a criminal offence;

(d) In the case of a person who has not attained the age of eighteen years, for the purpose of his education or welfare;

(e) In the case of persons suffering from infectious or contagious disease, persons addicted to drugs or alcohol or vagrants, for the purpose of their care or treatment or the protection of the community; or

(f) For the purposes of preventing the unlawful entry of any person into Nigeria or of effecting the expulsion, extradition or other lawful removal from Nigeria of any person or the purpose of proceedings relating thereto;

If a person who is charged with an offence and who has been detained in lawful custody awaiting trial shall not continue to be kept in such detention for a period longer than the maximum period of imprisonment prescribed for the offence. This is however contrary to international standard.

From the laws above, it is clear that they are not self explanatory because of their lack of clarity. They have therefore called for different interpretation and application according to one's discretion. There is need to work upon them for better direction. In summary, the laws guiding the arrest of juveniles are vague and largely ambiguous. For example, some laws-CYPA, CRA/L,-though child-specific, did not make specific provisions on how juveniles should be arrested. This is not in favour of the juveniles because the police is left at his discretion (often abused) to make arrest. The CPA, Penal Laws and the CFRN that are not child specific, made provision on how arrest should be conducted. This again is not fair enough for the juveniles, because they could be treated as adults during arrest.

The findings indicate that although, not all the laws made specifications on arrest, there exist laws to protect the rights and conditions of juvenile offenders in juvenile justice system from the time of arrest. In addition, some of these laws are child specific while others are not and do not adequately conform to international standard. Consequently, the rights of children and young persons are not adequately protected by juvenile justice system during arrest in Niger State. It was also found that some of the laws are vague and ambiguous and lack uniformity. Overall, the available laws are mostly child-friendly and favourable to juvenile offenders.

4.2ii Bail

Bail is an important phase in the pre-trial stage of juvenile justice administration. It is a major safeguard provided by procedural law to provide relief or temporary freedom for

offenders whose guilt is not yet established (Ioarhen, (2010). Both the CYPL and CRA/L have made provisions for granting bail for juveniles. The responsibility of granting bails lies with the police and ensure that juveniles are not detained under unserious crimes as provided below.

Generally, once a juvenile offender is taken to police custody upon arrest, the case of bail begins almost immediately. Worthy of note however, is that the power to grant bail to the juvenile offender before trial rests with the Police largely. The Constitution (Section 35 (4-5) CFRN) and the Criminal Procedure Laws (Section 17/18 CPA) made bail provisions that apply to both the adult and juveniles. This is to the effect that,

> *any person arrested by the police or arrested by any other competent person or authority and handed over to the police on suspicion of having committed an offence must be taken to Court by the Police within 24 hours, if there is a court of competent jurisdiction within 40 kilometers of the place where the alleged offence was committed; or within 48 hours or such a longer period as it considered reasonable where there is no court within 40 kilometers of the place of the alleged commission of the offence. Where a capital offence is alleged against a person detained by the Police, the Police may detain the person longer than 24 hours or 48 hours as the case may be.*

Notably too, the provisions of the CYPL listed factors which will guide the police in the exercise of its discretion to grant or withhold bail to a juvenile offender. These include: (i) where the charge is that of homicide or other grave crime; (ii) whether it is necessary in the interest of such person to remove him from association with any reputed criminal or prostitute; (iii) whether the officer has reason to believe that the release of such persons would defeat the ends of justice; (iv) whether by reason of the granting of bail the proper investigation of the offence would be prejudiced and (v) whether there is a serious risk of the accused escaping justice.

Section 3 CYPL provides that

> *a juvenile offender may be released on a recognizance entered into by him or his parents or his 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.

Juveniles accused of homicide, or other grave crime, or pose danger of 'defeating the ends of justice' are not entitled to bail.

The laws above are fair enough to demand the separation of juvenile offenders from adult criminal inmates and classification of juvenile offenders based on their peculiarities. However, defeating the ends of justice is a concept that needs clarification.

The CYPL specifically pronounced that detention should be used sparingly and only as a last resort from the provisions of section 3 which States that

where a person apparently under the age of sixteen years 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 station to which such a 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 such a person to remove him from association of with any reputed criminal or prostitute; or

(c) Unless the officer has reason to believe that the release of such person would defeat the ends of justice,

Release such person on a recognizance being entered into by him or by his parent or guardian with or without sureties, for such an amount at will in the opinion of the officer, secure attendance of such person upon the hearing of the charge.

The provision of the CYPL (Section 3) above listed some yardsticks to guide the police in the exercise of discretion in administering juvenile justice. Again, it is possible that individual police officers will use discretion differently.

Worthy of note is the fact that the CFRN 1999; 2011and the CPC though not child-specific are applied to both adults and juveniles (Sections 35 (4-5); Sections 290 and 304). Thus, Section 35 (4-5) of the Constitution has this

Any person who is arrested or detained in accordance with sub-section (1) (c) of this section shall be brought before a court of law within a reasonable time, and if he is not tried within a period of -

(a) two months from the date of his arrest or detention in the case of a person who is in custody or is not entitled to bail; or

(b) three months from the date of his arrest or detention in the case of a person who has been released on bail,

he shall (without prejudice to any further proceedings that may be brought against him) be released either unconditionally or upon such conditions as are reasonably necessary to ensure that he appears for trial at a later date. Section 35 (5) of the Constitution provides that *in sub-section (4) of this section, the expression 'a reasonable time' means*

(a) in the case of an arrest or detention in any place where there is court of competent jurisdiction within a radius of forty kilometers, a period of one day; and

(b) in any other case, a period of two days or such longer period as in the circumstances may be considered by the court to be reasonable.

By implication, the provisions are such that call for the bail of juvenile offenders within a maximum period of two days after arrest except for the clause '*conditions as are reasonably necessary'.* Conditions as are reasonably necessary call for the use of principle of discretion, which is often abused. Therefore, these provisions may be considered to be just fair to the juvenile offenders.

4.2iii Detention

There are provisions that regulate detention-pending trial of juvenile offenders. It becomes necessary to detain juvenile offenders for the sake of their safety or the safety of

the community. It is also important that juvenile offenders are detained in order to rehabilitate them.

Section 35 (4) of CFRN, 1999, 2011 stated that *any person* (including children) *arrested must be brought before a court of law within a reasonable time.* The Constitution defines reasonable time to mean (a) In the case of an arrest or detention in any place where there is a court of competent jurisdiction within a radius of forty kilometres, a period of one day, and (b) In any other case, a period of two days or such longer period as in the circumstances that may be considered by the court to be reasonable (Section 35 (5) CFRN). In other words, a juvenile offender must not spend more than two days before being taken to court.

This is favourable to the juvenile offenders because when they are alleged to have committed an offence, they must be taken to court within a period of two days although it will depend on the circumstances surrounding them and the offence committed. The CFRN is not child-specific so the provision may not be appropriately applied on them. Section 4 (1) of the CYPL also stated that

> *where a person apparently under the age of sixteen years has been apprehended and is not released in accordance with section 1, the police officer to whom such person is brought shall cause him to be detained in a place of detention provided under this Law until he is brought before a court or unless the police officer certifies-*
>
> *(a) that it is impracticable to do so; or*
>
> *(b) that such person is of unruly or depraved a character that he cannot be safely detained; or*
>
> *(c) that by reason of his state of health or his mental or bodily condition it is inadvisable so to detain such person.*

Section 5 of the CYPL in addition also provides that

> *it shall be the duty of all the police officers and prison officers to make arrangements for preventing, so far as is practicable, a juvenile while in custody from associating with an adult charged with or convicted of an offence.*

The CYPL is child-specific and this provision in particular is in favour of juvenile offenders. The NSCRL which is equally child-specific, provides that detention-pending trial shall, if possible, *be replaced by alternative measures, including close supervision, care and placement with a family or in an educational setting or home* (Section 54). This provision is very much favourable to juvenile offenders.

The likelihood of juvenile getting criminally contaminated by adult criminal inmates cannot be overruled. Therefore, the call for alternative measures is a welcome idea. The idea of rehabilitating juvenile offenders through the activities listed above makes the provision favourable.

The provisions of these laws comply with international standard therefore in favour of the juveniles. The provisions of CYPL, and particularly CRAL point to the fact that certain factors have to be considered before detaining a juvenile offender among which are;

(a) unless it becomes too necessary juveniles should not be put in detention before trial;

(b) juvenile offenders are to be detained in remand homes and classified

(c) juvenile offenders are to be kept away or separate from adult criminals

(d) juveniles have rights and must be protected by providing care, protection and assistance for their education, vocational skill acquisition and health.

4.2iv Trial or Adjudication Stage

This stage brings into focus the role of court in the administration of juvenile justice. Provisions are made for proceedings in special courts known as Juvenile Courts (CYPA,

1943) or Family Courts (CRA, 2003; NSCRL, 2010) to speedily (Section 215 (3) CRA; and fairly (Section 36 (1) CFRN, 1999; 2011; Section 214 (1) CRA, 2003) try juvenile offenders to the best of their interest following due process (Section 55, NSCRL). They are therefore entitled to the rights enshrined in Chapter IV, Sections 33-42 (CFRN, 1999; 2011). It is to this background that the Nigerian juvenile justice has emphasized the use of juvenile courts to hear juvenile and other related cases of juvenile offenders. Thus, Section 204 of CRA (2003); Section 48 of NSCRL (2010) categorically state that

no child shall be subjected to the criminal justice process or to criminal sanctions, but a child alleged to have committed an act which would constitute a criminal offence if he were an adult shall be subjected only to the child justice system and processes set out in the Act. Likewise, section 48 of the NSCRL (2010) has the same provision and insists that the term 'conviction' and 'sentence' shall not be used in relation to a child brought before a court of law (22 (2) NSCRL). One of the cardinal criteria in adjudication in juvenile justice is the determination of the age of the juvenile offender by presenting evidence like birth certificate, oral testimony by parents or relations and medical examination by a medical practitioner in a government medical institution (Section 9 CYPL; Section 243 CPC).

The Juvenile Court according to CYPA Section 6 (1) 'shall be constituted by a Magistrate sitting with other persons appointed by the State for the purpose of the hearing and determination of cases relating to children or young persons'. The objective of the Court is mainly to deal with the welfare of children in need of care and attention and the treatment of children in conflict with the law. Section 32 of the NSCRL provides for the establishment of a court known as Family Court for the purpose of 'hearing and determining matters relating to children. Whereas the Juvenile Court has jurisdiction over all juvenile cases except cases of homicide or in cases where juveniles are charged jointly

with adult offenders, the Family Court at Magistrate or Shariah Court of any grade have jurisdiction to try offences under this law (NSCRL). At this stage, the Officer under whose care a juvenile offender is detained brings the juvenile offender who was not released on bail pending trial to the Court. In addition, the CYPA/L, CRA and NSCRL made provision for procedures for adjudication of juvenile offenders.

Sections 6 (2-3) of the CYPL provides that

> *where a person apparently under the age of sixteen years is being tried by a court no person other than the members and officers of the court and the parties to the case, their solicitors, and other persons directly concerned in the case , shall except by leave of such court, be allowed to attend in such court: Provided that bona fide representatives of a newspaper or news agency shall not be excluded except by special order of the court.*
> *No person shall publish the name, address, school, photograph or anything that is likely to lead to the identification of a child or young persons before a court, save with the permission of such court or in so far as is required by the provisions of this Law.*

Furthermore, Section 8 of CYPL and Section 7 of NSCRL call for representation by legal adviser and parents to provide legal aid as well as moral and psychological support from the parents unless otherwise advised if it will be in the best interest of the juvenile. Furthermore, Rule 16 calls for proper investigation of the background of juvenile offender in order to facilitate judicious adjudication of cases about juvenile matters. This demands the provision and use of social services in courts. Section 9 of the CYPL provided methods of dealing with juvenile charged with offences to include

(a) d*ismissal of charge; or*

(b)discharge the offender upon his entering into a recognizance; or

(c) *proceed under the provision of the Probation of Offenders Law, 1957; or*

(d) *Commit the offender by a mandate to the care of a fit person; or*

(e) *Commit the offender by a mandate to an approved institution; or*

(f) *Order the offender to be whipped; or*

(g) *Proceed under the provisions of section 10; or*

(h) *commit the offender to custody in a place of detention provided under this Law for a period not exceeding six months; or*

(i) *if the offender is a young person, order him to be imprisoned nevertheless subject to the provisions of subsections 2 and 3 of section 11; or*

(j) *deal with the matter in any other manner in which it may legally be dealt with.*

Sections 10 (1-2) and 11 (1-2) of CYPL further grant the Court the power to impose and order parent or guardian to pay fine, damages or costs and to give security for good behavior of the juvenile offender. In addition, if the court is satisfied that they (parent or guardian) have conduced to the commission of the offence by neglecting to exercise due care of the juvenile they will be responsible for the payment of damages or costs without proceeding to find the juvenile guilty of the offence. All these provisions are to treat juvenile offenders with the aim of their reformation, reintegration into family and social rehabilitation. Generally, the provisions from CYPL and NSCRL on the adjudication of a juvenile offender are fair enough except for some provisions made particularly by the CYPL.

The call for a separate court to try juvenile offenders is in line with international standard which is good enough because it provides for the protection of the rights of the juvenile offender. This they do by protecting not only the privacy of the juvenile offenders but also protecting them from the effects of social stigmatization that may arise from public trial. Therefore, the provision is favourable and very good. The call for non-publication of juvenile offenders' identity (Section 9, NSCRL), due process of law (Section 55, NSCRL) counsel representation (Section 7 NSCRL), non-inclusion of public (Section 8, NSCRL) etc, satisfy international standards.

However, some provisions in CYPL (Sections 9 and 10) are either vague or ambiguous or not in conformity with NSCRL. Section 9 (d) leaves one to wonder who a fit person is. Sub-section (f) calls for corporal punishment thereby not respecting the dignity of the juvenile. Sub-section (i) provides for imprisonment of a young person (under the age of 18) and sub-section (j) call for discretion which may be abused by Court officials.

Family courts are established for the purposes of hearing and determining matters relating to children (Sections 149, 162,204, CRA; Section 32 (1) NSCRL). The Family Courts are expected to perform at Magistrate, Shariah and High Court levels with the appointment of judges, magistrates and assessors by the Chief Judge of the various States and the Federal Capital Territory (Sections 152-153, CRA). Magistrates are enjoined to ensure that due process is followed throughout the course of the proceedings. The proceeding is expected to be speedy without unnecessary delay from impossibility of locating or tracing accused children's sureties (mostly parents or guardians) when released on bail; non-appearance of complainant in court on trial dates, settlement of disputes and/or reconciliation of the accused and the victims of the crime.

Family courts have unlimited jurisdiction to hear and determine both civil and criminal proceedings involving or against the interest of the child (Section 151 (1) (a-b)). Section 162 (1) specifically provides that

> *no other court, except the Family Court, shall exercise jurisdiction in any matter relating to children as are specified in this Act.*

The court shall have two levels-High Court and Magistrate Court (Section 150) with Judges of High Court of the State and assessors, who shall be officers not below the rank of Chief Child Development Officers appointed by the Chief Judge of the State (152 (2)). In addition, one of the assessors must be one who has attributes in dealing with children

and matters relating to children preferably in the area of child psychology education (152 (3)). Sub-section (4) provides that the court at this level shall have power to

(a) deal with matters relating to the enforcement of the rights of the child as set out in this Act on the application for redress by a child who alleges that a right has been or is being or is likely to be infringed in respect of him;

(b) *deal with all offences punishable with*

(i) death

(ii) terms of imprisonment for a term of ten years and above.

Family Court at the Magistrate Level shall be made up of Magistrates not below the rank of Chief Magistrate and two assessors one of whom shall be a woman and not below the rank of Senior Child Development Officer knowledgeable in matters relating to children especially in child psychology (Section 153 (2 and 3)). In addition to the guidelines for the protection of the juvenile offender during court proceedings in CYPL, the CRA provided for the professionalization and training of court personnel. Section 154 (1 and 2) provide that

(1) *the personnel of the Court shall be afforded professional education, in-service training, refresher courses and other modes of instruction to promote and enhance the necessary professional competence they require.*

(2) *The contents of the education , training and courses referred to in sub-section (1) of this section shall be such as shall reflect the diversity of the children who come into contact with and the diversity and complexity of matters dealt with by the court.*

In Niger State however, the two levels of the Court are

(a) Magistrate and Sharia Courts and

(b) High Court with appellate jurisdiction 'which have jurisdiction to try offences under this law' (3). The appointment of the members of the court and composition consist of Magistrate and Judge of the Sharia Court appointed by the Chief Judge and Grand Khadi of the State (32 (4)). The court shall be constituted with

(a) A Magistrate; or Judge of the Sharia Courts; and

(b) Two assessors as members one of whom shall be a woman and the other person who has attributes of dealing with children preferably in the area of child psychology education.

Sub-section 5 of Section 32 says the High Court shall be involved only with 'appellate and supervisory jurisdiction on cases from the original jurisdiction' and three Judges of the High Court with two assessors one of whom must be a Chief Development Officer who has attributes of dealing with children and matters relating to with children preferably in the area of child psychology education from the Ministry (6 a-bi-ii)). Furthermore, NSCRL in Section 35 (20) has added that

> *The provision of any written Law relating to the practice and procedure in Magistrate, Sharia court or High Courts as the case may be, not inconsistent in the court shall apply to the Family Court.* Finally, Section 27 of the same Law provides that
> *Where there is a conflict involving questions of Islamic personal law with any of the provisions of this Law, Islamic personal law shall prevail.*

Both the Juvenile and Family Courts have common characteristics. The constitutions of the courts are good and in favour of the juvenile offenders and in line with most international standards. However, the NSCRL has some provisions that have posed a puzzle like the one in Section 27 where Islamic law is to prevail where there is conflict with the provisions of this law. The CYPL was applied in the administration of juvenile justice purely on English Common law. This is because the State adopted Islamic Sharia

law although not successfully implemented. Generally, the laws are child friendly and favourable.

4.2v Disposition/Corrections

The disposition of the offender is guided by factors that will contribute to his treatment and reintegration into the society. There are two types of disposition measures- institutional (custodial) and non-institutional (non-custodial). Several Nigerian and international provisions have been made to guide Magistrates and Judges on disposition measures to be meted on juvenile offenders. Disposition is the Juvenile Court equivalent of sentencing in Criminal Court (Bohm and Haley, 1999, 2002). At the disposition hearing, the court makes its final determination of what to do with the juvenile offenders. If the court finds the juvenile guilty of the offence then the court shall obtain background information also known as pre-sentence investigation or pre-disposition report (Bohm and Haley, 2002) on the juvenile to enable it (the Court) to decide on the best way to deal with the juvenile

Sections 9 of CYPL and 223 of CRA spelt out methods of dealing with child offender to include

(a) Dismissing the charge; or

(b) Discharging the child offender on his entering into recognizance; or

(c) Placing the child under the care order, guidance order and supervision order including-

(I) Discharging the child and placing him under the supervision of a supervision officer; or

(II) Committing the child offender by means of a corrective order to the care of a guardian and supervision of a relative or any other fit person; or

(III) Sending the child offender by means of a corrective order to an approved accommodation or approved institution; or

(d) Ordering the child offender to-

(i) Participate in group counseling and similar activities

(ii) Give security of his good behavior; or

(iii) Undertake community service under supervision; or

(e) Ordering the parent or guardian of the child offender to-

(i) Pay a fine, damages, compensation or costs; or

(ii) Give security of his good behavior; or

(iii) Enter into a recognizance to take proper care of him and exercise proper control over him; or

(f) Committing the child offender to custody in place of detention provided under this Act; or

(g) Making a hospital order or an order prescribing some other form of intermediate treatment; or

(h) Making an order concerning foster care, guardianship, living in a community or other educational setting; or

(i) Dealing with the case in any other manner in which it may be legally dealt with under this Act.

(2) The placement of a child in an approved accommodation or Government institution shall-

(a) Be a disposition of last resort; and

(b) Not be ordered unless there is no other way of dealing with the child, and the Court shall State, in writing, the reason or reasons for making the order.

(3) Where an order under the section is made by the Court, the order, for the purpose of –

(a) Reverting or restoring stolen property; and

(b) Enabling the Court to make orders as to the restitution or delivery of property to the owner and as to the payment of money upon or in connection with the restitution or delivery

(c) A court shall not make an institutional order in respect of a child offender unless it is satisfied there is a vacancy in the approved institution to which it intends to commit the child.

(4) An approved institution may refuse to accept or admit a child when there is no vacancy in the institution for the child not withstanding an order of a court committing the child to the institution.

The NSCRL however does not clearly have the above provisions. The provisions above clearly give a clue to the two types of disposition (custodial and non-custodial) measures employed in the administration of juvenile justice.

4.2vi Institutional (Custodial) Disposition

Institutional disposal is a method of treating juvenile offenders in a confined environment in order to keep them away from getting further contact to the source of offence or crime committal. It is also a method used to protect the juvenile offenders from the community and the community from juvenile offenders. Correctional institutions hold a variety of juvenile offenders including those who are status offenders as well as those who have committed serious and violent offences against others. Either the State or Federal government runs these institutions. In addition, the institutions host juvenile offenders for short and long period for juveniles awaiting adjudication or disposition. Furthermore, they offer vocational and educational training and counseling services. In spite of the laudable programs of juvenile correctional institutions, there are problems that have plagued them for time past. These include abuse and inhumane treatment, overcrowding, inadequate living space, security practices that resulted to injuries to and escapes of residents (juvenile offenders) and inadequate health care.

The objective of institutional method of treatment of a child offender according to Sections 236 (1) of CRA, (2003) and 54 (2) of NSCRL is 'to provide care, protection, education and vocational skill with a view to assisting the child to assume socially constructive and productive roles in the society'. Furthermore, Sections 222 (1 and 2) of the CRA and 14 of the CYPL provide that child offenders could be held in custody in case of certain crimes by saying

> *Notwithstanding anything in this Act to the contrary, where a child is found to have attempted to commit treason, murder, robbery or manslaughter or wounded another person with the intent to do grievous harm, the Court may order the child to be detained for such a period as may be specified in the order. Where an order is made under sub-section (1) of this section, the child shall, during that period, notwithstanding anything in the other provisions of this Act, be liable to be detained in*

such place and on such conditions as the Court may direct, and the child whilst so detained shall be deemed to be in legal custody.

The methods of dealing with juvenile offenders earlier mentioned can be seen to have suggested institutional treatment. Such provisions are noted in Section 223 (1 ciii; f) of CRA, 2003. All laws on juveniles have emphasized the need for persons concerned with the administration of juvenile justice to employ this method only as a last resort (Section 223 (2)). The laws, have provided safeguard that ensure full rehabilitation and re-integration of the juveniles offender after his release from custody. The rules have also provided that, all juveniles should receive social, educational, vocational, psychological, medical and physical assistance (Section 236 (1 and 2), CRA). The CRA in Sections 227 and 234 provide that *A child in respect to whom a corrective order is made, shall be provided, where appropriate, with necessary assistance, including accommodation, education or vocational training, employment and any other helpful and practical assistance during the period the order is in force.* They should be kept separate from adults (CYPL). In addition, female offenders should receive special attention as to their personal needs and problems (sub-section 3(a-c) of Section 236 of the CRA). Parents and guardians have rights to access to the child in the interest and well-being of the child Section 236 (4). Section 237 of the Child Rights Act encourages the Court on the use of conditional release from an institution to the greatest possible extent and at the earliest possible time.

4.2vii Institutional Facilities in Juvenile Justice Administration

Although the CRA came up with seven institutions, there are four main types of institutions for the detention and treatment of juvenile offenders in Nigeria today. These are,

a. Approved Schools

b. Remand Homes

c. Borstal Institutions, and

d. Prison

The CRA (Section 249) in its provision increased the number of these institutions to seven with an additional special institution (special mothers center) meant for the detention of expectant or nursing mothers.

The new institutions are broadly divided into two (2) and are as follows;

i. Children Attendance Centre

ii. Children Centre

iii. Children Residential Centre

iv. Children Correctional Center

v. Special Children Correctional Centre

vi. Such other institutions as the Minister may, from time to time establish

vii. Emergency Protection Centre

viii. Special Mothers' Centre

4.2vii.i Approved Schools

A court may issue a correction order for the committal of a juvenile offender to an approved school. Juveniles committed to the schools are broadly grouped as follows;

i. The care and protection cases

ii. Children beyond control

iii. Children who have committed various offences ranging from petty theft to offences that are more serious.

A mandate prepared by the court in triplicate is prepared for committal of juvenile offenders to approved school (Section 15) of the CYPL. If the mandate is disallowed, the juvenile to whom it relates shall be brought again to the court to be considered under the provisions of Section 9 or 27 depending on what the Court feels proper (Section 16). Approved Schools are meant for juvenile offenders below the age of 18 years. Juveniles sent to an approved school, go with the probation officers report which provides a working background for the staff. Juvenile offenders undergo aptitude tests and interview, the results of which provide information that help in deciding treatment and training to be employed for him.

Approved Schools provide educational and vocational opportunities equivalent to what the children would have received were they out in their homes. This is in conformity with international standards. In the school, facilities for physical training and games with opportunities to meet and compete with outside organizations are provided. In addition to educational skills, juvenile offenders in approved schools are introduced to farming methods for gainful employment. Extracurricular activities and religious training and instructions are available. The officer in charge of the institution has authority to grant home leave to juvenile offenders on application.

4.2vii.ii Remand Homes (Centres)

According to Section 3 (1) (a) Borstal institutions and Remand Center Act, a Remand Center is a place of detention for juvenile not less than 16 but under 21 years awaiting trial as well as for the detention of a convicted juvenile.

Similarly, the court can cause a juvenile standing trial and not released on bail to be detained in a Remand Home.

Generally, Remand Homes are intended to serve as observatories where juveniles may be detained and observed while an inquiry is being conducted to assist the court in reaching a decision. Consequently, they are supposed to have facilities for reasonable occupation and recreation, although there is no legal requirement for the provision of education or vocational training, since their residents are supposed to be in transit. However, considering the inordinate delays that attend investigations and trial in Nigeria's justice system, it is important to gainfully engage children on remand while they await a final decision about their fate.

4.2vii.iii Prison

Generally, juvenile offenders are not to be committed to prison unless the charge is of a grave nature or where the person is of such character that he cannot be safely detained elsewhere. Under no circumstance should a child be ordered to be imprisoned. Even a young person should not be ordered to be imprisoned if the court is of the opinion that he can suitably be dealt with in some other non-institutional way. Moreover, if imprisoned, the young person "shall not be allowed so far as is practicable to associate with adult criminals'. It further states that the number of juveniles detained either in open or close facilities should be as small as possible and small enough to enable individualized

treatment and integration into the social, economic and cultural environment of the community.

Under the Borstal Act, a juvenile detained in Borstal Institution can be transferred to a prison if the Director of Prisons reports to the Minister that the juvenile is incorrigible or is exercising a bad influence on the other inmates of the institution.

4.2viii Non-Institutional Disposition Methods in the Administration of Juvenile Justice

The laws gives considered latitude and even encourage the judge to apply non-custodial ways of dealing with a juvenile found guilty of an offence. This therefore, conveniently brings in other methods not specifically mentioned by the Children and Young Persons Law but CRA. Methods such as community service, restitution, order to participate in group counseling and similar activities are applied. Others are suspended sentence and binding order (Sections 232 (1c-e CRA; 54 (1-2) NSCRL).

4.2viii.i Probation

Community-based correctional programmes, including probation are intended to control the offenders and provide sanctions for their behavior. In addition, the programmes allow juvenile offenders to maintain ties with the community by helping them to restore them back to society. The programmes not only save them from stigmatization of institutional placement but also provide a cost-effective response to juvenile offenders and reduce the likelihood of recidivism. Section 7 of CYPL describes probation as a substitute in the disposition of juvenile offenders governed by the Probation of Offenders Law. It is applied to a convicted person where the court is of the opinion that, having regard to the nature of the offence and the character of the offender, it is expedient to keep him under

the supervision of a Probation Officer for a period not less than twelve months and not more than three years. The Court may order the offender to comply with certain requirement that will secure his good conduct or to prevent him from committing similar or other offence. Through probation, overcrowding is eased, probationers (juvenile offenders) are allowed to participate in counseling, education, and vocational programmes without endangering public safety. In addition, the probationers live in a more natural environment while they are being supervised and allows better assessment by court officials after the probationers leave the probation programme.

However, in making probation order, no monetary bonds are required. Where the juvenile under probation is female, the probation officer must be a woman.

The effect of non-compliance with probation requirement or commission of similar or other offence by the juvenile probationer under probation is that, he will be liable to sentence for the original offence. Thus, it will be understood that, though a juvenile under probation is put under supervision of a Probation Officer, its success depends on the cooperation of the juvenile probationer (offender).

4.2viii.ii Payment of Fines and Restitution

The CYPL, CRA and NSCRL (Section 32 (22)) provide that a Juvenile or Family Court may order parent or guardians of a child or young person to pay or make restitution for damages in respect of an offence committed by the juvenile where the juvenile is found guilty of an offence for which a fine, damage or costs may be imposed and the court feels that the imposition of any such section is the most appropriate punishment, whether with or without any other one.

4.2viii.iii Corporal Punishment (Caning/Flogging)

Caning, flogging or otherwise known as whipping is provided as another method of non-custodial disposition of juvenile offenders by the CYPL. However, Beijing Rules and the Child Right Act have frowned against it because it does not respect the dignity of the child offender. Flogging which is the administration of strokes of cane on juvenile offender is exercised to instill fear in the juvenile, and to act as deterrence as well as to inflict pain on him to make him realize the consequences of his actions.

4.2viii.iv Restitution

Restitution refers to the money paid or services provided by the juvenile offender to victims, their survivors or to community to make up for the injury inflicted. The act is meant to compensate for damages to properties or for physical injuries and the major aim of restitution is to hold the juvenile offender accountable for their offences (Bohm and Haley, 1999, 2002). The major types of restitution are monetary, victim and community service restitutions. Nevertheless, they are not without problems like low compliance rates, high rates of recidivism and poor management.

4.2viii.v Other Methods

(i) Dismissing the charge against the juvenile

(ii) Discharging the juvenile offender upon his entering in to a recognizance

(iii) Committing the offender by a mandate to the care of a fit person.

(iv) Deal with the matter in any other manner in which it may be legally dealt with.

(v) Nevertheless, in spite of the disposition method employed, the CRA, (2003) has called for the mobilization of Voluntary and Non-Governmental Organizations,

(vi) Agencies and Individuals to contribute effectively to the rehabilitation and development programmes for child offenders (Section, 235).

Sections 11-14 of CYPL lay emphasis on the punishment of children and young persons. Section 11(1) prohibits the imprisonment of a child, but Section 11(2) provides that a young person shall be imprisoned only if he cannot be suitably dealt with in any other way including probation, fine, corporal punishment, committal to a place of detention or to an approved institution or otherwise. Section 11(3) states that where there is imprisonment, young offenders will not be associated with adult prisoners. However, although Section 11(1) prohibits imprisonment of a child (offender), Section 11(2) allows it, though sparingly and only when other forms of non-custodial punishment or correctional orders are not feasible. Section 12 prohibits the pronouncement of death sentence against a juvenile below the age of 17 years although he may be committed to custody 'at the pleasure of head of State.'

The CYPL is more punitive and insists on custody rather than any alternative measures. Thus, it is not child-friendly and does not meet up with international standards. The NSCRL, which is the most current guidelines strongly advocates for alternative measures rather than deprivation of liberty, corporal and capital punishments.

In conclusion, the Niger State juvenile justice system is found to be made up of a legal framework that comprises several instruments (the CFRN, CPC, PC, CYPL and NSCRL).

The laws however, differ in the definition of the child, the minimum age of responsibility and the eligibility of juvenile offenders for capital punishment, corporal punishment and life imprisonment.

The definition of a child given by CYPL and NSCRL is also different and whereas CYPL advocated for corporal punishment, the NSCRL is vague because of its insistence of

prevailing power of Islamic law over any other law. Thus in Shari'ah Law practicing States special laws override juvenile justice protections (Section 27, Niger State CRL, 2010) which pose children above 16 years or at puberty at the risk of facing stringent laws of life imprisonment, corporal punishment and death penalty.

In addition, apart from removing the child from the exigencies of the criminal justice system, the NSCRL provided for the establishment of family court (to take care of cases that involve other family members) at the Magistrate and High Court levels (Sections 149 and 150 CRA; 48, NSCRL) instead of the juvenile court enshrined in the CYPL. At a wider glance, the NSCRL in content and principles has mostly met up with international standards. Nevertheless, the NSCRL is still bedeviled with lack or inadequate machineries and structures for its implementation. This development puts to question the sincerity of government. It would appear that the commitment of the government towards the protection and promotion of the rights of the child merely stops at enacting the law either to satisfy international obligations for the sake of it or political gains. In conclusion, it is paramount to know that the laws have their peculiarities. The CYPL was enacted by foreigners even before Independence. Only CYPL and NSCRL are child-specific while the CFRN, CPC, PC and Police Act are not. Some of the laws are also vague and ambiguous thereby calling for reform. Generally, the non-inclusion of certain child's right act into the constitution of the federal republic has impeded on the growth of an effective juvenile administration in Niger State.

4.3 Process and Practice of Juvenile Justice Administration in Niger State

The second objective of the study is to analyze the processing and practice of juvenile justice administration in Niger State. Therefore, in this section, attempt is made to evaluate the practice of juvenile justice from arrest to committal/disposition. The role of

the police, the court, the prison, the rehabilitation centre and remand homes is examined at various stages (ranging from arrest to disposition) of juvenile justice.

The Children and Young Persons Law, until recently, is the major piece of legislation dealing with matters affecting children and young persons in Nigeria with the purpose of making provision for the welfare of the young and the treatment of young offenders and for the establishment of juvenile courts (CYPL, 1958). The Law deals with children in conflict with the law, children in need of care and protection and children beyond parental control.

4.3.i Arrest

There are no specific provisions made by the CYPL on how to arrest juvenile offenders. Except that NSCRL provided not only for the use of 'discretion at all stages of the proceedings and at all levels of child justice administration' (Section 51(1)), but also provided for the apprehension of juvenile offenders to Specialized Children Police Unit (Section 50 (1; 2(b)). Instead, the CFRN (1999, 2011) in Section 35(1) provides that a person (including children) may be arrested in 'conformity with the law'. The Criminal Procedure Code (CPC) (Section 26 (a-m) for instance, listed circumstances for arrest but did not specify the manner such arrest would be made. However, Section 3 of CPC and Section 37 of PC described how arrest should be carried out when they provided that

> *arrest requires that a police officer actually touches or confines the body of the person to be arrested unless there is a submission to the custody by word or action and that an arrested person is not to be subjected to unnecessary restraint except in certain circumstance.*

An examination of records indicates that the Police in the study locations arrested 30% (20) of the juvenile offenders in custody. Although more arrests were made than represented, some of the arrested juvenile offenders were granted bail, had their cases

dismissed or settled at the Station. It was discovered that though such units exist at the various police stations visited, officers in charge did not necessarily have specialized training or handled all juvenile cases. In addition, it was found that arrests were often reported to the police.

Furthermore, when asked how the police arrest juvenile offenders, an Assistant Superintendent of Police (ASP), also a DPO said,

> *It is very simple now. It is sometimes when they are in the act of committing the offence or when they are reported to us we go to arrest them or sometimes they are brought to us here in the station. If it is a minor case, the juvenile might be warned in the presence of his parents to stay away from bad behavior or we ask him to apologize to the victim or even ask parents to pay for damages and charge the parents for his good behavior henceforth. However, for capital offences like armed robbery, rape, murder or homicide, the juvenile has to be detained for investigation to go on. Usually we don't keep them for more than 24 hours except in rare cases.*

During interview, 42.3% (11) police officers averred that no force is used when they go to arrest juveniles while 12% (3) police officers claimed force is used because of how dangerous some children could be. However, 46.1% (12) said the use of force depended on the circumstances surrounding the juvenile offenders. On inquiry, three police officers agree that no force is normally used to arrest a juvenile delinquent (offender). On the contrary, juvenile offenders are usually helped or assisted. Nevertheless, there are instances where arrest has to be made. In this regard, a Divisional Police Officer (DPO) said,

> *You see the issue of juvenile delinquency is a delicate matter. The nature of arrest depends on the nature of the offence committed by the juveniles. If it is not a capital offence, there is no problem but where they commit serious crimes like murder, or homicide then you have to prepare your men in case of any resistance.*

Another officer discussed how a group of juveniles who had stolen a huge sum of money and therefore had to be arrested said,

> *There was a report of theft where one of the thieves forgot his cap at the site of the operation which was traced to one of them who later mentioned other members of the gang. They were picked (arrested) by our men. Although they (Police Officers who made the arrest) were wearing uniform, they did not use handcuffs.*

In agreement with this observation, a Superintendent of Police said,

> *Handcuffs, no, no, no. How can we use handcuffs on juveniles? There is no need for handcuff. After all, for example, the oldest of all in that group you have been told about was 11years that you can carry without any effort. They cannot run away.*

However, another Police officer who did not agree with the last officer's opinion said,

> *look, it is not good to underrate these delinquents. If they are not bad boys, why should they do bad things? Can you imagine a child of less than 13 years conniving to throw a baby into a well? What do you have to say?*

While another one said,

> *well, it is not always that we (Police) use force. In fact, it is not advisable to apply force on juveniles but sometimes they want to run, or somebody who has committed murder cannot be treated the same way with someone who does not stay at home or stole NGN10,000 from home.*

An officer in charge with no specialized training in an interview said,

> *We take up cases of missing and found children or abandoned children like newborn babies. We prepare reports based on the statements made by the people that bring them before we take them to appropriate place like hospital or social welfare office for keep. For children that got missing because of parents'carelesness, we will make sure we warn or even punish the parents before releasing the child to them.*

Regarding children who are arrested and brought to the station because they committed offence, the officer retorted,

> *You dey call that one child? Those children are criminals. They are adults. If they are children, they cannot think of rape or plan and kill somebody. The CID Department attends to them. They do not bring them here but the Oga in charge will decide what to do with them.*

The above narrative clearly indicates that it is not in all cases of the violation of the law that force is used to arrest juvenile offenders. Generally, in minor cases, use of

force is clearly absent. Nevertheless, it is possible that force or some other ill-treatment are meted out on juvenile offenders based on the last comments. In addition, in more serious cases, the arresting Police Officer can use his/her discretion to apply force especially if 'the juvenile offender wants to run away or if he commits murder case' in the process of arrest. Thus, in very serious cases of violation of the law, force is often used to arrest the suspected juvenile offenders.

4.3.ii Pre-trial Detention

Sections 22 (1) and 54 (1) of NSCRL (2010) provide that juvenile offenders should not be kept in police custody except if jointly charged with adult and to be kept separately. In addition, detention be replaced by alternative measures…. A number of key informants were interviewed and findings show that in some of the cases juvenile offenders were unusually detained beyond the maximum 24 hours allowed by the law except in some exceptional circumstances such as the seriousness of the alleged offence. For example, the response of a Police Officer has this to say,

> *They are children and we don't keep them for more than 24 hours only in rare cases. For example, if the offence is capital offence and that is very understandable. Juveniles are given bail with the exception of those who committed capital offences because they are not considered for bail. Therefore, they can be detained for as long as investigations are going on before they can be taken to court.*

Another police officer said,

> T*hese children are sometimes kept in custody for more than 24 hours because some of them do not want to speak the truth immediately. Sometimes it is good for them because if a child that committed serious offence like fighting that caused harm to the victim, you know it is possible that members of the family of the victim will want to revenge if they see him around. Therefore, for his own safety, he can be kept for more than 24 hours. There are many reasons that make children to stay in custody for more than 24 hours. Even when their parents do not come to bail them, we cannot just release them like that.*

However, most inmates in the Remand Homes studied expressed a contrary opinion. Many of them claimed that they had been detained in Police custody for between four days and three weeks. Hear one of the juvenile offenders in custody.

> *One day while in the bush with our cattle grazing, my friend and I were playing with our staffs (sticks), my friend hit me with his staff and I retaliated. He fell down and did not get up. He was taken to the hospital. I do not know what happened. The Police came to our settlement and picked my father and me. I spent like eight (8) days in Police custody before I was allowed to follow my father home. My father was told to produce me any time when called upon. After a while my father took me to the Police and spent some days, after then they took me to Court. My father then left me in the hands of the Police. I was asked my age. It was then a Warder brought me to this place* (remand home).

A juvenile offender in custody who was taken to the police by his Nigeria Civil Defense Corp mother for his involvement in burglary with two others has this to say on his detention.

> *My mother was the one that took me to the police station when the owner (victim) came to tell her that the suspects were my friends. In the police station, they asked me if I knew the two boys and where I was when the act was committed. When I told them we were together, they asked me about their places of residence. That time the boys were not found so I was told to say the truth. I said what I told them was the truth. They said I would not go home until I told them where my friends were. My mother did not come the second day after she left me there. It was like five days after that they (police) brought my friends. On Monday, they took us to court. My mother was there.*

One of the boys who was brought earlier than the second partner was, has this to say.

> *It was on Wednesday night that the police took me to the station. I used to come back to the house in the night because I knew that since I didn't see our friend may be somebody has reported to the police and they would arrest us. Therefore I used to leave the house very early and come back late in the night. While I was taken to the station I still did not see any of my friends until Monday morning. Then they took us to court before bringing us to this place* (remand home).

The third boy however has this to say

> *It was my brother that brought me to the station because he said police had come to ask about me and threatened to lock him or our father if they did not bring me to the station. My brother left me with the police since that day* (Thursday) *in the afternoon till Monday when they took us to the court from where we were brought to this place* (remand home).

Another juvenile in custody, whose case was that of missing parts of a truck engine said from the day he was arrested from his master's workshop, he never regained freedom because he could not afford NGN5,000 he was asked to pay (for bail and compensation) and did not know if his people were contacted. He said,

> *One day a man brought an item for repair in my Master's workshop. I and the other boys were around when the man came. He came for it after some days and my Master had not repaired it then. He was annoyed with my Master and said he wanted to take it away from my Master's workshop to another place. It was in that process he said he had discovered a part of the engine was missing. He insisted that part must be replaced. He left and came back the following day. The missing part was not there. My Master asked us if we removed it and we said no. The man left and after sometime, he came back with Police. The Police asked my Master and three of us (under his apprenticeship) to follow him to the (Police) Station. The Police asked us if we took the missing parts of the engine and I said no. they asked me if I knew the owner of the engine and whether I was in the shop when the engine was brought and I said yes. The other two boys were asked the same question and they too said they did not know how the parts disappeared. After some time, that same day, my Master left us behind at the Police Station. The police asked each one of us to pay NGN5000. After two days, I did not see the other two boys. It is from there (police Station) that I was taken to court.*

Their narratives are clear indications of juvenile offenders put in detention for more than 24 hours stipulated by laws guiding the administration of juvenile justice.

Another issue that came up very clearly in the study is the fact that the juvenile offenders are usually kept in cells together with adults as testified by one of the juvenile offenders in custody. He said,

> *when I was brought to the station in the late afternoon, I was taken to one office where I was asked questions. After then, I was put in a cell with two big people. They did not do anything to me but I was afraid.*

Even then, the parents of many of them are not told of the whereabouts of their children/wards that are being detained. To this, a police officer has this to say

> *the problem is even when you want to release a juvenile who committed a minor offence, you warn him not to repeat that offence but you ask him where his parents are, he will tell you his parents are not in the town. He*

> *will also tell you he does not know or have their number. This happens regularly when the juvenile does not have formal education. So what do you do? Moreover, the Police will tell you there is no money to transport him to his place. Therefore, we will take him to Social welfare office.*

Juvenile offenders in custody stated that their arrest involved the use of threat or physical force and various forms of pressure to admit to the offense they were charged with while in detention. They were also deprived of meals at various times. For example, 7.4% representing five juveniles claimed they were either punished or refused meals at certain times. One juvenile offender said

> *when the police brought me to their station, I was not put in the cell and I was not given food may be because it was evening. The following day, not very early, that is when food was brought. Although I was hungry, I was afraid so I did not eat well.*

Furthermore, threats, flogging and frog jump were mentioned as means of brutality and torture while in detention in Nigerian Police cells. 3% of the juvenile offenders in custody during interview claimed they were subjected to torture and brutality when they were arrested and detained in police custody for more than two days. One of the juvenile offenders said,

> *although we were in their (police) hands for more than two days, those two days were bad because they said we should tell them who killed the owner of the machine if we were not the ones. We were flogged and asked to do frog jump. Sometimes they asked us to kneel down in the sun. It is after then that they took us to the court and we were brought to this place (remand home).*

To this, a police officer said, their claim could not be as serious as they will want the world to believe. He said;

> *yes now, imagine the crime. It is armed robbery. Not only that, there is murder. Will you just leave them like that? You have to find out the truth. Yes, you can threaten them to get the truth. It is nothing serious. Remember, they* (juveniles) *are fragile.*

The finding reveal that Nigerian children are subjected to all forms of abuse and cruel inhuman or degrading treatment and punishment including detention pending trial in police custody rather than the Remand Homes.

Lastly, in the course of this study, the researcher observed that even though there were only three Remand Homes in Niger State, they were not over populated because one of them had a population of thirteen (13) inmates only. The researcher will rather opine that these facilities (Remand Homes) are under-utilized. These homes are much more child-friendly than the police stations.

4.3.iii Bail

Sections 35 (4, 5) CFRN, (1999; 2011), 4 (1,) and 5 CYPL, 1958 and 17 and 18 of CPC (1963) made provisions for bail to offenders including children. These provisions demand that juveniles be released if they cannot be taken to court immediately after arrest. In the course of this study, through visit to some police stations, it was found that a large number of children in police custody are not granted bail. Because sureties are not provided or the alleged offence is rampant in the area or suspect may jump bail, or because juvenile offender may interfere with investigations they are unduly left in detention. Other reasons given for denial of bail are the juvenile offender is already in Remand Home or relations' insistence, or no bail request, inability to meet bail conditions or offence not bailable. Some juveniles had confessed that their parents did not know where they were because they did not have their phone numbers or were no longer alive or were no longer living in the last residence they left home. Discretion often comes to play at the stage to which it is often abused to deny bail.

Monetary bonds beyond parental means are often required to guarantee a child's release just like an adult. As a result, children on the street and those from disadvantaged families

or even those whose parents are not located and therefore not contacted, fall victims of pre-trial detention. They fall victims sometimes not because of the severity of the offence they committed but because their parents cannot be located, or cannot afford to pay for their release or have been deemed as unfit by the courts. To corroborate this, the researcher came across some juvenile inmates who were granted bail but still in the Remand Home custody because the parents could not afford to raise money (NGN1,000.00) not only for the bail of their son but also transport fare from Republic of Ni`ger to Nigeria. According to them, the financial burden would be too much; instead, the child should remain until anytime the court gave a final verdict. On further inquiry, one of the members of staff of the Home confirmed the story about a juvenile offender in custody and said:

> *You see we too are worried about the boy, if not, even me I could have paid for him….ah..ah.. you know these court people, they can come and ask for him. If you pay for am and tell am say make him go and court come say produce am, wahala go come ooo. Because me wey sign na me dem go carry! Where I go get money go Niger and Ministry go talk say no be that dem send me do. They go talk say 'ba ruwan mu'. They will collect my job and say make I go face court. You see ba Ma, we don't joke with these boys, especially those from the court.*

Another staff interjected and said;

> *let me tell you what I experienced with this court palava. One boy was brought to us here from the court in Suleja. So one day in the morning I came around, the boy don disappear. I asked the other boys, dem say dey no know anything. We look for am we no see am. So I go to that Court go report wetin happen. The judge tell me say for not doing my job well him go lock me. I come think of lie. I tell am say it was in the night that the boy come escape. He said I should go and bring the Mai guard because he must know how the boy come escape. I come do do so that he go pardon us he no gree. (laughter). You know wetin I do, I come change to language, I come speak Nupe for am then he told me that I should go but next time I come with case like that he will lock me. Not long another boy from that court do similar thing. The office say I should go I no gree oo, na another staff come go. So that is why we treat them with iron hand. There is one boy that run like that, this one run while they were going to bring breakfast. Ma, come and see run dat day because when iwas going after him I remember say I never lock the remaining boys, I came back,*

> *locked them and started running after him with other staff. We ask people to help us chase the boy and if they asked, we say na thief because if we tell them the truth they will blame us and report to the ministry. After we catch am, we discipline him well well.*

It is also a common sight, to see juvenile-offenders subjected to pre-trial detention in closed facilities (to preserve their evidence). They are left to languish for months or even years waiting for their cases to be completed due to delays in the juvenile criminal justice system and the failure of police, prosecutors and judges to prioritize cases involving children. An inmate in the Remand home affirmed that he was in Police custody for more than one month without bail. In his remarks he said,

> *One day while in the bush with our cattle grazing, my friend and I were playing with our staffs (sticks), my friend hit me with his staff and I retaliated. He fell down and did not get up. He was taken to the hospital. I do not know what happened. (The researcher was told that the victim died). The Police came to our settlement and picked my father and me. I spent like eight (8) days in Police custody before I was allowed to follow my father home. My father was told to bring me any time when called upon. After awhile my father took me to the Police and spent some days, after then they took me to Court. My father then left me in the hands of the Police. I was asked my age. It was then a Warder brought me to this Home (Remand home). I do not know whether the police discussed bail with my father before taking me to Court.*

He was told that Warder might come for him any time because he was told that he was going to appear in Court again. The provision for bail is discreetly applied and therefore juveniles are denied bail.

4.3.iv Trial (Adjudication)

The CYPL and CRA/L called for the establishment of Juvenile and Family Courts, speedy trial, fair hearing, prohibition of negative words and best interest of the child in the administration of juvenile justice. The trial stage brings to light the functions of Court in the juvenile justice administration. During trial, the laws state that juvenile offenders

shall have their cases heard in a summary (informal procedure) court constituted by a magistrate for the purpose of hearing and determination of cases relating to juveniles.

Both Juvenile and Family Courts have the same principles of jurisdiction over juvenile cases in the best interest of the child, sitting out of public glare, speedy adjudication and exclusion of persons other than members or officers of the court, parties to the case, counsel and parents or guardians of the juveniles. Other principles are prohibition of use of certain words like 'arrest', 'indicted', 'criminal complaints', 'guilty and sentence' respectively. Instead, 'summoned', 'taken into custody', 'petitions of delinquency', 'adjudication' and 'disposition' shall be used.

Many States of the Federation do not have permanently constituted Juvenile or Family Courts. In Niger State, for example, a Chief Magistrate confided in the researcher of the non-availability of Juvenile/Family Court. She went further to say that as a member of the committee on Niger State Child Rights Law (CRL), plans were mapped out for the apparatuses required for the implementation of the law in the State but nothing yet. She said,

> *You know all these politicians, they will come with good programmes and plans, but when it comes to release of funds and implementation, hiccups are encountered. Although, separate family courts are to be designated, funds have not been released to get them ready for business.*

Instead, juvenile cases are handled in magistrate and shariah courts on certain days of the week. In one of the courts visited, it was observed that in the courtroom where juvenile cases are treated. On the side juvenile offenders sat, the word 'SUSPECTS' was inscribed on the wall. When asked if all juvenile cases and juvenile suspects must be treated as such, the Registrar of the court said,

> *Not always but if they are many and the chamber will not conveniently take all of them, then the courtroom will be okay. Nevertheless, we don't allow public except relations on invitation.*

One of the Police Prosecutors interrupted and said,

> *You see that office* (pointing the direction) *that is the chamber, where juvenile cases are treated. The chamber is not very large that you can start moving chairs from the courtroom.*

The Chamber had a large table with four chairs. The researcher also took note of an electric cable and asked what it was doing in the office, the Prosecutor said,

> *We can scare or use it on them* (juvenile offenders) *when they want to prove stubborn.*

Sittings are fixed sometimes in different courtrooms or buildings from those in which ordinary sittings are held on different days and times for majority of the States in Nigeria. A Magistrate in Niger State said she sits for juvenile cases on Wednesdays while what matters most was the speedy disposition of such cases. In her words, she said;

> *there is nothing that is ever adequate in Government. The conventional courtrooms are not even enough in the State* (Niger) *not to talk of having some buildings specially earmarked for their purposes. Therefore, we make use of what we have. You know that during civilian administration, politicians will come up with good plans that usually end up in their nests. Therefore, we use the conventional courtrooms most especially when Chambers cannot contain the people in relation to the juvenile cases.*

The researcher observed during the study that most features and principles associated with both juvenile courts and or family courts are not strictly followed. While hearing a juvenile case, the researcher observed that though the venue was the Chamber, there were no assessors, no counsel representation nor social welfare worker. In addition, juvenile offenders did not express boldness while responding to questions. Instead, their responses were short or one worded and although juvenile/family court proceedings are supposed to be informal, the atmosphere was tense with unnecessary solitude. Furthermore, 3.3% (5) juvenile offenders had claimed their parents did not have money to hire the services of a counsel and that is why they are in custody. A Fulani juvenile offender who was alleged to have committed homicide said,

> *my parents refused to come to the court because they said they did not have money. However, I do not know if they told them to get a lawyer. I have resigned to fate.*

Another juvenile in custody said

> *my father is not a rich man. If my father was rich, I know that I would not have been taken to court because he would have paid the police for my freedom afterall we were two that were juveniles. I have not seen my partner since the second day. I know his father gave the police money.*

Therefore, it is possible that even when parents are contacted, they would be of little assistance to their juvenile-children because of their ignorance, poor financial stand, fear, and worry with which contacts with police are usually viewed. Furthermore, Nigeria does not explicitly recognize the children's right to express themselves during proceedings as observed by Alemika and Chukwuma, (2001). The researcher also observed that although there were no pressmen, there were other people rather than the relations of the juvenile offenders during a proceeding.

4.3.v Disposition

The CYPL, CRA and NSCRL require that deprivation of liberty be used as last resort, for the short appropriate period. Alternatives (dismissing the charge, committing the child to an approved school, supervision, probation, community service, fines, etc) to institutional care should be available to ensure treatment in a manner appropriate to the well-being and proportionate to the circumstances of the offenders and the offence. A thorough investigation on the background and circumstances in which the juvenile is living and the conditions under which the offence was committed must be conducted before imposing a sentence on the juvenile. The rules also require that appropriate authorities be appointed to implement alternatives while volunteers and local institutions are utilized for effective rehabilitation of juvenile offenders in community settings.

The practice is different from the experiences of some juveniles who have spent more than two years in custody and yet with cases not decided. The NSCRL requires that any reaction to juvenile offenders must be in proportion to the circumstances of both the offenders and offences. Furthermore, deprivation of liberty is to be imposed only when the juvenile offender is adjudicated of a serious act involving violence against another person, and when there is persistence in committing other serious offences with no other appropriate response. It also recommends that a wide variety of alternative dispositions should be made available in order to avoid institutionalization. CYPL lay emphasis on the punishment of children and young persons but prohibits the imprisonment of a child. It also provides that a young person shall be imprisoned only if he cannot be suitably dealt with in any other way including probation, fine, corporal punishment, committal to a place of detention or to an approved institution or otherwise and where there is imprisonment, young offenders will not be associated with adult prisoners. The researcher however, came across a juvenile offender (aged 15 years) in one of the prisons visited. When asked of his offence, he said

> *A man brought an item for repairs to our workshop. Then, it was taken (stolen) and I did not know who took it, but because it was brought in my presence, Police were called. Others and I were taken to Court and asked to pay five thousand naira (NGN5000) each. I did not have the five thousand naira and do not know whether my people were contacted even though I had about one thousand five hundred naira with me.*

The visits and interviews conducted revealed that magistrates applied both institutional and non-institutional measures during disposition. While the various disposition methods in Section 10 of CYPL including dismissal of the charge or discharging the offender on his entering into recognizance and ordering the offender to be whipped are often applied, some methods like ordering the offender to pay fine, damages, or costs and ordering the parents/guardian of the offender to pay a fine, damages or costs are rarely applied.

Similarly, discharging the offender and placing him under the supervision of a probation officer and committing the offender by means of corrective order to the care of a relative or other fit person are rarely applied. On the other hand, sending the offender by means of a corrective order to an approved institution or committing the offender to custody in a place of detention under this ordinance and ordering him to be imprisoned are the most commonly applied among others. It was noted that the magistrates dispose juvenile cases through warnings to the offenders and their parents in order to encourage acceptability of the juvenile by the society. Juveniles are not placed on probation for lack of probation officers in the State. Nevertheless, the CRA (2003) and NSCRL (2010) made strong emphasis on the use of diversion as an alternative measure to correcting juveniles as against some conventional measures.

In reality, the dispositions provided for in the CYPL differ in a variety of ways. The dispositions are inclined more towards punishment. For example, the retention of whipping, (as claimed by juvenile offender taken to Shariah Court for petty theft and yet brought to Remand Home), the liability of parents to the child-offender's misbehavior and the dismissal of a charge even after the court is satisfied of the child-offender's guilt contravene the international laws. Magistrates and judges commit juveniles to detention in remand homes.

4.3.vi Alternative Measures

Sections 209 sub sections 1 (a-b), 2 (a-c) and 223 (1a-e) provide for Police, Prosecutor or any other person dealing with a case involving a juvenile offender to dispose of the cases without resorting to formal trial by using other means of settlement. Some of the alternative measures include supervision, guidance, restitution and compensation of victims and settlement out of police station or court by withdrawing cases. Other

measures are oral apologies, community service, mediation between victim and offender, or skill acquisition training and probation. In the course of this study, the researcher did not notice acts of diversion. She was however informed by a police officer that

> *Yes we do not rule out diversion because it is not every child that is brought to the station that is taken to the court. After listening to their (juveniles) complaints and statements and when parents show up, we use to ask them to settle out of office. This is an act of diversion.*

A Magistrate on the other hand said, *Sometimes, we advice that the families involved should settle out of court. Sometimes, we advise that instead of keeping a juvenile in police custody, he should be taken to Remand Home.* During disposition, juvenile cases were not particularly disposed before they reached court. Magistrates were found to use more of institutional disposition methods than the non-institutional methods. Although there are three juvenile custodial facilities in the State, they are however under utilized while juvenile offenders are made to travel long distances for corrections (borstals) in some other States. There exist abundant types of diversion, but personnel in juvenile justice system minimally refer to them. Some of the measures of diversion the personnel employ include flogging, threats, warning and settlement by parents or guardians of the juveniles outside court.

With all these provisions fully guaranteed in CFRN, CRA and NSCRL, there have been obstacles to an effective juvenile justice administration in Niger State. The law enforcement agencies and penal practices inherited subjected juvenile offenders to not being adequately taken through alternative measures.

4.4 Analysis of the institutions Involved in Juvenile Corrections in Niger State

This section gives a general background of and evaluates the way juvenile offenders are processed in juvenile justice system in the Police Station, Courtrooms, Prison and Remand Homes reflecting the institutions used in the administration of juvenile justice in Niger State.

4.4.i Police Station

The statutory responsibilities of any police force the world over are the maintenance of law and order, so that citizens can go about their lawful duties without let or hindrance. In addition, section 4 of sub-section 4 of the Police Act, CAP 359 Laws of the Federation of Nigeria (1990), clearly spells out the responsibilities of the Nigerian Police Force (NPF) as:

> *'the prevention and detection of crime, the apprehension of offenders, the preservation of law and order. Others are protection of life and property and the due enforcement of all laws and regulations with which they are directly charged, and shall perform such military duties within or outside Nigeria as may be required by, or under the authority of, this or any other Act.'*

The police are the first contact with a juvenile when the latter is in conflict with the law. When the colonial masters introduced police to Nigeria, its primary assignments then, were the prevention and detection of crime, the repression of internal disturbances and the defense of the colony and the protection against external aggression (Police Ordinance, 1897). In addition to the various functions, the Children and Young Persons' Law assigned law enforcement duties to the Police that juvenile welfare units were to be established and managed in major divisional offices. Generally, the police in juvenile justice system deal with problems of delinquency and focus on the rehabilitation and treatment of juvenile offenders.

The police, as an important instrumentality saddled with the responsibility of fighting crime are the agency that sets the criminal justice system in motion. As in the adult justice system, the police are the gatekeepers of juvenile justice administration therefore, a symbolic representative of the system because they are the first point of contact a juvenile offender comes across with. Apart from protection of lives and property, prevention, and detection of crime, the police also investigate, apprehend, detain and prosecute offenders to which discretionary powers could be employed. Therefore, on arresting a juvenile offender, they determine the next line of action-whether to be released or referred to appropriate programme for detention or community service. Thus, largely, the police determine the success or otherwise of the outcome from other institutions.

Despite the outstanding role of the police in the general juvenile justice administration, men and officers of the Police assigned with the duty of handling juvenile and their cases do not have the prerequisites to handle them effectively. When the researcher asked about how and when the Police arrest juvenile offenders, a DPO said,

> *We arrest juveniles by ourselves when they are in the act of committing crime or when crime spots are raided or when we receive reports about their criminal activities.*

Only 13.4% representing 9 juvenile offenders claimed they were arrested by the Police while 40.2% representing 27 juvenile offenders reported being taken to the Police either by the victims or members of the public. The researcher however, did not witness the Police arrest juveniles.

On specialization, it was observed in the Police stations visited that women Police Officers with no appropriate or relevant qualifications were in charge of the juvenile welfare units. None of them had any professional training in handling juvenile cases. However, one had a HND, another one OND and the third officer had an intermediate

certificate (35/wpm) in type writing. On what plans there were for them to develop themselves for the purposes of that special unit. To this the DPO said,

> *Although Police Force comprises of relatively highly educated personnel we are however not having the required specialization because what happens is that it is the headquarters that assign you to a duty post/unit. As you can see, for example it is female police officers who do not have specialized training yet that are deployed to the juvenile welfare department here. The posting was done from above.*

In agreement to what the DPO said, a female officer in charge of the juvenile welfare centre in one of the stations said,

> *In fact, it is not long that they ask me to go there because the former person is no longer here (Minna), so I no know much about the job so I cannot say anything about it. But some time ago, is not long, they asked us to come for workshop and is about how to do with children when they bring them to the station'.*

Furthermore, a female Officer in Charge of a different station brought out her workshop bag to show the materials of a workshop she attended in this regard said this:

> *The headquarters come call us say make we come for workshop, na there they come dey talk about this law, law thing. So me na that Niger State Government own---, abi no be im? This is the bag.*

(The Headquarters sent for us for a workshop on (Child Rights) Law by Niger State Government).

A DPO who had argued that the office-juvenile welfare centre-(JWC) was better when put in care of a woman had averred that training or sending officers for training is centralized. Meaning that the lists of trainees are usually decided and sent from Headquarters. When the researcher observed some police officers who had relevant qualifications (Diploma in Social Welfare/Development) but were not posted to the JWC the DPO said, 'Most recruitment is done for general duties; so somebody's qualification at the point of recruitment may really not matter'.

The researcher actually met a Police Officer in the Police headquarters and asked him why he was at a different duty post rather than social welfare or juvenile unit with which certificate he joined the police, he responded by saying,

> *Ah the Police is not like that o-o-. Is where they wan put you that is where you will go. That certificate e no concern them unless na dem say make you go for that training.*

4.4.ii Courtrooms

The CYPL, CFRN, CRA and NSCRL require that 'where a juvenile offender has not been diverted but proceeded to a formal trial, the proceedings should be conducive to the best interest of the child and conducted in an atmosphere which allows the juvenile to participate and express himself freely'. The trial of a juvenile offender is also to be conducted in a special court to serve as a means of dealing with children in conflict with the law or from the faults of the parents (Keeney, 1962). Of importance is the provision in Section 204 that 'no child shall be subjected to the criminal justice process or to criminal sanctions, but a child alleged to have committed an act which would constitute a criminal offence if he were an adult shall be subjected to the child justice system and processes' (CRA, 2003). To this, the Nigerian justice system has obligated the trial of juvenile offenders to Juvenile Court (CYPL) and Family Court (CRA).

The CPYL advocated a juvenile court for the purpose of hearing and determination of cases relating to children and young persons to be constituted by a Magistrate and other persons determined by the Chief Justice of the region. In Niger State, cases involving juveniles are heard outside the normal courtrooms or outside court normal sessions either in the courtrooms or chambers in order to protect the privacy of the young offenders. Neither the Judges nor Police handling cases involving juvenile offenders have

specialized training as provided by CPYA (Section 6), CPYL (Section 3) and family court by the CRA (Section 149). There are no designated juvenile and family courts in Niger State. Juvenile offenders were seen to have been tried in conventional courts with derogatory inscription (SUSPECT) on the wall where seats were arranged for them. The court (magistrate court), it was observed is a dilapidated three bedroom flat with a large sitting room where cases are treated.

In an interview with some of the Magistrates, Social Workers and Police in the State, terms like principal accused', 'arrest(ed)', 'trial', 'criminal', etc, were often uttered in the course of discussion. Inquiries and reports about the juvenile offenders background are rarely demanded and where done they are so scanty that do not serve any significant meaning. A Magistrate proclaimed that

> *It's either the Social Welfare Officers don't know their job or the Police don't report or refer juvenile cases to them, because we don't receive any information about the background of the juvenile.*

There is also too much emphasis on remand in custody at the expense of other alternative corrective measures. Although the idea of juvenile court is to handle juvenile cases differently from adults there are disadvantages however. They include delays because of case over-loading or inefficiency and informality. It was observed that the sitting days for juvenile cases in court are fixed (Wednesdays). This is contrary to the provision of prompt hearing. Courts are quick to send juvenile offenders to custody rather than long-term solution of rehabilitation and reformation probably because of lack of probation officers in the State. To this, a Magistrate said,

> *We do not send juvenile offenders to remand custody just like that. We consider certain factors. For example, if the juvenile is found to be a first offender and he looks sober, he may be warned seriously while the parents are asked to ensure his good behavior. But, if he is either a habitual offender or neither his parents or guardians are*

> *not located or they do not appear, then he has to be taken to custody so that Social welfare can take care of him by supervising him. Furthermore, if the offence committed is a serious one like assault with bodily harm or homicide or murder, custody may be best option even for his own safety.*

4.4.iii Juvenile Custodial Institutions

The CPYL empowered local authorities to establish remand homes and State governments to establish approved institutions. Provisions were made in different laws to establish Borstal institutions. Prisons too, serve as custodial facilities to juveniles. Again, the juvenile custodial facilities are not located within prison premises although, they are all operating on temporary sites and juveniles are transferred long distances from their families to these homes for custody, the researcher observed. Juvenile offenders are transferred long distances even within the State because most of the Local Government Areas are located more than 40 kilometres away from each other and the State Capital. This on its own has increased the vulnerability of girls in particular because there are fewer specialized institutions for them as the only facility meant for female juvenile offenders in Minna Remand Home is situated within the male facility. The remand home in Bida cannot accommodate juvenile offenders of different sexes at the same time. If there were such cases, the female Social Welfare Officer on duty when the juvenile is brought will be responsible for her custody. To this a female officer said;

> *actually what we do if they bring us female juvenile delinquent and there is a boy already ehh you can see this place cannot mh mh I mean this place is not convenient like that. So what we do is to take her to our house and as mothers we teach her the necessary things, like prayer, housework* (house chores) *and teach her good behavior. When we come to work we come with her until we see that she has changed. We send for the parents to come for her. Sometimes, they will come, but some parents will say they still want her to be in our hands until they feel satisfied. After her release, we will be visiting her in the house to find out if there is any problem.*

An interesting feature observed is that juveniles in conflict with the law were mixed together in the Remand Homes with juveniles in need of protection including victims of abuse and exploitation. There was no classifications whatsoever except that those in need of protection were allowed free movement but could be punished if they misbehaved. Those found to be 18 years and above 6% (4) among the juvenile offenders in custody were those that have been in custody from the age of 16 years and above while only one (1.5%) juvenile convict (offender) was found in one of the prisons visited. The researcher was however refused access to one of the prisons despite the letters of Introduction from the Department of the researcher and the Headquarters of the State Command of Prison Service.

She said,

> *Can you imagine that a private individual can challenge the ownership of a piece of land that is meant for Remand Home if not for the carelessness of the Officers in Charge? Nothing stops us from having good correctional centres of any type if the Government had been serious since the time it acquired that land.*

Another Social Welfare Officer said;

> *We are not happy that there is no Borstal institute in the State. You know we the junior ones are the people to take these children to Borstal. But there is no money and you know we are supposed to eat from there. Sometimes the money they will give you will not be enough to take them there. So we will prefer that it is better if they can build one in the State. You too have seen how bad the roads are whether from here to Kaduna or to Ilorin. But Ilorin road is worst and is very far compared to Kaduna.*

4.4.iii.i Prisons

The nature and circumstances of juvenile cases determine whether juveniles be put in the custody of prison. Where Remand Homes, Approved or Borstal Schools are not available as the case is with several States of the Federation, juveniles are kept in custody in prison.

4.4.iii.ii Borstal Institutions

According to CYPL, the purpose of Borstal institution is to

> *bring to bear upon the inmates every good influence which may establish in them the will to lead a good and useful life on release and to fit them to do so by fullest development of their character, capacities and sense of personal responsibilities*.

It was also observed that Niger State does not have Borstal School although the Borstal Institutions and Remand Centres Act (1960) make provision for the establishment of Borstal institutions as Federal juvenile correctional institutions. It is however, at this stage that real great distances are covered on transferring a juvenile offender from any of the Remand Homes or any part of the State for that matter involving a journey of more than one hundred kilometers (100km) since he can only be taken to either Kaduna Borstal institute or the one at Ilorin. Niger State does not have a Borstal Institution but refers its juvenile offenders to Borstal training institution in Kaduna or Ilorin for full reformation through vocational training in various fields as well as educational instructions up to ordinary (secondary) level. This is not without its consequences because the distance involved for either two is more than 250km from any of the locations of the remand homes in the State. In addition, services provided in Borstal Institutes are no longer reformatory but punitive as proclaimed by one of the Social Welfare Caretakers. He said,

> *I will not advise any parent to take his child to that place (*referring to Kaduna Borstal institute*) because if you see how they are treating children, the parent will just start crying. That place is not good again. They just wicked children. Eh that place no good o o.*

Similarly, a Prison Officer who had been posted to Kaduna Borstal Institute prior to the present posting said,

> *There is much discipline over there* (Kaduna Borstal). *Madam, you know that these children* (juvenile offenders) *are no longer kids. In fact, those children are taken to that place because they wanted to*

> *be beyond control; they are naughty and 'bastard' children.if you do not handle them well they will get out of hand. Is this not why we are having children army (sic) robbers. Let us pray that God will mend them for us.*

4.4.iii.iii Remand Home

Niger State has three remand homes located in the three Senatorial zones of the State. It was observed by the researcher that the Remand Homes in Niger State are up to the task of reforming and reintegrating juvenile offenders back to the society if they were adequately provided with facilities. For instance, some juvenile offenders in custody had said they would have preferred some vocational skills like carpentry or automobile mechanic rather than tailoring or laundry or fan making.

4.4.iii.iv Conditions in Remand Homes

The remand homes were observed in terms of feeding, clothing, sleeping arrangement, health and general welfare of the juvenile offenders in custody. The homes are under the care of Ministry of Gender and Social Development. Furthermore, the objectives of the institutions are compromised by lack of proper planning and implementation, gross under-funding, inadequate staffing and lack of necessary training facilities. Most personnel agreed to have only secondary school certificate. In addition, most of the institutions are not provided with enough funds to provide quality and hygienic accommodation, food, sleeping materials, medical care, education, vocational training, recreation and leisure. The researcher found that the accommodations were temporary arrangements since 1976 (Kontagora Remand Home), 1984 (Minna Remand Home) and 1990 (Bida Remand Home which shares facilities with mentally retarded inmates) and not fit for custodial purposes.

Thus, there are no locations for workshops and recreation. The inmates eat, sleep, attend workshops, play indoor games, listen and watch television in the same hall. They participate in these activities with their legs chained. They sleep on mattresses though inadequate for them at certain times when there is an increase in the number from thirty-five (35). The staff in the interview argued that mattresses and mats were better because inmates had used beds (double bunk) and even table tennis tables provided in the past to aid them escaped.

Food is prepared by Cooks and parked into two medium-sized food warmers of which the juvenile offenders not in chains are escorted by the senior boys to bring it to the hall until when it is time for the meal. By implication, if new comers are brought to the home after the preparation of food, they will wait until the next one. For clothing, the remand homes are sometimes supported by NGOs in addition to uniforms the State government provides. In addition, it was observed that only one Remand Home had medical personnel with a First Aid Box but no clinic. Inmates are attended to at the glare of other co-inmates and in most cases are not able to treat cases like ear pain, typhoid, etc.

Medical and educational facilities are nearly absent at Minna Remand Home while none are available at Bida and Kontagora. Lack of adequate fund and facilities are negatively affecting proper and efficient functioning of the institutions. For instance, a DPO with one of the police stations visited had complained of meager resources given to him to run the station and was not able to reach the target considering the high rate of crime including insecurity. Remand Home and Rehabilitation Centre both located at Minna are the only facilities that have a First Aid Box and near-complete health services respectively.

4.4.iii.v Social Welfare Section

The Social Welfare Department and its personnel play a prominent role in the corrections of juveniles. The Department is vested with the responsibility of investigating and preparing social enquiry reports of juveniles in contact with the law. They serve as intermediary between a juvenile offender and his parents. They follow up juveniles and their parents to observe any improvement or change of behaviour during or after rehabilitation. From time to time, they are appointed to courts and prisons to facilitate the welfare of inmates generally including juveniles. It is this Department that appoints correctional officers that deal directly with juveniles while in custody. The Juvenile Correctional Officers have the responsibility of rehabilitating and providing security to juvenile offenders under detention. They intervene in fights among juvenile inmates and search for possible weapons and contraband possession. They monitor offenders' behavior for likely traits of any form including violence. They transport juvenile offenders to, from Courts, and to Correctional Facilities. They counsel and guide them for life skills. Lastly, the Correctional Officers monitor juvenile offenders progress to rehabilitation and make recommendations on when they are fit for release or further rehabilitation or treatment. In Niger State however, it is the Social Welfare Officers known as Caretakers that are in charge of these duties as observed by the researcher.

4.4.iii.vi The Child Right Implementation Committee

The Child Right Implementation Committee established by the CRA (section 265 sub sections (a)-(c) is charged with the responsibility of ensuring that the rights and welfare of juveniles are protected. Although the committee was inaugurated by the State Governor, its functions are not yet feasible. This is because according to a member of the committee and a senior Magistrate 'funds have not been made available'. During the interview, she has this to say

> *Indeed Niger State has adopted the CRA and all the apparatuses put in place. You know as usual, Government will come up with good ideas and policies, however to bring out money to put such policies in action is always the problem.*

Therefore, there is no monitoring of the activities in juvenile justice administration in Niger State and although Niger State has adopted the CRA the implementation has been unsatisfactory because of the ineffectiveness of the Committee which has not been able to supervise personnel on duties at various agencies.

4.5 Analysis of Personnel in Juvenile Justice Administration in Niger State

In this section, the socio-demographic characteristics of personnel operating in juvenile justice system are considered. This is in line with the second objective of this study. This has become necessary in order to assess the quality of staff involved in the administration of juvenile justice. Generally, characteristics including sex, age, highest educational qualification and number of years in service are evaluated to determine whether the personnel are fit for the services expected of them in the juvenile justice system. One hundred and twenty-eight (128) personnel availed themselves during the research. Out of this number, the Prison officers and Social welfare officers were forty-two (42) each in number while the Police, Court and Rehabilitation officers were twenty-six (26) and nine (9) each for the last two. Out of 128 personnel, 98 were males while the remaining 30 were female. From this figure (128), majority 73.0%, 56%, 95%, 67%, and 67% of police, court, prison, rehabilitation and social welfare personnel were males while 27%, 46%, 5%, 33% and 33% of personnel were females respectively.

Table 4.5.1: Socio-Demographic Attributes of Personnel in Juvenile Justice Administration in Niger State

Sex of personnel in juvenile justice	**Police officers**		**Court officers**		**Prison officers**		**Rehabilitation officers**		**Social welfare officers**		**Total**	**%**
	f	**%**	**f**	**%**	**f**	**%**	**F**	**%**	**F**	**%**	**f**	
Male	19	73.0	5	55.5	40	95.2	6	66.7	28	66.7	98	76.6
Female	7	26.9	4	45.5	2	4.8	3	33.3	14	33.3	30	23.4
Total	26	100.0	9	100.0	42	100.0	9	100.0	42	100.0	128	100.0
Age of the personnel												
20-30 years	6	23.0	0	0	8	19.1	0	0	7	16.7	21	16.4
31-40 years	10	38.5	6	66.7	19	45.2	5	55.6	15	35.7	55	43
41-50 years	8	30.8	3	33.3	15	35.7	3	33.3	15	35.7	44	34.4
50+ years	2	7.7	0	0	0	0	1	11.1	5	11.9	8	6.3
Total	**2**	**7.7**	**0**	**0**	**0**	**0**	**1**	**100.0**	**42**	**100.0**	**128**	**100.0**
Educational qualification of personnel												
Primary	1	3.8	0	0	0	0	0	0	0	0	1	0.8
Secondary	4	15.4	2	22.2	2	4.8	2	22.2	5	11.9	15	11.7

NCE/ND	7	26.9	0	0	19	45.2	4	45.5	26	61.9	56	43.8
HND/Degree	12	46.2	7	77.8	20	47.6	3	33.3	9	21.4	51	39.8
Others	2	7.7	0	0	1	2.4	0	0	2	4.8	5	3.9
Total	**26**	**100.0**	**9**	**100.0**	**42**	**100.0**	**9**	**100.0**	**42**	**100.0**	**128**	**100.0**
Number of years in service by personnel												
5-10 years	9	34.6	5	55.6	16	38.1	2	22.2	11	26.2	43	33.6
11-15 years	6	23.0	1	11.1	7	16.7	3	33.3	5	11.9	22	17.2
16-18 years	11	42.3	3	33.3	19	45.3	4	45.5	26	61.9	63	49.2
Total	**26**	**100.0**	**9**	**100.0**	**42**	**100.0**	**9**	**100.0**	**42**	**100.0**	**128**	**100.0**

One common feature of the personnel is that for, police, court, prison, rehabilitation centre and social welfare, majority (73%), (56%), (95%), for police, court, prison, and (67%) each for rehabilitation and social welfare respectively, are males while 27%, 46%, 5% and 33% each for rehabilitation and social welfare constitute females. Most (39%), (67%) and (56%) of the personnel of police, court and rehabilitation fall into the 31-40 year old category whereas social welfare has an aggregate of 35.7% for 31-40 and 41-50 year old categories. The average educational qualification for most (45%), (46%) and (62%) of the personnel of prison, rehabilitation and social welfare is NCE/ND. Majority (42%), (45%), (46%) and (62%) of the police, prison, rehabilitation and social welfare had a working experience of 16-18 years or more.

Educational qualification is gradually becoming a major prerequisite for employment. For example, a Chief Superintendent of Police and a Post-graduate Diploma (Public Administration) holder officer has this to say

> *You see now, police officers are highly educated. As for junior officers, some have secondary, NCE or Diploma. Therefore, you can see there is improvement. There is a lot of improvement now educationally. Most of us are educated.*

To him, education widens their horizon. Therefore, the higher the qualification of an officer, the better because it enables the force to be acquainted with modern day strategies. To further buttress his point he said;

> *you see like me now, I am a cadet officer and there are two types of cadet – Inspector Cadre and Assistant Superintendent of Police Cadre. During my time, NCE/Diploma holders were considered for cadet but now it is either Degree or HND Certificate. During my time, I used Diploma. The major difference is that the cadet can start as an inspector or ASP. That is why there are challenges when you are posted to a place as a cadet officer and you come to meet a Regular Officer who has been in the service many years and has not reached your rank you know that dealing with them, you have to be diplomatic and treat everybody fairly and by doing that, they will drop every antagonism against you.*

Another Officer, a second degree (MPA) holder and Superintendent of Police also added "Education makes you knowledgeable about the environment in which you are operating and makes you professional in a short while. You rise in the profession faster than Regular Officer who depends solely on his experience in the job".

A Regular Officer (and primary school certificate holder about to retire then) would not agree that education should be a major prerequisite. On the contrary, he said,

> *You see, Police work has gone bad now because Officers are insisting on paper qualification-certificate-and head knowledge, which is nuisance because they do not know the job except corruption. Why is it that Police is not able to arrest a thief? During our time, if there was a case of (burglary) and theft certain powder was sprayed at the scene of the crime and immediately the criminal will be identified and arrested. Things have now gone bad. Emphasis is always laid on certificate. Are we not seeing Police in armed robbery, drugs and alcohol? That is why I said I will do my best to send my children to school since I did not acquire much education.*

The Social Welfare Department however has the highest quality of staff as far as education is concerned. For example, 20% were Diploma holders and only 7% Degree holders, while prison had 15% Diploma and 16% Degree holders. It was observed that many (20%) of the Social Welfare Personnel had Diploma certificates because until recently Nigerian universities did not offer social welfare degree and such universities are not contiguous to Niger State. The researcher also observed that except for social welfare, other Diploma/NCE certificates were in different fields (business administration, accounting, office practice, business education, geography/history, and mass communication). Degree certificates on the other hand were in such fields as public administration, business administration, history, special education or political science. This is contrary to the International Minimum Requirement of a degree in relevant and child related courses like psychology, sociology, social work, probation, guidance and

counseling for personnel to serve in this important assignment. Almost half 49% of the personnel had spent more than 16 years in service. Among them are some who are preparing for retirement. These calls for capacity building for the entire personnel to enable them keep abreast with current issues in juvenile matters.

In summary, the quality of personnel in juvenile justice system in Niger State is far below the CRA/L standard. This is because in the course of the study only the social welfare personnel were found to have basic knowledge in child related matters and unless recruitments are done immediately a gap will be created when many of them retire.

Table 4.5.2: Socio-Demographic Attributes of Juvenile Offenders in Custody

Sex	**F**	**%**
Male	**67**	**100.0**
Female	**0**	**0**
Total		
Age of juvenile offenders in custody		
Below 10 years	1	1.5
10-13 years	8	11.9
14-16 years	33	49.3
17-20 years	25	37.3
Total	67	100.0
Place of Birth		
Niger State	51	76.1
Other States	16	23.9
Total	67	100.0
State of Origin		
Niger State	38	56.7

Other States	29	43.3
Total	67	100.0
Religion		
Christianity	15	22.4
Islam	52	77.6
Total	67	100.0
Highest Educational Qualification		
None	3	4.5
Primary	11	16.4
Junior Secondary	24	35.8
Islamic	15	22.4
Others	14	20.9
Total	67	100.0
Father's occupation		
Farming	20	29.9
Artisan	11	16.4
Business	21	31.3
Civil service	15	22.4
Total	67	100.0
Mother's occupation		
Housewife	38	56.8
Petty trader	21	31.3
Civil service	8	11.9
Total	67	100.0
Mother and Father staying together		
Yes	39	58.2
No	28	41.8
Total	67	100.5

Staying with father and mother before coming into custody		
Yes	38	56.7
No	29	43.3
Total	67	100.0

Source: Field Survey (2013)

4.5.i Characteristics of the Juvenile Offenders in Custody

Most of the characteristics of the juvenile offenders (67), in custody during the time of this research, were male even though female juvenile offenders are brought to the facilities from time to time Majority belong to the age category of 14-16 years with a few 16 years and above. Equally among the juvenile offenders are those who are below ten (10) years. A little (57%) more than half of the juvenile offenders are from Niger State, while the rest are from other States of Nigeria and even neighboring countries. The juvenile offenders belonged to the two major religions (Christianity and Islam) with a Muslim majority. In addition, they had attained some level of education of junior secondary school (36%), Islamic school (22%) and primary school (16%). Others 21% and 5% on apprenticeship in one vocation or the other including vulcanizing, sales of goods, carpentry and upholstery.

Furthermore, the juvenile offenders in Niger State come from different socio-economic background with civil servants, businesspersons, artisans and farmers as parents. Most juvenile offenders stayed with their parents or guardian when they committed offences. Often they get in conflict with the law when they are apprehended by police or other persons (parents or guardian and victim of offence, prison warder and court official, mother and uncle).

4.5.ii Offences Committed by Juvenile Offenders in Custody

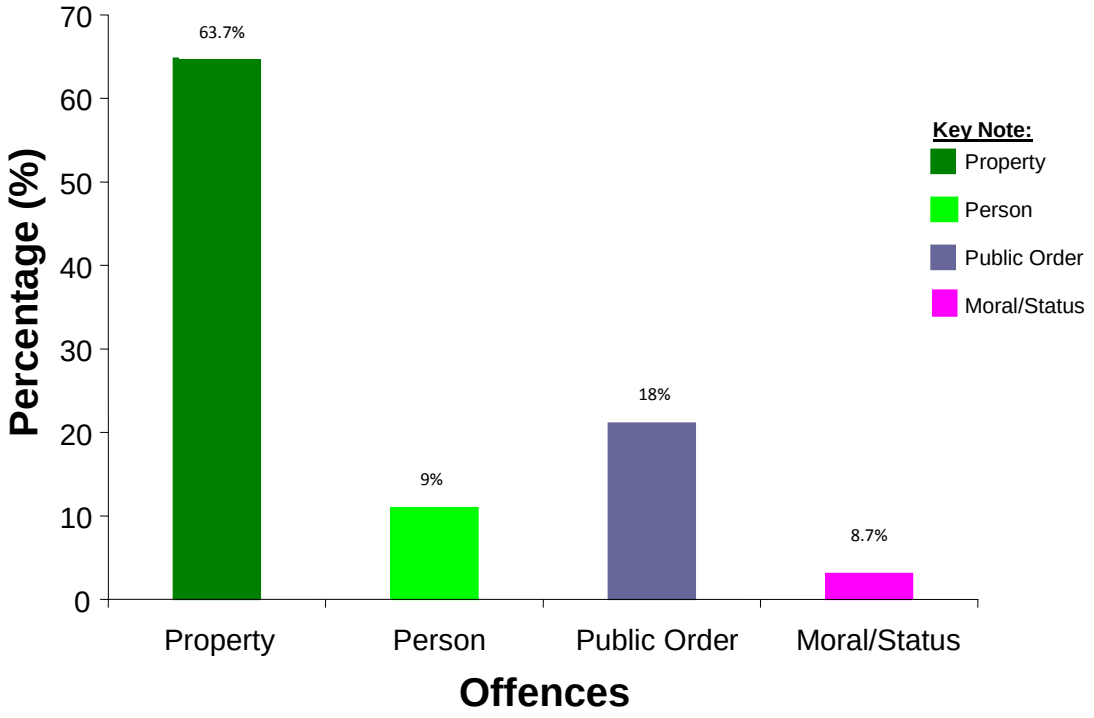
From the findings, it was observed that male juveniles get into trouble with the law much more than the female juveniles and although juvenile offenders come from all socio-economic background, the ones from low socio-economic background are more likely to be arrested and pass through all the processes of the administration of juvenile justice. It was also revealed through findings that juveniles who had no formal education were among those mostly involved in offences against persons. The findings also revealed that juvenile offenders come from stable and broken homes and that stability of homes may not be enough to prevent juvenile crimes.

Among the offences committed by juvenile offenders in custody, property offences ranked highest with 39% (26) followed by status offences 28% (19). Others are offences against public order 19% (13) and offences against person 13% (9). The information tallies with the responses of the personnel except for offences against public order and person. Whereas public order offences ranked third from the data elicited from juvenile offenders, it was the least reported by the personnel.

4.5.1: Offences Committed by Juvenile Offenders in Custody



4.5.2: Offences Committed by Juvenile Offenders in Custody Reported by Personnel in Juvenile Justice Administration



4.5.iii Treatment of Juvenile Offenders in Custody

Data collected revealed that the treatment of juvenile offenders at the different stages of juvenile justice are in conflict with the laws guiding the administration of juvenile justice. There are however no educational facilities for the inmates. Instead, the inmates are taught moral instructions (Islam and Christianity) although the researcher witnessed only Islamic teaching and was told the Christian Instructor had not come. It was also noted that inmates (Fulani) who had claimed not knowing anything about religion, were automatically asked to join the Islamic instruction class. The Islamic Instructor however, though a holder of Diploma in Mass Communication, was a casual staff.

A few members of staff had no professional training yet but learning the job through experience. In Niger State, only one Staff has professional training in Social Work with second-degree (Masters). The Staff is currently about to begin pursuing the third degree. Majority of the staff however, have Diploma in Social Work, Social Administration or Social Development. Furthermore, officials and fellow inmates do not adequately protect inmates against physical and verbal abuses. In corroboration to the above, the researcher witnessed how fellow inmates mercilessly whip a newcomer to the extent of wounding him. On enquiry was told that it was a normal thing to be done to anyone coming in newly in order to make him-juvenile offender-appreciate outside. Interestingly too, there is a Government in the Home with leaders overseeing the activities therein. Any act of misbehavior, like stealing, quarrelling or refusal to perform routine duties were meted with punishment ranging from three canes to washing of toilet or forfeiture of a meal-lunch-for between two days to about two weeks. This is effectively done by the sitting of a court on Wednesday evenings headed by a judge and other administrators (registrar, prosecutor, lawyer, discipline officer, etc). The Home is generally headed by the Head boy and his Assistant (some of the oldest in the Home and are now above 18 years of age).

Finally, a major problem among the staff is lack of specialization. For example, the Caretaker can serve as a social worker, repatriation officer, a discipline officer and as a follow-up (probation) officer, all depending on the circumstances the Home finds itself.

Table 4.5.3: Protection of Rights and Welfare of Juvenile Offenders in Custody

Inform parents about juvenile offenders in custody	Police		Court		Prison		Rehabilitation		Social welfare	
	F	%	F	%	F	%	F	%	F	%
Yes	26	100.0	9	100.0	37	88.1	9	100.0	40	95.2
No	0	0.0	0	0.0	5	1.9	0	0.0	2	4.8
Total	26	100.0	9	100.0	42	100.0	9	100.0	42	100.0
Explain to the juvenile offenders in custody										
Yes	22	84.6	8	88.9	35	83.3	7	77.8	38	90.5
No	4	15.4	1	11.1	7	16.7	2	22.2	4	9.5
Total	26	100.0	9	100	42	100	9	100.0	42	100.0
Juvenile offenders in custody allowed contact with friends and relatives										
Yes	26	100.0	9	100.0	41	97.6	6	66.7	32	76.2
No	0	0.0	0	0.0	1	2.4	3	33.3	10	23.8
Total	26	100.0	9	100.0	42	100.0	9	100.0	42	100.0
Adequate feeding for juvenile offenders in custody										
Yes	21	80.8	5	55.6	36	85.7	5	55.6	37	88.1
No	5	19.2	4	44.4	6	14.3	4	44.4	5	11.9
Total	26	100.0	9	100.0	42	100.0	9	100.0	42	100.0
Adequate sleeping place for juvenile offenders in custody										
Yes	22	84.6	8	88.9	37	88.1	8	88.9	17	88.1
No	4	15.4	1	11.1	5	11.9	1	11.1	25	11.9
Total	26	100.0	9	100.0	42	100.0	9	100.0	42	100.0
Adequate medical facilities for juvenile offenders in										

custody										
Yes	19	80.8	8	19.2	40	88.9	9	100.0	27	64.3
No	5	19.2	1	11.1	2	4.8	9	0.0	15	35.7
Total	26	100.0	9	100.0	42	100.0	9	100.0	42	100.0
Adequate personnel for medical facilities										
Yes	19	93.1	8	88.9	41	97.6	7	33.3	24	57.1
No	7	26.9	1	11.1	1	2.4	2	66.7	18	42.9
Total	26	100.0	9	100.0	42	100.0	9	100.0	42	100.0
Adequate sanitation for juvenile offenders in custody										
Yes	11	42.3	4	44.4	38	90.5	3	88.9	28	66.7
No	15	57.7	5	55.6	4	9.5	6	11.1	14	33.3
Total	26	100.0	9	100.0	42	100.0	9	100.0	42	100.0
Adequate recreation facilities for juvenile offenders in custody										
Yes	7	26.9	1	11.1	23	54.8	1	11.1	14	33.3
No	19	73.1	8	88.9	19	45.2	8	88.9	28	66.7
Total	26	100.0	9	100.0	42	100.0	9	100.0	42	100.0
Availability of educational facilities for juvenile offenders in custody										
Yes	3	11.5	8	88.9	39	92.9	4	44.4	18	42.9
No	23	88.5	1	11.1	3	7.1	5	55.6	24	57.1

Total	26	100.0	9	100.0	42	100.0	9	100.0	42	100.0
Availability of vocational acquisition skills programmes for juvenile offenders in custody										
Yes	5	19.2	8	88.9	38	90.5	9	100.0	16	38.1
No	21	80.8	1	11.1	4	9.5	0	0.0	26	61.9
Total	26	100.0	9	100.0	42	100.0	9	100.0	42	100.0
Corporal punishments on juvenile offenders in custody										
Yes	6	23.1	6	66.7	22	52.4	8	88.9	37	88.1
No	20	76.9	3	33.3	20	47.6	1	11.1	5	11.9
Total	26	100.0	9	100.0	42	100.0	9	100.0	42	100.0

Table 4.5.2 gives a picture of how juvenile offenders are treated by each group of personnel involved in the administration of juvenile justice. All 100% the personnel of the police, court and rehabilitation centre agreed that parents of juvenile offenders are usually informed about their children/wards' offences while majority 88.1% and 95.2 of the personnel for prison and social welfare respectively gave the same affirmation. Five (11.9%) of prison personnel and 4.8% of social welfare personnel said they did not give parents information about juvenile offenders.

4.5.2.i Police

Majority 84.6% of the personnel said they often explain to juvenile offenders why they are in custody while 15.4% said they do not necessarily give them such explanations. In addition, all 100% the personnel agreed that they allow contact by juveniles with relatives and friends. On feeding, 80.8% said juvenile offenders in their custody receive adequate feeding because it is the right of the juvenile to be fed. In the interview conducted during the study a police officer said

> *When juveniles are arrested, they are fed well. Yes it is the responsibility of the investigating officer to feed him even though he will not want to eat immediately he is brought to the station. You can feed him from your pocket because there may not be money in the station. It is his right to eat. After, you may ask his parents to settle for the food and where you do not get the parents you manage (bear) the cost*

Nevertheless, 19.2% insisted that juvenile offenders are not adequately fed. According to a sergeant,

They (juvenile offenders) *should not expect to eat like they are in their fathers' houses and sometimes there may not be money in the station and the officer too may not have much. Therefore, the juvenile has to make do with what he is given. However, definitely the child has to be given something to eat.*

On space for sleeping, 84.6% said there is adequate space for juveniles in custody while 15.4% said there is no adequate space for sleeping because police station is a transit route

and juvenile offenders are not to be kept in custody unnecessarily. During the IDI an officer said

> *Remember that we are not to keep juvenile offenders for long and they are not coming for luxury, so such things like mattress or mat are not provided. Juvenile offenders are often kept behind counters, how can we spread a mat or mattress at the place and where they are kept in cells, you don't know what the juvenile is thinking of. So in order to avoid harm to him and others you don't allow anything to that effect. Suppose he uses the mattress to suffocate himself, you know the officer investigating his case will be in trouble.*

Most (80.8%) and (73.1%) also agree about the availability of medical facilities and personnel for juvenile offenders in custody while (19.2%) and (26.9%) said the opposite. Majority (57.7%), (73.1%), (88.5%) and (80.8%) however, averred that there are no adequate sanitation, recreational, educational and vocational facilities available to juvenile offenders in custody. Only a few (23.1%) agreed corporal punishments are imposed on juvenile offenders.

On visit to some of the police stations under study, the researcher observed the iron bar cell taken note of was within the main building of the station. There was no toilet facility within but had an open drainage leading outside. It had two people inside all standing and police officers went about business. In a visit to another police stations, the researcher observed that the police are suspicious and do not trust visitors. The researcher was asked to declare possessions and switch off all cell phones. The stations were neat but for the dilapidated buildings and poorly furnished general offices. The offices of senior officers are however fairly furnished. The researcher also witnessed a child of about eight years brought to the station by somebody who saw him crying and wandering about. The DPO ordered for food to be given to him which he ate voraciously. The researcher on visits to

some of the facilities observed that police cells do not have any sleeping arrangements for juvenile offenders in their custody.

4.5.2.ii Court

Yet again, data on Table 4.6.2 reveal that all (100%) personnel inform parents about their children/ward and allow them contact with each other while 88.9% agreed to giving explanations to juveniles why they are brought to court, adequate feeding, sleeping place, adequate medical facilities, educational and vocational facilities. Most 44.4%, however said juvenile offenders do not get adequate feeding while in court. 66.7% agreed to imposing corporal punishment on juveniles while in court.

During an IDI, the researcher asked how juvenile offenders are fed or treated when sick while in court. A Magistrate said,

> *I know this question will be asked. Although it is rare, it happens once in a while when you want to make them relax especially the very young ones. There are some of them that had not eaten before they committed the offence and are brought to court looking weak and hungry; you can send a messenger to buy food for him. For any health complain, we give instruction for the child to be taken to the nearest public hospital. Is that not commendable?*

During a visit to one of the Courts, the researcher observed that the court premises and buildings were dilapidated and untidy. The courtroom was sparsely furnished with a table, a chair and two benches for offenders. The ceilings in some offices in the court were falling off and the roof leaking. The Registrar of one of the Courts visited attributed the state of courts to starvation of funds from the State government which has not enabled them to hire labour that will do the job (of weeding).

4.5.2.iii Prison

When juvenile offenders are brought to prison for custody according to prison personnel, majority (83.3%) reveals that they give explanations to them and 97.6% allow them contact with relatives. The following 85.7%, 88.1%, 95.2% and 90.5% revealed that feeding, sleeping place, medical facilities and sanitation are adequate while a few 14.3%, 11.9%, 11.9%, 4.8% and 9.5% did not however agree to the adequacy of these facilities to juvenile offenders in custody. Furthermore, majority (92.9%) and (90.5%) averred that there are educational facilities and vocational skill acquisition programmes for juvenile offenders while most (52.4%) agreed they impose corporal punishment on juvenile offenders in custody. Although, majority agreed that feeding, sleeping place, medical facilities and sanitation were adequate, one of the participants during interview was asked to evaluate the facilities he said,

> *You will go and see the inside for yourself. Ask them about the food they eat. Things are no longer like before. Before there were contractors who used to buy foodstuff for prisons but because government didn't use to pay them on time, some of them started delaying to deliver. There were complains and some of our Ogas (*superior officers) *took advantage of the gap. Some of them will hide under any relation or friend to get the contract and bring just anything. Sometimes before the middle of the month, you start to manage. Even though, they cannot eat what they used to eat in their fathers' houses, at least let the quantity be reasonable.*

For sleeping facilities, the same participant said,

since sometimes they will not be kept for too long, they are put in cells that are empty but there is no guarantee of bed, mattress or even mat. Therefore, they manage anyhow.

On whether juvenile offenders are given corporal punishment, another prison officer who participated in the IDI said

> *Honestly speaking, punishment is given. If not, how will they (offenders) be corrected (reformed)? However, when people like you come speaking English, we will tell you that we are treating them appropriately. Are you not Human Rights (Activist)? On hearing that I am a student, he said 'Human Rights have spoilt everything when they say one should not be*

punished when he had committed offence. How will he know he did something wrong if he is not punished? Madam, there was a time some female offenders were deported from abroad for drug trafficking. Until they were beaten seriously before they got into their senses. After that, we did not have problem with them. If not, they were always demanding for one thing or the other making comparison between where they were deported from and Nigeria. When I was in Borstal School in Kaduna, you will see children of different character. Some are reformed; some get worse and instead become armed robbers. Nevertheless, they are taught different vocational skills. We do not adhere to any laws or Human Rights, but when we see you (human rights activists, students, visitors, etc), and you ask questions, we will tell you that we do not give punishment.

The prison yards were however observed, on visits, to be neat and tidy because inmates do the cleaning every morning. Not all prisons are spacious as observed during the researcher's visit. The distance from the gate of some prisons to the kitchen, workshop and cell is not more than ten metres. Therefore, smoke from the kitchen for example, gets into all other places when inmates are cooking meals. The cells were neat too but for the stench that oozed out from the unlighted toilet/bathroom.

4.5.2.iv Rehabilitation Centre

From the data gathered in the rehabilitation centre, it was discovered that personnel (100%) inform parents about their wards presence and the type of treatment needed. According to the officer in charge of the centre, the centre does not keep juveniles unless it becomes necessary. Once the juvenile begins to respond to treatment, he is taken to remand home for rehabilitation. because expenses of treatment are borne by individuals or siblings, juveniles are immediately sent to remand homes where Government bears the cost.

4.5.2.v Remand Homes

Data gathered also reveal that majority (95.2%), (90.5%), (88.1%) agreed that parents are informed about their wards, explain to juvenile offenders why they are in custody and also averred that adequate provisions were made for feeding and sleeping for them. On

availability of medical facilities and personnel, most (64.3%) and (57.1%) workers agreed they were adequate while 35.7% and 42.9% respectively said they were not adequate. Majority (88.1%) agreed that corporal punishments are imposed on juvenile offenders in custody. In one of the IDI forums, the researcher asked participants to evaluate the facilities and services provided in the remand home they were attached to. A social welfare officer said,

> *The general condition is okay. Their (juvenile offenders under custody) feeding is okay because we are the ones that go to the market and we eat from there too. So what we eat, we cannot buy bad things because we eat from there.*

Another Social Welfare Officer said,

> *The food is 100% adequate. You can see that I have just finished eating with them (the Officer had a plastic cup and a silver bowl from which he took pap and bean-cakes prepared by the Home for the inmates). The food is okay because we too eat from there.*

On sleeping facilities, the social welfare officer said,

> *There are mattresses (but) because of lack of space, beds cannot be put in place. This place is not like prison where the structure is large, but if we move to permanent site…, the place. .ah this home is okay.*

However, another officer chipped in and said,

> *But the truth is that sometimes these mattresses no dey do dem. Because sometimes we used to have so many of them (juvenile offenders). So, we add mat for them or they sleep like that since there is rug on the floor*.

From the contribution of a Nursing Auxiliary attached to one of the remand homes, she said the Government is trying by providing funds for drugs for the home. Furthermore, she said,

> *Drugs are bought and the boys are treated well. You can see that boy was complaining of ear pain and the Nurse took him to the hospital. The Government is trying for them and we too the staff are always available. My house is within this premises so that if there is any sick boy for example in the night, the caretaker or mai gadi* (watchman) *can call me to come and treat him until morning when the nurse will come.*

She and a caretaker with the home said,

> *Sanitation is okay because there are two nurses and a health care attendant to take care of their health and environment. We manage the structure because* (even though) *it is not the permanent site.*

The participants were also asked what they do with juveniles who are supposed to be in school, or those interested in skill acquisition and recreation. An officer with the remand home said,

> *As for recreation, you can see that this structure is not supposed to be for custody. There is no fence, no field and no security. So we cannot allow them to come outside for football. They can decide to run away. Let me tell you something, when Mummy Justina was here as the officer in charge, she made sure she got some of these games items like table tennis. Do you know that some of these children started using them to climb ceiling to escape. It was big problem, but God helped us. We parked them. If you go to the store, you will see them. I will show you. It is only ludo and whots that they play and then watch television if there is light. In addition, we as care takers we join them to play or watch the TV. Although it makes them to relax, we join them so that we can watch them and their behaviuor.*
> *For education, the ministry has not sent teachers. Corpers that are posted to this place are the ones that teach them. We the staff, people on hire by government and co-residents of the home sometimes teach vocational skills.*

According to the staff in IDI, corporal punishment is necessary especially for 'stubborn (beyond parental control) children'. To this one of them said,

> *When juvenile offenders are brought here, we counsel them and teach them about religion and how to behave well. And…but ah Ma (laughter) we put sense into their head. Ah…ah…make I tell you true, we dey beat dem o. We punish them so that they will know sey difference dey between outside and here. Even the chain in their legs is to tell them that the movement wey dem dey waka is very important. The ones beyond parental control are treated more harshly because we want to correct them so that their case will not reach police. So they are chained although Government is not aware but it is to teach them sense and also help us staff because if they escape and you report, you fit lose your job.*

On visits to remand homes in Niger State, the environments were neat, clean and tidy enough. From outside the hall, you hear sound of chains as juveniles in custody hop from

one place to another within the hall. As you get to the reception the juveniles are there in chains, some in twos in order to restrict movement. Inside the hall was a dirty rug spread. The toilet is inside the hall and females' custody is within the main hall where the male juveniles stay.

In remand homes the mattresses were parked in a partitioned room used as store and was told that they are brought to the main hall only in the night when the boys are going to sleep.

It was observed that only the remand home at Minna has medical facilities and personnel attached. Officers in charge took sick juvenile offenders from other homes to hospital. In remand homes, the hall and the surrounding were kept clean by juvenile offenders in custody. The hall smelt badly with body odour and poorly managed toilet/bathroom. In fact, disinfectants were provided at intervals for use in the toilet. An officer with one of the homes said government was trying by making provision of necessary things to keep clean the remand home.

Furthermore, it was actually observed that the juvenile offenders were involved in watching football on Television and playing cards with one of the care takers.

The vocational skills that were observed being taught were cap knitting, fan making and laundry. There was one designing machine and another one sewing machine whose instructors were casual staff attached to the remand homes. Although some juvenile offenders would have wanted something different like welding, mechanic, such facilities were not found in the homes. For example, one of the juvenile offenders said although he liked designing, he would have preferred mechanical vocational skill. Hear him, 'I de do designing. 'That is the only thing dem teach us but I for like make I de do mechanic'. Another juvenile in custody said 'I no fit tell dem, if not me I for like welding pass'.

There was a vocational instructor in Minna Remand home but was mostly redundant because, according to him, there were no sufficient funds to buy the needed raw materials. Hear him, "I cannot do anything since I am always told there is no money, because where the raw materials will cost like NGN5,000 and above to get very good shoes and bag, they will prefer to use NGN500 to buy 5 yards of material to teach them what they cannot use". He brought some of the products (shoes, bags, belts, baskets and slippers) he and the previous juvenile offenders had produced. Finally, the researcher was opportune to witness juvenile offenders in custody being punished. The researcher had witnessed juvenile offenders being brought into the remand home in hand cuffs and were immediately beaten up by other inmates. This they tagged 'welcome', 'message' or 'greetings'. Also witnessed in the home is the demonstration of 'Okada Ride' to various destinations (a form of punishment by stooping at a particular position for some time depending on the magnitude of the offence committed).

In summary, the welfare and the treatment of juvenile offenders in custody by personnel in juvenile justice system are far below the CRA/L standard in terms of the sleeping arrangement, educational and vocational skill programmes.

Table 4.5.4: Juvenile Offenders' Responses on Rights while in Custody

Were you Informed of the Offence(s) you Committed?	F	**%**
Yes	50	74.6
No	0	0
Not applicable	17	25.4
Total	67	100.0
Did your Parents or Guardians Appear in Court with You?		
Yes	25	37.3
No	26	38.8
Not applicable	16	23.9
Total	67	100.0
Have You Fallen Sick while in Custody?		
Yes	47	70.2
No	20	29.8
Total	67	100.0
Training activities		
Yes	35	52.2
No	19	28.4
Not applicable	13	19.4
Total	67	100.0
Types of training received by juvenile offenders while in custody		
Moral/religious	8	11.9
Vocational	18	26.8
Educational	16	23.9
Not applicable	25	37.3
Total	67	100.0

Personnel responsible for teaching juvenile offenders in custody		
Staff in the home	13	19.4
Instructors from outside the home	18	26.9
Co-inmates	7	10.4
Others	4	6.0
Not applicable	25	37.3
Total	67	100.0
Knowledge about child rights		
Yes	17	25.4
No	50	74.6
Total	67	100.0
How rights of juvenile offenders in custody are violated		
No freedom	25	37.3
Chaining of legs	16	23.9
Beating	11	16.4
Punishment	8	12
Denial of food	7	10.4
Total	67	100.0
How to avoid violation of rights		
Don't know	27	40.3
Children should be informed about rights	9	13.4
Compulsory education for children	17	25.4
Parents should be forced to send children to school	14	20.9
Total	**67**	**100.0**

Questions about welfare while in custody were asked and these are some of the responses. Forty-seven (47) 70.2% agreed that they had fallen sick while in the remand custody and had been treated either by nurses in the remand homes, taken to the hospital by the nurse in the remand home or treated by staff in the remand home. The remaining 29.8% (20) either did not respond 19.4% (13), or were relatively new 10.4% (7) or had not fallen sick yet. Thirty-five (35), 52.2% said they were receiving training in vocational skills while in custody while nineteen (19) 28.4% said they were not receiving any vocational training. On further inquiry, the researcher was told by a vocational instructor that it was possible for some of the juvenile offenders not to receive any training at some point of entry into the custody. One of the reasons given is when juvenile offenders are new into the home, if they are under punishment or if they are not interested. Eight (8) 11.9%, seven (7) 10.4%, four (4), 6.0%) and five (5) 7.5% were ticked for moral and religious instructions, tailoring, designing and laundry respectively as skills that were taught them while in custody. Two (2) 3.0%, sixteen (16) 23.9% and twenty-five (25) 37.3% did not respond, engaged in either fan making or cap knitting or did not participate in the vocations available or were new to the Home. It was acknowledged by the respondents to have been taught by staff in the Home thirteen (13) 19.4%, instructors outside the Home eighteen (18) 29.9%, co-inmates five (5) 7.5% and others four (4), 6.0%. When asked if they liked what they were being taught, thirty-five (35) 52.2% ticked yes while three (3) 4.5% said no although five did not respond. In their response to whether they liked the staff in the Home, sixty-two responded in the affirmative while one (1), 1.5% responded in the negative.

The respondents were asked if they knew about Child Rights and while twenty-five 37%, did not respond, twenty-five (25) 37% said they did not know. Furthermore, they were

asked if their Rights had been violated and only nine, (9) 13% said their Rights had been violated while eighteen (18) 27% did not agree that their Rights had been violated and twenty-one (21) 31% did not respond. Lack of freedom (1) 2%, being chained and others like lunch meal refusal and flogging 8% (5) constituted some of the expressions of the respondents on the violation of their Rights. They therefore suggested that among others, children should be told about their Rights (awareness), (2) 3% educational opportunities be made available to children (3) 8% and other (35) 52%, facilities like setting up businesses for them, creating awareness for parents to send them to school and forcing parents to send children to school. In conclusion, the findings here reveal discrepancies between the claims of personnel in juvenile justice system and the claims of juvenile offenders in custody of remand homes in Niger State.

Table 4.5.5: Personnel's Knowledge of Laws Guiding the Administration of Juvenile Justice

Are you aware of laws guiding juvenile justice administration?	**Police**		**Court**		**Prison**		**Rehabilitation**		**Social welfare**	
	F.	%	F.	%	F.	%	F.	%	F.	%
Yes	20	76.9%	8	88.9%	37	88.9%	5	56.6%	36	85.7%
No	6	23.1%	1	11.1%	5	11.1%	4	44.4%	6	14.3%
Total	26	100.0	9	100.0	42	100.0	9	100.0	42	100.0
Do you know the content of CRA										
Yes	6	23.1%	3	33.3%	12	28.6%	1	11.1%	13	31.0%
No	20	76.9%	6	66.7%	30	71.4%	8	88.9%	29	69.0%
Total	26	100.0	9	100.0	42	100.0	9	100.0	42	100.0

Table 4.6.3 gives a picture of awareness of laws by the personnel in juvenile justice system but lack knowledge of the content especially the content of the CRA. Majority (76.9%), (88.9%), (88.9%) (56.6%) and (85.7%) of the personnel of police, court, prison, rehabilitation and social welfare in Niger State juvenile justice system said they were aware of the existence of laws guiding the administration of juvenile justice. In addition, most (80%), (67%), (71%), (89%) and (69%) said they did not know the content of the CRA/L guiding the administration of juvenile justice in Niger State. Furthermore, there are yet some (23%), (11%), (88%), (56%) and (14%) personnel of police prison, rehabilitation and social welfare who said they are not aware of the existence of laws on juvenile justice administration. Implicitly, some of the personnel vested with the responsibility of administering juvenile justice in Niger State may treat juvenile offenders unfairly. For example, a woman police officer-in charge of JWC said,

In fact, it is not long that they ask me to go there because the former person is no longer here (Minna), so I no know much about the job so I cannot say anything about it. But sometime ago, is not long, they asked us to come for workshop and is about how to do with children when they bring them to the station.

To corroborate the above claim, another female Officer in Charge of a different station brought out her workshop bag to show the researcher and said,

The headquarters come call us say make we come for workshop, na there they come dey talk about this law, law thing. So me na that Niger State Government own---, abi no be im? This is the bag".

4.6 Specialized Training

To confirm whether the Police Officer in charge of the Juvenile Welfare Unit in one of the Police Stations visited had any specialized training in matters dealing with children, an Assistant Commissioner of Police (ACP) in charge of CID said,

> *You see what happens is that when recruitment takes place in police, officers are sent on training of which they are introduced to many aspects of crime including many aspects of juvenile justice that could prepare them to handle most juvenile cases. However, any further training is given to women on how to treat juveniles under law. That is why you see that juvenile welfare units are headed by women officers.*

Nevertheless, in view of the role of the police, juvenile cases are handled by the CID Department of the Police Command. This is contrary to the rehabilitative and restorative motives of juvenile justice.

A woman police officer in charge of juvenile welfare office with an Intermediate Certificate in typing (35wpm) obtained in the 1990s was asked how she was made in charge of the unit. She said

> *it is from the headquarters that the posting came. But I don attend workshop now for this law about children.*

Another woman officer with Diploma Certificate as the highest educational qualification said

> *I cannot say anything about children law because it is not long I was posted to this (juvenile welfare) unit.*

The judges, police and other personnel in juvenile justice administration in Nigeria do not have special training in handling juveniles as revealed during interview sessions with some of the personnel. Furthermore, female police officers are often deployed to juvenile welfare departments in divisional and State police headquarters. When the researcher asked why mostly female Police Officers are in charge of juvenile welfare units. A Divisional Police Officer said,

> *Ah ah, you are a mother. The children are always with you and sometimes because of the closeness, you are able to tell when something is wrong with them or if you see a change in their behavior, you will easily know. But, how much time does a man*

> *spend at home and with his children? So you can agree with me that that office will better be handled by women even without training although it is necessary that they be trained.*

Although the rules are silent about the training of judges in CYPL, the CRA however has placed emphasis on the training of personnel (including judges) in the juvenile justice system (Section 154 subsections 1 and 2). It is believed that judges who deal with adult cases cannot have the right attitude and mood for humane treatment of juvenile offenders more so that wide spread derogation by the police, judges and parents are reported. In agreement to the above assertion, a Magistrate, during an interview suggested that judges needed training and re-training in juvenile justice administration to be able to handle their cases properly. Furthermore, she said,

> *Even though we may claim to know the general laws, we needed to be familiar with their peculiarities. Oftentimes, you use your discretion to take certain actions. Nevertheless, if some of us were trained may be in psychology or anything that will help us, I believe better decisions for them will be made.*

Again, the social enquiry that is supposed to be conducted and produced by 'competent authority' to aid in the juvenile's case are not demanded by the courts and where produced, are so scanty and shallow to be of any meaningful use. To this observation, the Magistrate said,

> *Sometimes if you see the FIRs that the Police bring to court, you wonder whether they themselves know what they were presenting as reports. In such cases, I will just dismiss the case and discharge the juvenile.* In addition, she said, *you see the Social Welfare workers who are supposed to be the ones to handle such cases; you won't see them, because they will better be informed about the background of the juveniles.*

So many premiums is placed on the protection of the rights of the child that CRA specifically stipulates that the personnel of the court shall be afforded professional education, in service training, refresher courses, among other things, to promote and embrace the necessary professional competence they require. These days, it seems that

the juvenile courts are not allowed anymore by the ordinary courts to exercise jurisdiction over all children who are accused of criminal offences except those children who are charged jointly with adults and children who are charged with homicide who may be tried as adults in the ordinary courts. Cases are tried in both magistrate and shariah courts and quite a number 14% (10) of juvenile offenders are unaccompanied by either the parents or legal representatives. Although, some cases are discharged at the trial stage, sometimes they are not done without some form of corporal punishment like flogging or threatened to get severe punishment if he or she was brought back to the court for another offence. Juvenile offenders are sometimes warned and committed to parents' care. Sometimes parties involved in juvenile cases are advised to go and settle outside the court. This is not contrary to international and local guidelines for juvenile justice administration but for the corporal punishment. This also goes a long way of complete involvement of parents in shaping the life of their child.

From the practice, it was found that a lot need to be done for the personnel to actually be abreast with the current practices in line with CRA/L standard. Lack of knowledge of the laws for juvenile justice administration leads personnel to use the 'principle of discretion' (often wrongly) to treat juvenile offenders.

4.7 Analysis of Juvenile Offenders in Custody to Juvenile Justice Administration in Niger State

This section reports on the arrest of juvenile offenders in general from 2010 to 2012 including those under custody at the time of the study. Information was elicited from the juvenile offenders in custody about their age, educational qualification, offences commonly committed and time spent in detention among others.

Table 4.7.1: Arrest of Juvenile Offenders from 2010-2012

Year of Arrest	Male Juvenile Offenders Arrested		Female Juvenile Offenders Arrested		Total of juvenile offenders arrested	
	F	**%**	**F**	**%**	**F**	**%**
2010	91	91	9	9	100	24.9
2011	141	92.2	12	7.8	153	38.1
2012	144	96.4	5	3.4	149	37.0
Total	**376**	**93.5**	**26**	**6.5**	**402**	**100.0**

Source: Area Social Welfare Office Minna (2013)

Table 4.7.1 shows that four hundred and two (402) juvenile offenders were put in custody from 2010 to 2012. From 2010, 100 juveniles were put under custody, 153 in 2011, and 149 in 2012. Out of 100 juvenile offenders arrested in 2010, 91% of them were males while only 9% were females. In 2011, 141 92.2% out of the 153 juveniles arrested were males while 7.8% were females. Only 3.4% were females out of the 149 (96.4%) juvenile offenders arrested in 2012. The increase in 2011 is not unconnected with the after-elections protests that became the order of the day throughout the country then.

Table 4.7.2 Time Spent in Remand Custody by Juvenile Offenders

How long have you been in custody?	F	%
Less than 3 months	38	56.7
3-6 Months	11	16.4
7-12 Months	9	13.4
12+	9	13.4
Total	**67**	**100.0**

When asked how long they had stayed in custody, 56.7% said less than three months. This category is made up of juvenile offenders who were brought into custody mainly because of being 'beyond parental control' and as such were there on the orders of either the Area Social Welfare Office or those brought into custody directly by parents. Those who had been in custody for between four to six months 16.4%, comprise juvenile offenders who were coming into the custody for the second time (recidivists) or those

committed by court for petty offences. For those who had been in custody for between seven months and above, 13.4% each were those whose cases were still pending in court or those who were granted bail but their parents failed to come and seal it up thus had stayed for upward of two years. On whether juvenile offenders were taken to court, (49) 73.1% said they had appeared while (18) 26.9% said they had not appeared before the court. This category may belong to those whose parents or other relations had brought them direct into custody because of being 'beyond parental control'. 4.5% (3) and 1.5% (1) each confessed they were taken to court by father, brother and (other) relation while 65.7% (44) were taken to court by either police, police and the victim of the offence or victim of the offence.

Table 4.7.3: Juvenile Offenders' Responses on when they were taken to Court

When were you taken to court?	F	%
After more than 1 day in detention in police custody	33	49.2
Immediately after the offence	10	14.9
Others	6	9.0
Not applicable	18	26.9
Total	**67**	**100.0**

On the occasion juvenile offenders were taken to court, the juvenile offenders have this to say. After more than one day in detention in police custody (22) 32.8%, immediately after the offence was committed (10) 14.9% while others (6) 9.0% ranged from home, from the midst of my friends, etc.

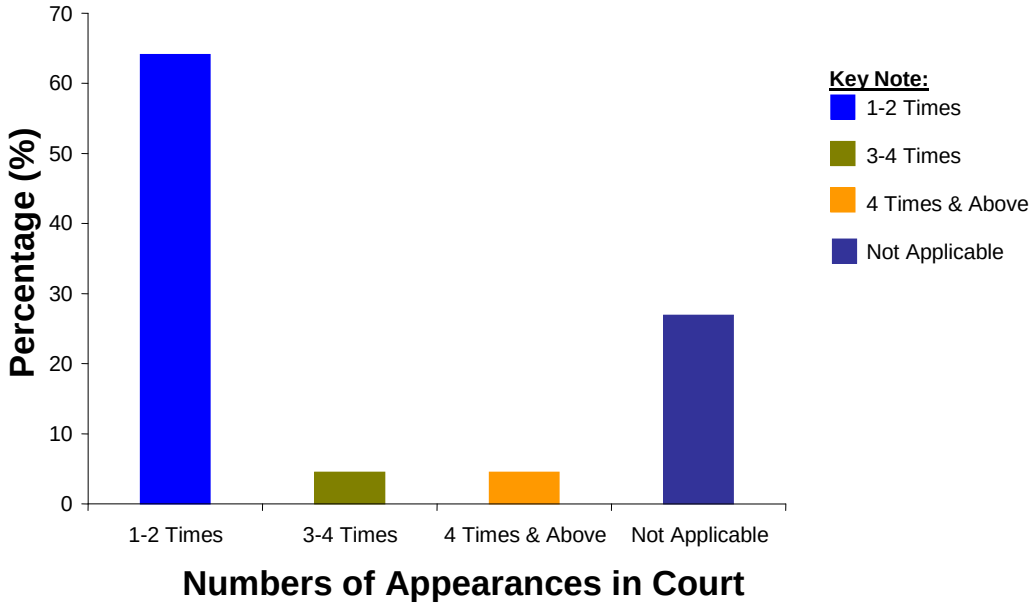
Table 4.7.4: Juvenile Offenders' Responses on how they were taken to Court

How juvenile offenders were taken to court	F	%
Trekked with handcuffs	5	7.4
Chained to motor cycle	12	17.9
In prison van	4	6.0
Others	28	41.8
Not applicable	18	26.9
Total	**67**	**100.0**

7.4% (5), juvenile respondents trekked to court handcuffed, (12) 17.9% were chained to the motorcycle carrying them while (4) 6.0% were taken to court in prison van. For others (28) 41.8% were taken to court on motor cycle while he was in the middle and a police officer sat behind him. Some involved the use of a private car, a hired car, commercial vehicle, victim's motor cycle or two motor cycles where one carries one or two juvenile offenders with one of security men behind while the second security man follows behind them.

On the number of times they had appeared in court, (43% had appeared once or twice, while (3) 4.5% each had appeared between three to four times and above four times respectively. Among those who had appeared above four times was one who had had twenty-two (22) appearances in court.

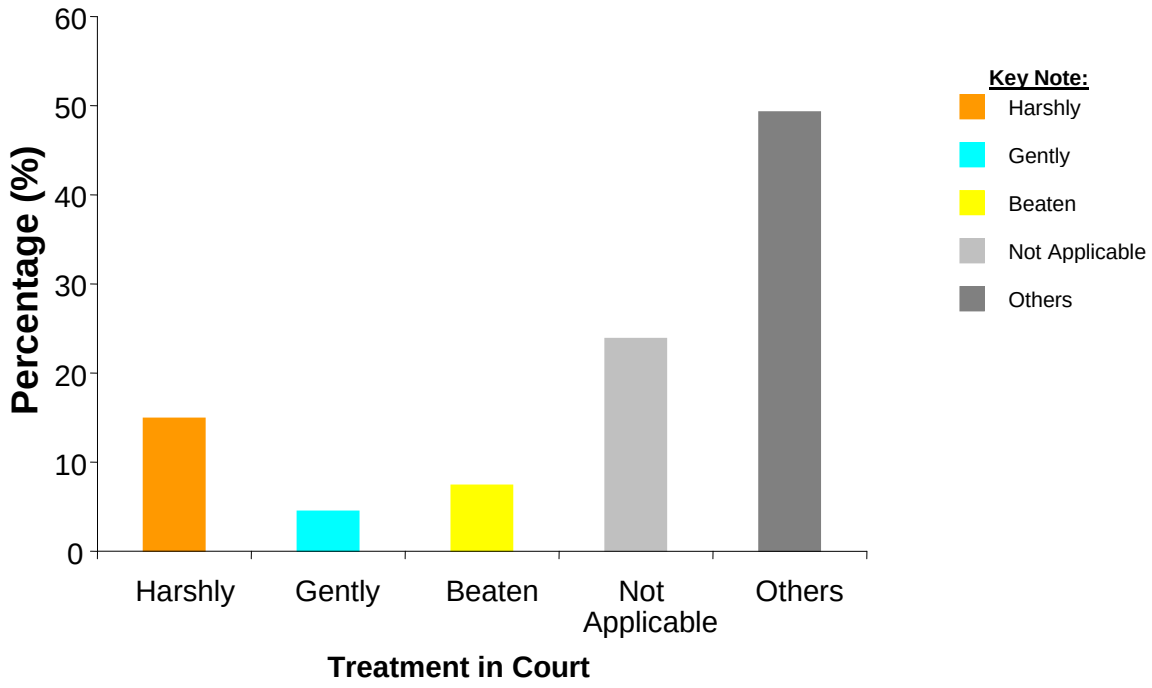
Fig.4.7.1: Number of Times Juvenile Offenders Appeared in Court



4.7.i Treatment in Court

(25) 37.3% agreed that their parents were with them while (26) 38.8% said there were no parents or relations with them when they appeared in court and while at court, (1) 1.5% claimed to have been treated harshly, (3) 4.5% gently while (5) 7.5% were beaten. Others (33) 49.3% among other things said they were threatened; they opened eye for me, or shouted at me. Juvenile cases are not to be delayed. The practice is totally contrary to laws guiding juvenile practice.

Fig. 4.7.2: Treatment of Juvenile Offenders in Court



4.7.ii Attrition Rate within the Juvenile Justice System in Niger State

Juvenile suspects arrested and taken to police station are often investigated before being taken to court. However, they may be let off if there are no sufficient evidences against them. While in the court, juvenile suspects' cases will be adjudicated and disposed accordingly. One hundred and twenty-three (123) arrests were made between January and September 2013. 42.3% (52) cases of arrests were dropped at police stations while 57.7% (71) were taken to court. Thirty-three (26.8%) of the juvenile offenders were either discharged or granted bail to appear at the time fixed for next hearing while the remaining 30.8% (38) were committed to remand custody.

4.8 Discussion of Major Findings

This section discusses the major findings from the objectives of the study in relation to other researchers' findings.

One of the major findings of the study guided by the first objective is that the laws guiding juvenile justice administration in Niger State were those contained in the CYPL and Penal Code despite the adoption of the CRA in 2010 by the State Government. Again, the laws contained in CYPL though child specific, is foreign, outdated and not child-friendly. This is contrary to CRA standards. Ladan (2007), reiterated the fact that the CFRN (Chapters 4 and 2) is not child-specific and the CYPL (is) largely juvenile justice administration biased, not in conformity to international standards and CRA in particular in terms of modern conceptions and principles of juvenile justice administration. The process and practice of JJA is also contrary to the laws contained in the CRA/L. To confirm this, several earlier studies by The Centre for Socio-Legal Studies (2009) in its study of the laws and practices relating to juvenile studies in Nigeria with special focus on the FCT, Abuja, Kano, Plateau, Lagos and Rivers States averred that the practice is a far cry from what the laws provided from arrest to committal of juvenile offenders. Godswill (2013) in his work "Assessment of the Administration and Practice of Juvenile Justice System in Abuja, Nigeria", concluded that the juvenile justice laws and the treatment of juveniles do not reflect those of international laws.Majority of the personnel's competency is below standard with NCE/ND as highest educational qualification against degree in child-related courses. They were found to still apply CYPL because of lack of familiarity with the CRA/L. These findings are similar to those of some earlier works. For example, Alemika, (2005) has argued that 'despite the adoption of CRA, the CYPA/L is the most important legislation in the country dealing with the treatment of young (juvenile) offenders.

Furthermore, the laws (CYPL, PC and CRA/L) are not uniform in the definitions of a child, juvenile, age of criminal responsibility, and the likes. This finding was enshrined in the works of OMCT and CLEEN Foundation (2005) on their report on the implementation of the CRC by Nigeria by stating that 'there are different ages enshrined in a multitude of legal texts and in customary law all over the world'.

Furthermore, from arrest to committal of juvenile offenders, personnel have continued to treat offenders at variance with the laws guiding the practice of juvenile justice. Specifically, the works of Alemika and Chukwuma, (2001), Amnesty International, (2008) and Saad, (2008) show that juveniles are arrested not only arbitrarily but also detained for more than 24 hours in unconducive environment and sometimes with adults. Individuals, (including juveniles) according to Amnesty International (2008) are arbitrarily arrested when raids are carried out by the police. Provision for the use of the principle of discretion by personnel at every stage is made by the laws guiding the administration of juvenile justice to which it has often been abused. Thus, Ijaiya (2009) and Godswill (2013) in their works 'Juvenile Justice in Nigeria' and 'Assessment of Administration and Practice of Juvenile Justice in Abuja, Nigeria' respectively inferred that Nigerian policemen exhibit brutality and incivility in their relationship (including arrest) with juvenile offenders by subjecting them to all kinds of abuse…during arrest.

Another finding made by this study is that juveniles are detained before trial and not granted bail. This is supported by the findings of Alemika (2001), in his work "Juvenile Justice: Philosophy and Practice", Amnesty International (2008) "Prisoners' Rights Systematically Flouted", Ijaiya (2009), "Juvenile Justice Practice in Nigeria" and Godswill (2013) "Assessment of the Administration and Practice of Juvenile Justice

System in Abuja, Nigeria" when they asserted in their various studies that juvenile offenders are detained not only in prisons but also for protracted periods without granting of bail. Ijaiya and Alemika went further to aver that personnel have used the ambiguity of the provision of CYPL "where the officer has a reason to believe that the release of such a person would defeat the ends of justice" to unnecessarily deny bails to juvenile offenders.

The laws made provision for a separate justice system (Beijing Rules) for juveniles by requiring for the establishment of the Juvenile Court (CYPL) and Family Court (CRA). On the other hand, conventional courts could be used but on different days of hearing adult criminal cases. The study found that such designated courts are not in existence as of the time of the study. This finding was supported by Alemika (2001) and Ijaiya (2009) and concluded that personnel handling juvenile cases including Police and Judges have little or no knowledge on how best to handle juvenile cases. This finding is corroborated by Uwakwei's (2011) study titled "Juvenile Justice Administration System and Factors Militating against Effective Juvenile Justice Administration System in Nigeria", in which she observed that 'the lack of juvenile court judges has greatly affected the administration of juvenile justice'. To this, they wondered how a Magistrate would not lose sight of the procedures to be adopted between adults and juvenile cases. To this, Alemika insisted "a judge who frequently switches between trials of adult offenders and juvenile offenders in a punitive legal system as in Nigeria cannot possess the right attitude and mood for humane treatment of juvenile offenders". Alemika (2001); Ijaiya (2009) and Godswill (2013) also confirmed the finding of lack of specialized training by female police officers handling juvenile units who are frequently transferred in and out of the unit. Findings from the study had also shown that the principle of due process is abused by personnel. This has been supported by OMCT and CLEEN (2005). This leads to widespread derogation by the police, judges and parents.

Adjudication was found by the study to be prone more to custodial methods of disposition than non-custodial methods even though there exist several alternatives through which such juvenile cases could be diverted. With regard to disposition, the finding showed that disposition measures employed by the personnel are inclined more to punishment than corrections or reformation. For example, whipping and other forms of corporal punishment provided for by the CYPL. This finding was supported by Alemika (2001). Regarding the custodial facilities, it was discovered that the remand homes in Niger State were not overcrowded contrary to the claims of some previous studies. However, they lacked basic learning and training facilities like educational and vocational facilities as attested by Alemika (2001); Ijaiya (2009) Godswill (2013). To this, the researchers averred that 'although custody is meant to correct, reform, rehabilitate and provide vocational training and formal education, the goals are not realized due to lack of proper policy, legal and institutional framework for juvenile offender correction and delinquency prevention'.

Findings from the study show that majority 76.6% of personnel involved in the administration of juvenile justice are male, between the ages of 35 and 50 years, with diploma certificates and 16 years or above working experience. Except social workers, others did not have much exposure to child related courses. These findings are in line with Alemika's (2001) finding in the study he conducted on officers working in juvenile justice system. Furthermore, lack of knowledge of the laws guiding the administration of juvenile justice is supported by Godswill (2013) which according to him has led to different interpretations often resulting into mistreatment of the juvenile offenders.

On juvenile offenders in custody during the study, the research found that all 100% of them are male, most 56.7% of Niger State origin with little or no education (35.8%). In

addition, the study found that property offence 38.8% is the commonest offence committed in towns and cities by juvenile offenders in custody at the time of the study. Offences against person 13.4% were reported more in rural and semi-urban areas of the State. To corroborate this finding, the following studies Ya'u (2010) "Juvenile Justice Administration in Katsina State", Wahab (2012) "Juvenile Justice System in Nigeria: A Case Study of Kogi State" and Godswill (2013) "Assessment of the Administration and Practice of Juvenile Justice System in Abuja, Nigeria" confirmed that 'children from poor or broken homes are the most involved in crime.

An outstanding discovery by this study is that of the non-classification of juvenile offenders according to either offence or age which is contrary to international standards. Instead, they are kept together. Nevertheless, all categories of juveniles ranging from those who committed person offences to those who committed status offences were lumped in a large single hall. For example, the study conducted by Newman and Wright (2012) held the opinion that status offenders are not supposed to be held in a locked room. Furthermore, the study discovered that juvenile offenders were kept in remand custody for more than the 6 months maximum limit of residency and even the age limit of 15 years eligibility in remand homes. This has exposed fellow younger residents to abuse in form of various forms of corporal punishment by older ones. To this, Ijaiya (2009) in his study "Administration of Juvenile Justice in Nigeria" said 'there is no protection against abuse by fellow inmates and personnel', while Ayua and Okagbue (1995) in their study titled "The Rights of the Nigerian Child" said 'the use of threat, beating and corporal punishment are found at every stage of juvenile justice administration in Nigeria'. Finally, although it became evident that there was discipline in the home through their in power administration, majority of the juvenile offenders was not aware of (their) rights while in custody and therefore resorted to fate on the outcome of their cases.

They however felt they should not be chained, refused food, beaten by staff or fellow residents of the home and wished they could get somebody to talk to them soothingly without insulting them.

Despite the compatibility of the study with other similar previous works on the administration of juvenile justice in Nigeria, this study was able to specifically point out that some of the laws (CPC, Penal Laws, Police Act, CFRN) used in the administration of juvenile justice in Nigeria are not child-specific rather personnel use the principle of discretion (in the laws) on their relationship with juvenile offenders. In this regard, this principle has often been abused. Furthermore, the study was able to establish the fact that personnel are not familiar with the laws guiding the practice of juvenile justice which most likely has led to the neglect of the application of diversion measures. This is happening because according to some personnel, 'certain facilities (probation officers, funds, and adequate staff) are not put in place. Theoretically, the study adopted conflict theory which provided relevant explanations to the challenges in the administration of juvenile justice by establishing that poverty alone could not be a cause of crime but rather poverty coupled with individualism materialism ….and domination among street thugs, and the variety of institutions run by governmental elites representing the interests of the ruling class are utilized for crime control with the purpose of establishing domestic order.

CHAPTER FIVE

SUMMARY, CONCLUSION AND RECOMMENDATIONS

5.1 Introduction

The major focus of this research is the assessment of the practice of laws guiding juvenile justice corrections in Niger State. This chapter presents the summary, discussions, conclusion and recommendations of the major findings of the study. The study was framed to examine the laws in relation to how they are applied in the administration of juvenile justice from the stage of arrest to committal in Niger State. The study was guided by five objectives; to assess the existing laws guiding juvenile justice administration in Niger State, assess the practice of the administration of juvenile justice in Niger State, examine the institutions in juvenile justice administration, examine socio-demographic attributes of personnel in juvenile justice system, examine socio-demographic attributes of juvenile offenders in custody in Niger State and finally make recommendations for better administration of juvenile justice in Niger State.

5.2 Summary of Major Findings

The study provides answers to the following questions about the legal framework, process and practice, facilities for the administration of juvenile justice, local background of personnel responsible for juvenile justice administration and juvenile offenders in custody and the perception of juvenile offenders of the administration of juvenile justice in Niger State. With the adoption of the CRA in Niger State, all other laws are supposed to be repealed in order to keep them out of use. It was however discovered that CYPL and PC are used in the administration of juvenile justice. This is contrary to Section 274 (CRA, 2003). The process and practice are quite different from what the laws say. While police arrest arbitrarily and detain juvenile offenders for more than 24 hours, the Magistrates use

CYPL and Penal laws (applicable to both children and adults) in adjudicating juvenile cases because they are either not conversant with the current Law (CRA) or facilities are not available to fully take off with the implementation of the Act. Cases involving juveniles are treated in conventional courts rather than family courts because the courts have not yet been put in place. Not only that, they are found to be difficult to interpret by personnel therefore use or apply them indiscreetly or arbitrarily while applying the principle of discretion.

On the part of the personnel in juvenile justice system, the study discovered that it was an aging personnel as most of them were male and within the age category of 40-50 years and above. Not only that, most of the personnel have Diploma certificate as their highest educational qualification. They are also found not to have specialized training (in juvenile matters) according to international standards. Female Police Officers in charge of juvenile units were found to have one of the lowest educational qualifications (35mph certificate) and without prerequisite background knowledge of child psychology or any related course of study.

The juvenile offenders in custody in Niger State during the study were found to belong to low socio-economic class, primary and secondary school dropouts. Some had no any form of education until when they got to the Homes. Some had stayed more than the six months ear marked for custody. Some of them were in their early twenties with outstanding court cases that had lasted more than two years. Juveniles brought in because of being 'beyond parental control' are lumped together with those who committed heinous offences. The study also found that juvenile offenders are chained together in twos when they are about to retire for the day. During the day, the chaining is done on

individuals except for the 'stubborn juvenile offenders'. This curtails free movement within the hall and the possibility of escape.

The study also found that the building structures of the Remand Homes are inadequate and not befitting for their purposes. There are no facilities for workshops and recreation. This has resulted in regular escapes by residents from the Homes. The feeding is however good, relatively adequate and balanced, served three times a day. Members of staff also eat from such meals. However, a juvenile offender in custody may forfeit or miss his meal if he commits an offence against either the staff or his co-inmates. New comers are not given lunch for a period of between one and two weeks. Interestingly there are recidivists among them. The only times they come out is when they are cleaning the Homes and environ or when they go to get food from the kitchen.

5.3 Conclusion

In conclusion, the study widely covered the administration of juvenile justice in Niger State by assessing the laws, practice, institutions, personnel involved in the administration of juvenile justice and juvenile offenders in custody. Assessments were made using the guiding laws that regulate juvenile justice administration in Nigeria.

The study has established the existence of laws guiding the administration of juvenile justice. It also established the fact of non-uniformity of the laws. Therefore, while some laws were child-specific and favourable some were friendly but not child-specific. The study again established the existence of discrepancies between the laws and practice (administration) of juvenile justice because application of the law depends on the circumstances surrounding the offence committed and the juvenile offender that committed the offence. Furthermore, the study has established that despite the existence of laws guiding juvenile justice administration, juveniles still engage in acts of crime. The

study discovered that all the institutions involved in the administration are below international standards. In addition, the study established the non-exhaustion of non-custodial measures in particular the involvement of NGOs and private individuals stipulated in Section 235 of CRA (2003). Based on the above facts, juvenile offenders do not yet perceive the reasons and benefits behind custodial measures rather than retribution. This is summed up by Alemika and Chukuma, (2001) in "Juvenile Justice Administration in Nigeria, Philosophy and Practice"; UNICEF, (2006), Ijaiya, (2009) "Juvenile Justice Practice Administration"; and Amnesty International, (2008) "Prisoners' Rights systematically flouted" by referring to conditions under juvenile justice system as human cages with juvenile offenders subjected to punitive measures rather than non-custodial reform-oriented measures.

The study concluded that there is need for a change of attitude in terms of the philosophy of juvenile justice administration, interventions and fundamental reforms relating to legal and legislative initiatives, institutional reforms and capacity building are imperative in order to ensure the full realization of juvenile justice administration in Nigeria.

5.4 Recommendations

In view of the findings of this study, it is evidently clear that there are discrepancies between laws and their application in juvenile justice administration. It has become paramount therefore to mention that juvenile justice administration in Nigeria is in dire need of intervention and reform in philosophy, legal and institutional framework and capacity building. In this regard therefore, the following short and long terms recommendations are given below under the following headings; philosophy of juvenile justice, legal framework, institutional framework and lastly, training and capacity building.

5.4.i Short Term Recommendations

1. Because the philosophy behind juvenile justice is well founded and directed towards the achievements of social, mental and psychological development of the child requiring that actions taken on behalf of the juvenile should be 'in the best interest of the child', the study therefore, recommends for widespread and intensive general orientation or awareness for personnel by the government to ensure effective adherence to standards on administration of juvenile justice. Thus, ambiguity of some provisions in the laws should be cleared. Secondly, corporal punishment and institutionalization especially for children beyond parental control should be discouraged and de-emphasized with immediate effect. In line with this, the government should create Juvenile Help Centres or different Residential facilities to protect juveniles from arbitrary treatment and placement by personnel while the use of diversion measures is encouraged. This requires personnel being subjected to specialized training.

2. In order to protect the identity of juvenile offenders government should provide funds for befitting family courts that will keep juveniles away from public glare. Magistrate should be made to observe and adhere to rule of law and due process by always informing and explaining to juvenile offenders what they ought to know in a manner they will understand. Friendliness should be a guiding principle to the personnel especially the police and Magistrates in handling juveniles. Therefore, court procedures should be arranged in a very informal way when dealing with juveniles in conflict with the law no matter the offence committed. Adjudication and disposition were discovered to be toward more of custody to serve as a 'warning' to other juveniles. This is not so helpful because there is yet no classification of juvenile offenders in custody. It therefore means that all categories of juveniles are lumped together in the same custody. The study at this juncture

recommends that Magistrates should employ more diversionary measures such as probation, intensive supervision by parents or fit person and community service on juvenile offenders.

3. Since the study found that personnel did not have adequate and specialized training, government should therefore, regularly send them on training and re-training and workshops in juvenile justice system for capacity building. This will enable them update knowledge on juvenile matters. The Child Rights Implementation Committee should also be financially equipped to be able to monitor personnel, institutions involved in the administration of juvenile justice.

4. One of the findings of the study under the legal framework is the existence of improper justice system which has consequently militates against effective juvenile justice administration in Nigeria. For example the disconnect between the laws and practice, non-existent of specialized personnel in the system among others have posed an obstacle to effective juvenile justice system in Nigeria. The study therefore recommends a reconstruction of the legal system according to the inherent principles and features of the local people not forgetting the juveniles' rights. In addition, all laws that are not child-specific should be amended to include juvenile matters.

5. On the findings on institutions in juvenile justice system, the study recommends that government should adequately furnish and fortify the existing institutions to make them habitable for the reformation of juvenile offenders. Juveniles should not be put in prison custody for any reason and funds should be made available to develop permanent sites of Remand homes in Niger State. Lastly, Government should consider privatization of juvenile institutions or on the alternative give support to individuals, NGOs, FBOs that

may be willing to engage in management of juvenile offenders through diversion measures. Since the remand homes are not optimally utilized, Government should turn one of them into a Borstal School to curtail travelling long distances while transferring juvenile offenders.

6. Government should organize training workshops to sensitize personnel to promote a common understanding of Juvenile (Child) justice and its implications. All juvenile justice system personnel should receive rigorous training in awareness and understanding of the principles of child rights, best interests of the child, international and local legal frameworks and guidelines in observing the rights of children in conflict with the law. Other aspects of training should include dispute resolution, mediation and communication skills; diversion options and the use of detention as a last resort only for the shortest possible period. In addition, government should lay emphasis on specialized training for all personnel in juvenile justice system.

7. Furthermore, referral systems to NGOs, importance of speedy processing of juvenile cases, compliance with due process and the requirement to inform children and their families/guardians and the importance and value of child participation should be emphasized by the government.

8. Lastly, there should be continuous efforts on the part of the government to create public enlightenment activities on the provisions of the CRA/L on the rights of the child as well as the juvenile justice administration in the State. Government should put in place policies and programmes that will enable families to realize their roles and responsibilities to the juveniles and the society because Nigeria's legislation on juveniles before now had evidently neglected the role of the family in the prevention of juvenile delinquency, rehabilitation and re-integration of juvenile offenders into the society.

Therefore, diversion schemes that imbibe the Nigerian values should be incorporated into laws with less emphasis on institutionalization.

5.4.ii Long Term Recommendations

1. Theoretically, the study is on the premise that there is a disconnect between the laws guiding juvenile justice administration and their implementations. This is because, as discovered by the study, the laws are alien and therefore did not consider the cultural peculiarities associated with the Nigerian society. Families are an important instrument in the socialization of children. However, juveniles in urban cities are characterized by conflicts of norms and emphasize on material goods which leads them into crime. To that effect, there is need for a rediscovery of a distinctive indigenous system of justice that, according to Bamgbose (2014), 'can be juxtaposed with modern justice system taking into consideration modern trends'. This calls for optimal utilization of diversion measures where most cultural values are embedded. When family and community are involved, it will create a sense of responsibility for guiding juveniles. The study therefore recommends that government should have a total reform of laws guiding juvenile justice administration in Nigeria to include positive local values. In other words, laws should be enacted in such a way that family and community are involved in the correction or administration of justice on juveniles.

2. Attitudinal and cultural changes should be encouraged by accepting juveniles in conflict with the law. Religious leaders, counselors the kind of parental and societal attitudes attached to children behaviours in our present world today can be seen as our 'normal way of life'. Government should show commitment and put all machineries in place to facilitate full take off and implementation of juvenile justice system to protect both the child and the society.

3. Pre-trial diversion measures (including community service, vocational skills acquisition training) should be encouraged by the government to ensure juveniles are not taken to custody unnecessarily. For the sake of children, the study recommends that Government should make it mandatory for all States of the Federation to accept 17 years as the age of a child and 18 years as the age of criminal responsibility to allow harmony for the onset treatment of juveniles in general and juvenile offenders in particular.

5.5 Recommendations for Further Research

The study found that there is no collaboration between government, NGOs, private individuals and the community. In addition, much of the diversion methods are neglected for institutionalization. The study therefore recommends that future research work be carried out to find out why their involvement is minimal or none at all.

REFERENCES

Abara, J., (2007). Know About Niger State. Minna: Niger State Government Press

Abdullahi, A. S, Mohammed, Z. I. and Casey, C. (2009) ed. *Studies in Cultural Sociology.* Ibadan: Foludex.

Abdul, Y., (2002). Juvenile Justice Practice in Katsina State. Unpublished Thesis submitted to the Faculty of Law. ABU Zaria

Abiola, J., (2008). Societal Perception of Child Rights:A Case Study of Minna Town. Lagos:NIALS

Abrams, E. D. (2006). Reforming Juvenile Delinquency Treatment to Enhance Rehabilitation, Personal Accountability and Public Safety in Oregon Law Review Vol.84

Abubakar, D. M., (2006). "Understanding the Child Right Act: The Legislative Perception". A paper presented a sensitization meeting for Members of the Katsina House of Assembly organized by the Katsina State Directorate of NOA in Collaboration with Katsina State Ministry of Justice and UNICEF, Zone 'C' Field Office, Kaduna. Katsina: Directorate of National Orientation.

Adegoke, N., (2015). Factors Responsible for Juvenile Delinquency in Nigeria: A Case Study of Selected Primary Schools in Ikorodu, Lagos State, Nigeria. Research in Humanities and Social Sciences: Vol 5, No 5

Ahire, P. T. (1987) "Juvenile Delinquency and the Handling of Young Prisoners in Nigerian Borstal Institutions" in "Nigerian Prisons Service and the Public", Nigerian Prisons Service, Abuja.

Akinrinade, K. (2014). *Tales of Nigerian Minors Sentenced to Death in Error.* Lagos: The Nation, Vintage Press Limited

Akinseye-Goerge, Y., (2009). *Juvenile Justice in Nigeria*. Abuja: Centre for Socio-Legal Studies.

Albanez, T. (2009). *Children in Institutions*. Ibadan: UNICEF

Alemika, E. E. O, Lafratta, D., Merserli, D and Souckora, J (2005). *Rights of the Child in Nigeria: Reports on the Implementation of the Convention on the Rights of the Child.* Kaduna: Human Rights Monitor.

Alemika, E.E.O., and Chukwuma,C.I. (2001). *Juvenile Justice Administration in Nigeria: Philosophy and Practice.* Lagos: Centre for Law Enforcement Education (CLEEN). retrieved from http:www.cleen.org/Juvenile Justice Report.Pdf. 01/27/11).

Alemika, E.E.O (1978). A study of Socio-Cultural & Econ Factor – Delinquency among Kaduna Borstal Inmates. Unpublished B.Sc Sociology Original Essay University of Ibadan.

Alemika, E.E.O (1983) The spoke screen, Rhetoric & Reality of Perol Incarceration in Nig. *International Journal of Comparative & Applied Criminal Justice.* 7(1): 138-149.

Alemika, E.E. O., and Okoye, O.F., (2005) ed. *Human Rights and Shari'ah Penal Code in Northern Nigeria*. Kaduna: Human Rights Monitor

Amnesty International, (2008). *Nigeria: Prisoners' rights systematically flouted*. London: Amnesty International Publication.

Amnesty International, (2012). *Working to Protect Human Rights: Annual Reports.* Lagos: Amnesty International

Araoye, O. M. (2004). *Research Methodology with Statistics for Health and Social Sciences.* Ilorin: NATHADEX Publishers.

Ayua, I. A. and Okagbue, I. E. (1995). *The Rights of the Child in Nigeria*. Lagos: Nigerian Institute of Advanced Legal Studies

Ayua, I. A., (1995) ed. *Law, Justice and the Nigerian Society: Essays in Honour of Hon. Justice Mohammed Bello, CON, GCON.* Lagos: NIALS.

Babaji, B. (2008). An Overview of Child's Rights Act, 2003 and its Impact on Muslims in Nigeria: Issues and Challenges from Human Rights and Islamic Law Perspectives. Ahmadu Bello University, Zaria: Centre for Islamic Legal Studies.

Bamgbose, O., (2014). Reevaluating the Juvenile/Child Justice System in Nigeria. Lagos: Nigerian Institute of Advanced Legal Studies.

Becroft, A. J. and Thompson, R., (2006). Youth Offending: Factors that Contribute to How the Systems Respond.

Berry, S.Y.R, (1999). Collecting Data by In-depth interviewing. Brighton: British Educational Research Association.

Bohm, M. R. & Haley, N. K. (1999). *Introduction to Criminal Justice.* 3rd edition California:Glencoe/McGraw-Hill

Bohm, R. M. & Haley, K. N., (1999). *Introduction to Criminal Justice*. 2nd edition California:McGraw Hill Company.

Centre for Socio-Legal Studies, (2009). Juvenile Justice in Nigeria: A Study of the Laws and Practices Relating to Juvenile Justice in Nigeria with Special Focus on the FCT, Abuja, Kano, Lagos, Plateau and Rivers States. Abuja: CSLS.

Bonger, A. W., (2013) World Encyclepedia

Child Rights Information Network (2010). Inhuman Sentencing of Children in Nigeria. (www.crin.org).

Cromwell, F. P., Del Carmen, R., Alarid, F. L., (2002). Community-Based Corrections Toronto: WADSWORTH

Dambazau, B. A. (2007). *Criminology and Criminal Justice*. Ibadan: Spectrum Books Ltd.

Danladi, M. K., (2009). Introduction to Modern Nigerian Legal Method. Zaria: ENIFAB GRAPHIC PRESS.

FGN (2003). The Child Right Act. Lagos: Federal Government Press.

Federal Republic of Nigeria, (1999). Constitution of the Federal Republic of Nigeria and Fundamental Rights (Enforcement Procedure). Abuja:FGN

Federal Republic of Nigeria, (2006). Criminal Procedure Act

Field, B. (1978). Reference of Juvenile Offenders for Adult Prosecution: The Legislative Alternative to Asking Unanswerable Questions. Minnesota Law Review, Vol. 62, pp515-618.

Hamilton, A. (2011). Savigny: The Volksgeist and Law. Retrieved from http://www.counter_current.com2011/05/savigny-thevolksgeist-and-law/.

Hogan, O. M., (2006). *Academic's Dictionary of Sociology*. New Delhi:Academic Publishers

Idris, O.M. and Ejikeme, C. P. (2005). Community Participation and Involvement in the Corrections of Juvenile Delinquencies in Nigeria. international Journal of SocialPolicyIssues. Vol 3 No 2 Development Universal Consortia.

Igbo, M.E. (2008). *Aetiology of Crime: perspectives in Theoretical Criminology*. Enugu: New Generation Books.

Igbo, M.E. (2008). *Criminology: A Basic Introduction.* Enugu: Jock-Ken Publishers.

Ijaiya, H. (2009). Juvenile Justice Administration in Nigeria. NUJS Law Review 2 NUJS. Rev. 573.

Inciardi, A.J. (2007) *Criminal Justice.* New York, McGraw. Hill.

Integrated Regional Information Network-IRIN-(2011) Children in Custody

Iorhen, J. Y., (2010). Criminal Justice Administration in Nigeria: A Sociological Analysis of the Processing of Offenders within the Criminal Justice System. (Unpublished). Zaria: Department of Sociology.

Isiguzo,C. (2013) UNICEF Tasks States on Domestication of Child Rights Acts. Lagos: UNICEF

Iwarimie-Jaja, D. (2003). *Criminology: The Study of Crime*. Owerri: Springfield Publishers Ltd.

Jemibewon, D. (2000). *Crime and Policing in Transitional Societies*. Johannesburgh:University of the Witwatersrand.

Jigawa State of Nigeria, (2007). *Jigawa State Child's Rights Law*. Kano: Jigawa State Government.

Karlawish, J. (2004). Ethics of research in dementia. In Novak, M. *Issues in aging* (2012) p47. Boston: Pearson.

Kendall, D. (2007). *Sociology in our Times*. Belmont: Thomson Wadsworth.

Labo, S. H. (2004). *The Nigerian Prison System: Present Situation and Prospects for Reform.* Bukuru: National Institute Press.

Ladan, T, M. (2007). The Child Rights Act, 2003 and the Challenges of its Adoption by the Northern Governments in the 19 Northern States. Sokoto: Ministry of Women Affairs and UNICEF.

Lie, J. & Brym, J. R. (2003). *Sociology: Your Compass for a New World*. Toronto: Wadsworth-Thomson Learning.

Long, A. (1999). *The Origins of the Juvenile Justice Systems in America*. London:SAGE

Macionis, J. J. (2001) *Sociology*. New Jersey, Prentice Hall.

Marshall, G. and Scott, J. (2009). *Oxford Dictionary of Sociology* Oxford: Oxford University Press.

McLeod, S. A. (2008).*Qualitative Quantitative.* Retrieved from http://www.simplypsychology.org/qualitative-quantitative.html.

Meir, F.R & Clinard, B.M (1998) *Sociology of Deviant Behaviour*. New York, Harcourt Brace: College Publishers.

Merabet, S. (2011) Juvenile Justice Law Guide. Suffolk :Moakley Library

Metibobo, S. (2009). Family and Crime: A Theoretical Exploration. Lapai Sociological Review Vol. 1, No. 1 pp77-84. Lapai: Department of Sociology, IBB University.

Microsoft Encarta Premium (2009)

Mills, A and Greek, C (2013). William Chambliss. CCJ 5606

Muncie, J. (2005). *The Globalization of Crime Control-the Case of Youth and Juvenile Justice.* Edinburgh: SAGE.

Muncie, J. (1999). Youth & Crime: A Critical Introduction London: Safe Publications.

Nassarawa State of Nigeria, (2005). *Child's Right Law, 2005.* Lafia:Nassarawa State Government.

National Human Rights Commission, Constitutional Rights Project, Penal Reform International and UNICEF, (2002). A Report of 3 Conferences on Juvenile Justice Administration in Nigeria. Publication of EU and UNICEF.

Neuman, W. L. (2003). Social research methods: Qualitative and quantitative approaches. Boston: Allyn and Bacon

Newman & Wright (2012). Juvenile Delinquency in European countries. Wikepedia

Niger State Government, (2010). *The Right of Child in Niger State and other Related Matter(s)*. Minna: Government Printer.

Nigerian Population Commission, 2006

Oduwole, T. A., Atere, A. A., Yesufu,R. A. & Adegoke, T. A. (2010). *Juvenile Institutions and Juvenile Corrections in Nigeria*. Lagos: NOUN

Ogunsola, O., (2014). Daily Independent

Ogbonna, C. (2000) Field Notes and Report on the Conditions of Juvenile Offenders in Nigeria Prisons.

Okafo, N. (2006). Relevance of African Traditional Jurisprudence on Control, Justice, and Law: A Critique of the Igbo Experience. *African Journal of Criminology and Justice Studies.* 2(1):37-62

Okagbue, I., (1999). The Treatment of Juvenile Offenders and the Rights of the Child in Ayua, I. A., & Okagbue, I. E.(1991) (eds) The Rights of the Child in Nigeria. Lagos: NIALS.

Okeshola, B. F. (1993). The Socio-economic Characteristics of Convicted Female Hard-drug Traffickers in Nigerian Prisons. An unpublished Thesis submitted to the Department of Sociology, ABU Zaria.

Okeshola, B. F. (2009). *Sociological Methods*. Ibadan: Foludex Printers.

Okoye, F. (2005). *Shari'ah Law and the Criminal Justice*. Kaduna: Human Rights Monitor

Olakanmi, & Co. (2005). *Criminal Procedure Act*-CAP. C41,LFN2004: Synoptic Guide.

Olakanmi, & Co. (2008). *Children and Allied Laws*. Abuja: LawLords Publications.

Olaofe, A. I. (2010). *Research Writing for Academic Growth.* Zaria: Ahmadu Bello University Press Ltd

Olayiwola, O. A. (2010). Adolescence: Handle it with Care. Curbing and Coping with Adolescents' Problems. Kaduna: HANIJAM Publications.

Onyenweaku, N (2010) The Child Rights Act (2003)-The Rights, the Benefits. Retrieved dailyindependentnig.com/category/columns/working-actress

Osamo, B. O., (2004). *Fundamental Procedure of Criminal Law in Nigeria*. Ibadan:Dee Sage Nig. Ltd.

Otsien, P. (2007), *Sharia Implementation in Northern Nigeria 1999-2006: A Sourcebook,* Ibadan: Spectrum Books Limited

Ozon-Esan, P., (2010) Sociolgy of Law

Platt, A. M. (1977). *The Child Savers: The Invention of Delinquency*. Chicago: University of Chicago Press

Plummer, K. & Macionis, J. J. (2005). *Sociology: A Global Introduction* 3rd edition. England: Pearson Education Ltd.

Policing & Perception of Police in Nig' Police Studies: Intl Review of Police Devpt II(4). (1988A).

Ponthier, J., (2004). Best Practices in Diversion Programmes. UNICEF: Abuja

Pozen,E. D., (2004) http://www.econ.yale.edu/egcenter/research.htm

Professionalism in the Nigerian Prison Service in the Nigerian Prisons Service & Public. Abuja, Nign Prison Service (1987).

Qadri, S.M.A. (2007). *Criminology*. Lucknow: Eastern Book Company.

Russell, C. (1999). Interviewing vulnerable old people: Ethical and methodological implications of imagining our subjects. In Novak, M. issues in aging (pp47-49). Boston: PEARSON.

Sa'ad A. (2009) "J*uvenile Justice*" in *Studies in Cultural Sociology*. Ibadan: Foludex Printers.

Sa'ad, A. (2008) Juvenile Justice in Nigeria. Nigerian Journal of Sociology and Anthropology Vol. 6.pp 71-83 Ibadan: Samlad Production.

Saarnio, R., & Ishola, A. (2009). The use of physical restraint in institutional elderly care in Finland. *Research in Gerontological Nursing, 2(4), 276-286.* In Novak, M. issues in aging (pp47-49).

Salisu, B., (2007). Niger State: History. Minna: Niger State Government

Schaefaer, T. R. (2008). *Sociology* 11th edition. Boston: McGraw Hill

Scott, J. and Marshall, G., (2009) ed. *Oxford Dictionary of Sociology*. Oxford: University Press

Siegel, J. L. (2007). *Criminology. Theories, Patterns and Typologies*.9th edition. Belmont: Thomson-Wadsworth.

Smith, J. D (2005). *The Effectiveness of the Juvenile Justice System*. London: SAGE Publications.

Social Structural & Penal Sys (Papr presentation Abuja: Fed Mins of Inter Affairs &Justice. (1990).

Stern, V. (2006). *Creating Criminals: Prisons and People in a Market Society*. Halifax: Fernwood Publishing Ltd.

Tabiu, M. & Ladan, T. M., (1998) ed. Human Rights and the Prison System in Nigeria: Manual for Prison Officers. Abuja and Lagos: National Human Rights Commission of Nigeria.

Timasheff, S. N. (1967). *Sociological Theory: Its Nature and Growth*. New York:

Trends & Conditions of Imprisonment in Nig. *International Journal of Offenders Therapy & Comparative Criminology.* (1993c). 37(2).

Ugwuoke, (2010). Criminology: Explaining Crime in the Nigerian Context. Nsukka: Great AP Express Publishers Ltd.

Uwakwe, V. (2011). Juvenile Justice Administration System and Factors Militating against Effective Juvenile Justice Administration System in Nigeria. retrieved 5/6/2011.

UNICEF (2001) AU Charter on the Rights and Welfare of the Child: Lagos, UNICEF

UNICEF, (2003). Juvenile Justice Administration in Nigeria Manual. Lagos: UNICEF

UNICEF, (2003). Juvenile Justice Administration in Nigeria: A Course Manual for Law Enforcement Officials Working with Juvenile Offenders.

UNICEF, (2008). Assessment Tool to Assist State Governments in the Implementation of Child Justice Administration in Nigeria. Lagos: UNICEF United Nations (1989).

UNICEF, (2010). The Development of Juvenile Justice Systems in Eastern European Countries. Bolivia:UNICEF Regional Office

United Nations (1985). Standard Minimum Rules for the Administration of Juvenile Justice. Beijing: UN

United Nations (1989) Convention on the Rights of the Child. UNICEF

United Nations (1989). Convention on the Rights of the Child. UNICEF

United Nations (1990). Guidelines for the Prevention of Juvenile Delinquency. Riyadh: United Nations

Uwakwe, V., (2011). Juvenile Justice Administration System and Factors Militating against Effective Juvenile Justice Administration System in Nigeria

Wahab, A. Z, (2012). Juvenile Justice Administration in Nigeria: A Case Study of Kogi State. Zaria: Department of Public Law. ABU (Unpublished).

Wakefield, M., (2013). Richard Quinney (Wikipedia, 2013)

Winterdyk, J. (2002). *Juvenile Justice System*. Toronto:Canadian Scholars Press

Xihui, J., (2013). Criminal Justice Reform Regarding to Children's Welfare. Beijijng:China Society for Human Rights Studies.

Yamah, I. K. (2002). Young Persons in Crime: A Case Study of Remand Home and Borstal Institution in Kaduna Metropolis. An Unpublished Thesis submitted to the Department of Sociology, ABU Zaria.

OTHER REFERENCES FROM INTERNET

http://234next.com/csp/cm/sites/Next/Home/5250407-146/story.

http://en.wikipedia.org/wiki/criminal-justice

http://encarta.msn.com/dictionary_561505979/open_prison.html

http://www.articlesbase.com/criminal.articles/juvenile-delinquency-in-criminal-law-3020851.html

http://www.britanmic.cim/EBchecked/topic/1349207/juvenile-justice/271952/Nigeria.

http://www.cyc-net.org/cyc-online/cycol-1203-Nigeria.html.

http://www.lawyershop.com/practice_areas/criminal_law/juvenile_law.

http://www.lawyershop.com/practice-areas/crimeinal-law/juvenile-law.

(http://www:nationmaster..com/graph/people agestr014yea-age-structure-0-14years).

http://www.nujslawreview.org/artides2009vol2no4/hakeemijaiya.pdf

http://www.prisons.gov.ng/about.php

http://www.thenewstribe.com/2011/03/18/juvenile-delinquency/.

http://www.unifet-irec.org/portfolios/documents/487-nigeria.htm.

(http://www.nap.edu/openbook.php?record id=974&page=154)

http://J:/history.%20htmgom.htm

http://www.cjcj.org/juvenile/justice/juvenile/justice/history/0

http://www.julianhermida.com/concritical.htm.

http://www.oup.com/us/companion.websites/9780199859740/chapter6/summary/.

http://www.crin.org/violence/search/closeup.asp?infolD=23890

APPENDIX I

QUESTIONNAIRE SCHEDULE

QUESTIONNAIRE SCHEDULE FOR PERSONNEL IN JUVENILE JUSTICE ADMINISTRATION (SELF-ADMINISTERED)

Dear Respondents,

I am a Post Graduate Student of the Department of Sociology in Ahmadu Bello University, Zaria. This questionnaire is aimed at generating useful information for the purpose of this research titled *An Assessment of the Law and Practice of Juvenile Correction in Niger State, Nigeria.* It will give greatly be appreciated if you agree to fill it with utmost speed and sincerity. Your responses will be treated with utmost confidentiality and used strictly for academic purposes .

Thank you.

Please fill or tick where appropriate

Socio-Demographic Characteristics of Respondents

1. Sex:

   (a) Male (b) Female

2. Age: _____years

3 Highest Educational attainment:

(a) Primary (b) Secondary (c) NCE/OND (d) Nursing (e) HND (f) University (g) Others, specify

4 Type of job

5 Number of Years in Service:

(a) Below 5 years (b) 5-10 years (c) 11-15 years (d) 16 years and above

6 Rank:

7 Post:

Processing, Custody and Welfare of Child-Offenders

8 List two most commonly committed offences in order of frequency that bring juvenile-offenders into this Department: (a)---------- (b) ----------

9 Do you usually explain to them why they are in your Department?

(a) Yes (b) No

10 Do you inform their Parents/Guardian about their ward(s) and the alleged offence committed by him/them?

(a) Yes (b) No

11 What is the average age of the juvenile offenders brought to your Department?

(a) Below 10 years (b) 10-15years (b) 16- 19 year

12 Do you sometimes allow them contact with relations and friends?

(a) Yes (b) No

13 What do you do to make them stop committing offenses?

(a) Counsel them (b) Scold them (c) Beat them

(d) Give them corporal punishment (e) Others, specify

14 Who provides for their feeding?

(a) Parents (b) Private individuals (c) Government (d) NGOs (e) Others, specify

15 Is the feeding adequate?

(a) Yes (b) No

16 Is the sleeping place adequate for the juvenile offenders in custody?

(a) Yes (b) No

17 Do you give them corporal punishment when they disobey your instructions? (a) Yes (b) No

18 Are they all given equal treatment? (a) Yes (b) No

19 If Yes, please describe how you treat them ----------

---

20 If No, please explain_____

21 Are you aware of the laws guiding the treatment of the juvenile-offenders in Criminal Justice Administration?
(a) Yes (b) No

22 If Yes, which of these laws are you most familiar with?
(a) Children and Young Persons Law (CYPL) (b) Beijing Rules (c) Riyadh Guidelines (d) Convention on the Rights of the Child (e) African Charter on the Rights and Welfare of the Child (ACRWC) (f) Child Rights Act (a) a (b) a and b (c) a and e (d) a and f (e) Others specify

22. Are you aware of the Niger State Child Rights Law of 2010? (a) Yes (b) No

24. Are the following facilities adequately available for the juvenile offenders?

Facilities	Adequate	Not adequate
Accommodation		
Beddings		
Sanitation		
Feeding		
Recreation		
Classes		
Workshops		

If no, what do you suggest improving on them

_____

_____

_____

_____

25 In one sentence each suggest how the following can be improved:

Training of personnel

Funding

The entire juvenile justice system

APPENDIX II

QUESTIONNAIRE SCHEDULE

QUESTIONNAIRE SCHEDULE FOR JUVENILE OFFENDERS IN CUSTODY (INTERVIEWER-ADMINISTERED)

Dear Respondents,

I am a Post Graduate Student of the Department of Sociology in Ahmadu Bello University, Zaria. This questionnaire is aimed at generating useful information for the purpose of this research titled *An Assessment of the Law and Practice of Juvenile Correction in Niger State, Nigeria.* It will be greatly appreciated if you agree to fill it with utmost speed and sincerity. Your responses will be treated with utmost confidentiality and used strictly for academic purposes.

Thank you.

Socio-Demographic Characteristics of Respondents

1. Sex

(a) Male (b) Female

2. Age: (a) Below 10 years

(b) 10-13 years

(c) 14-16 years

(d) 17-20 years

3. Place of Birth:_____

4. State of Origin:_____

5. Local Government Area:_____

6. Religion: (a) Christianity (b) Islam (c) Others, Specify

7. Highest Level of Educational Attainment:

(a) None (b) primary one-three (c) primary 4-6

(d) Junior Secondary one-three (e) Islamic education (f) Others, Specify

8. Father's occupation:

(a) Artisan (b) Businessman (c) Farmer (d) Civil Servant

9. Mother's occupation

(a) House wife (b) Petty-trader (c) Civil Servant

10. Is your Mother staying with your Father? (a) Yes (b) No

11. Were you staying with your Parents before you were brought in here?

(a) Yes (b) No

Admission and Custody into Correctional Facility

12. Who brought you to this Remand Home?

(a) Father (b) Mother (c) Guardian (d) Police (e) Others, Specify:

_____

13. What did you do?

14. How long have you been staying here?

(a) Less than three months (b) four–six months (c) seven months-one year

(d) Above one year

15. Have you been taken to the Court? (a) Yes (b) No

16. If Yes, who took you to the Court?

(a) Father (b) Mother (c) Brother (d) Sister (e) Relation (f) Others, Specify_____

17 When were you taken to court?

(a) After 1-2 days in police custody

(b) Immediately the offence was committed

(c) Others

18. How were you taken to the Court?

(a) Trekked on foot while handcuffed (b) On motorcycle chained to it

(c) In a Prison van (d) Others, Specify

19. How many times were you taken to court?

20. Were you told of your offense(s)? (a) Yes (b) No

21. Were your Parents or Guardians with you in the Court?

(a) Yes (b) No

20. How were you treated in the Court?

Welfare of the Juveniles while in custody

21. Do you receive treatment when sick?

(a) Yes (b) No

22. Do you receive any training activities? (a) Yes (b) No

23. What are you taught?

24. Who teaches you?

28. Do you like what you are being taught? (a) Yes (b) No

29. Do you like the members of staff taking care of you? (a) Yes (b) No

30. If No, give one reason why you do not like them

31. Do you know about Child Rights? (a) Yes (b) No

32. If Yes, as you are in the Custody, do you think your rights have been violated?

(a)Yes (b) No

33. If yes, State how your rights have been violated----------

34. What is your suggestion on how to avoid such violation of children in custody? -------

---

APPENDIX III

IDI GUIDE

IDI GUIDE FOR PERSONNEL IN JUVENILE JUSTICE ADMINISTRATION (POLICE)

Socio-Demographic Characteristics

Age

Rank

Department/Section

Highest Educational Qualification

Highest Professional Qualification

Number of Years in Service

Enforcement of Juvenile Laws

-Awareness of the laws guiding the practice of juvenile justice administration

-Knowledge of any specific laws applicable to the practice of juvenile administration in Niger State

-Offences often committed by juvenile suspects apprehended

-Treatment of juvenile suspects on arrest

-Difficulties and problems while arresting juvenile suspects

i- Release of juvenile suspects

ii- Bail of juvenile suspects

iv- Detention of juvenile suspects

iii- Diversion of juvenile suspects

-Training as a Juvenile Police Officer

-Suggestions and recommendations for improving juvenile justice practice

APPENDIX IV

IDI GUIDE

IDI GUIDE FOR PERSONNEL IN JUVENILE JUSTICE ADMINISTRATION

(Court Officials)

Socio-Demographic Characteristics

Age

Highest Educational Qualification

Highest Professional Qualification

Number of Years in Service

Rank

Juvenile Justice Administration

Which laws are you aware of that guide juvenile justice administration?

Probe for

-General knowledge of the laws (International and National)

-State-owned laws

Trial

-How juvenile suspects are brought to court

-How information is extracted from juvenile suspects while in court

-The role of Prosecution Officers in juvenile cases

-Premises/Venues for hearing cases of juvenile suspects

-How long it takes to dispose a juvenile case brought to court

-People that may accompany juvenile suspects to court

-Relationship with juvenile suspects while in court

-Difficulties and Problems encountered with juvenile suspects in court and others (personnel from other agencies involved with juvenile justice administration, facilities on ground, etc).

-Suggestions and recommendation,

APPENDIX V

IDI GUIDE

IDI GUIDE FOR PERSONNEL IN JUVENILE JUSTICE ADMINISTRATION

(Prison Officers, Social Workers/ Correctional Officers)

Socio-Demographic Characteristics

Age

Highest Educational Qualification

Highest Professional Qualification

Number of Years in Service

Rank

Department/Section

Laws Guiding Juvenile Corrections/Diversion

Which laws are you aware of that guide juvenile justice corrections?

Probe for

-General knowledge of the laws (International and National)

-State-owned laws

Custody of Juvenile Offenders

-Laws guiding custody of juvenile offenders

-How juvenile offenders are admitted into prison custody

-Length of time of stay expected of juvenile offenders

-How and where juvenile suspects/offenders are kept in prison custody/Remand/Rehabilitation

-Relationship with juvenile suspects/offenders

Welfare of juvenile suspects/offenders

-Living conditions

-Accommodation

-Feeding

-Clothing

-Beddings

-Sanitation

-Recreation and Leisure

-Educational and vocational training

-Provision of the above facilities to juvenile offenders in custody

Discipline

-Relationship with juvenile suspects/offenders in custody

-Contact with Parents or Guardians

-Corporal punishment

-Recommendations for the improvement of juvenile justice system in Niger State

APPENDIX VI

OBSERVATION CHECK LIST

POLICE STATION

Examination of police station in terms of conditions of detention cells, processing of juvenile offenders in police station, bail and conditions for granting bail, and time juvenile offenders spend in police custody.

COURT

Where juvenile cases are heard, how juvenile offenders' cases are heard, how long juvenile cases take to be disposed, whether cases are treated fairly and type of disposition often meted to juvenile offenders were observed.

PRISON, REMAND AND REHABILITATION CENTRES

Events and items observed include conditions of custodial facilities, respect for juvenile offenders' rights, feeding, clothing and recreation. Others are educational, vocational, sanitation facilities, medical facilities and juvenile accessibility to officials in the centres.

APPENDIX VII

THE NIGERIA POLICE

Telegraphic Address: ACCID MINNA
Telephone: 08073200074
In reply please quote

The Nigeria Police
'D' Department (C-
Minna,
Niger State

Ref No. CB:3383/NS/X/VOL.2/117 Date: 5TH September, 2013

The Divisional Police Officers,
'A' Division minna/'A' Div. Suleja/'A' Div. K/gora/
Tafa Div & N/Bussa
The Nigeria Police,
Minna.

RE-LETER OF INTRODUCTION INFAVOUR
OF DAUDA JULIANA HUSSAINIA (Ph.D/SOC.SCIE/1654/2009-2010)

Find attached is self explicit,

It is the directives of Commissioner of Police that you avail the bearer of this introduction letter with the information that she may required in facilitating her research programme, please.

ACP. USMAN SULE GOMNA,
ASSIST. COMMR. OF POLICE
'D' DEPARTMENT (CID),
THE NIGERIA POLICE,
MINNA.

APPENDIX VIII

DEPARTMENT OF SOCIOLOGY
FACULTY OF SOCIALSCIENCES
AHMADU BELLOW UNIVERISTY ZARIA NIGERIA

Vice chancellor: Prof. Abdullahi Mustapha, b. Sc(Hons) Pharm (ABU)
Ph. D (London). FPSN.

Head of Department: Dr. Abdullahi Labo
B.Sc., M.Sc (ABU) Ph.D. (BUK)

P.M.B. 1044, Zaria- Nigeria.
Telegrame UNIBELLO
Telephone: 069-550722

Our Ref:SF/STM/12

DATE: 22ND August, 2013.

The Controller of Prisons
Niger State Command
Minna.

Dear Sir/ madam,

LETTER OF INTRODUCTION

Name of Student: **DAUDA JULIANA HUSSAINA (Ph.D/Soc Sci./1654/2009-2010**

The above is a postgraduate student of this Department conducting research in the area of.

AN ASSESSIEMENT OF LAW AND PRACTICE OF JUVENILE CORRECTIONS IN NIGER STATE.

Any assistance you give will be much appreciated.

Thank you.
Yours sincerely.
SIGNED
Dr. Abdullahi Labo
Head of Department

NPSH/419/VOL.I/170
Nigerian Prisons Service.
Headquarters Office.
Minna.

6th September. 2013

All Officers In-Charge
Nigerian Prisons Service,
Minna Old, Bida, New Bussa, MSP Minna,
K'gora, Kagara, Lapai and Agaie.

I am directed to inform you that, the CP has approved the above named student to carry out an assessment of law and practice of juvenile corrections (if any) and young offenders in Niger State prisons Formation.

You are therefore requested to assist the bearer in carrying out her research please.

Wambayi Dickson DCP (Admin)
For: Controller Of Prisons
Niger State Command

APPENDIX IX

DEPARTMENT OF SOCIOLOGY
FACULTY OF SOCIAL SCIENCES
AHMADU BELLO UNIVERSITY, ZARIA NIGERIA

Vice Chancellor: Prof. Abdullahi Mustapha, B.Sc.(Hons.) Pharm (ABU)
Ph.D (London). FPSN

P.M.B. 1044, Zaria Nigeria
Telegrams: UNIBELLO
Telephone: 069-550722

Head of Department: Dr. Abdullahi Labo
B.Sc., M.Sc.(ABU) Ph.D.(BUK)

Our Ref: SF/STM/12

Date: 22/08/2013

.....

.....

.....

Dear Sir/Madam,

LETTER OF INTRODUCTION

Name of Student: DAUDA JULIANA HUSSAINA (PhD/Soc.Sci/16-31/2009-20

The above is a postgraduate student of this Department conducting research in the area of AN ASSESSMENT OF LAW AND PRACTICE OF JUVENILE CORRECTIONS IN NIGER STATE.

.....

.....

Any assistance you give will be much appreciated.

Thank you.

Yours sincerely,

22/8/13

Dr. Abdullahi Labo
Head of Department

DEPARTMENT OF SOCIOLOGY
Ahmadu Bello University
Zaria — Nigeria