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Historical Reflection on the Legislation and Policies of the Juvenile Justice System

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Abstract

This paper discusses the legislation and policies of the juvenile justice system in Nigeria and some other African countries. The main objective here is to assess the feasibility of observing the provisions of Articles 37 and 40 of the UNCRC in Africa. There are many policies and laws protecting children in Nigeria, but the Children and Young Persons Act, which is now enacted in the states as the Children and Young Persons Law, is the major legislation on the administration of juvenile justice in the country. The enactment of the Children and Young Persons Act and the application of special codes (Penal Code and Criminal Code) and procedures in matters involving juveniles are meant to protect the child from the highly technical, cumbersome, and harsh nature of procedures applied in ordinary courts. Recently, Sharia law was extended to criminal matters in some states of the federation, and this has implications for the administration of the juvenile justice system. Before discussing the laws and policies of the juvenile justice system, it becomes pertinent to briefly discuss the historical perspective of the system.

Keywords: Criminal matters, justice system, legislation, policies of juvenile

INTRODUCTION

The root of modern day treatment of juvenile offenders has been traced to the period of the industrial revolution and the religious and moral revival of the early 19th century. Until that period, both adults and children were subjected to the same laws and penalties that included harsh treatment such as flogging, imprisonment, and hanging [1]. This was not withstanding the fact that a presumed concession was granted to child offenders under the common law, denoting that children below a certain age were presumed 'doli incapax' or incapable of committing crimes.

This realization was not, however, reflected in any general benevolence or concession towards children, but was rooted in the common law notion of 'mens rea' or a 'guilty mind' that was prerequisite to criminal culpability.

It was in this sense that the first part of the 19th century heralded movements for the reform of adult offenders and the crusade against slavery [2]. By the middle of the 19th century, public conscience was greatly galvanized and directed towards an ameliorative treatment of juvenile offenders.

UNITED NATIONS' YARDSTICK FOR JUVENILE JUSTICE SYSTEM

From the afore-stated antecedents of the United Nations yardstick for juvenile justice administration, the issues emanating from United Nations prescriptions on Juvenile treatment are discussed here.

In its Rule 17, it further posits that the disposition of juvenile cases should be guided by consideration of "the needs of the juvenile as well as the needs of society".

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Principally, the contents of Articles 37 and 40 of the United Nations Convention on the Rights of the Child (UNCRC) deal directly with the treatment of juvenile offenders by the government and its juvenile justice agencies (Please see the provisions of Articles 37 and 40 in Appendix V).

These provisions serve as the heuristic for the handling of juvenile offenders by member nations of the United Nations [3]. The General Assembly in 1990 also premised its decision on the belief that "the juvenile justice system should uphold the rights and safety of juveniles and promote their physical and mental well-being".

Other formal international conventions that are binding on the ratifying states and which also contain provisions on the administration of juvenile justice include the African Charter on the Rights and Welfare of the Child [4].

Principally, the OAU Charter on the Rights and Welfare of the Child has as its explicit aim the mission statement in Article XVII (3) that "The essential aim of treatment of every child during the trial and also if found guilty of infringing the penal law shall be his or her reformation, reintegration into his or her family, and social rehabilitation".

An assessment of the feasibility of the observance of the afore-stated provisions in the trial and treatment of juveniles accused of violating the penal laws brings to the fore certain fundamental issues [5]. For instance, even though it is relative to the Nigerian setting, it has been noted that there are provisions for their observance in the Nigerian Constitution; several structural bottlenecks have also been noted to impede their enforcement. For instance, the prolonged military interregnum in the governance of the nation connoted the suspension of all constitutional provisions and rights or their violations by law enforcement and security agents with impunity. Also, it has been noted that the nation inherited repressive criminal laws, law enforcement agencies, and penal practices. Thus, in spite of constitutional provisions, adult and juvenile offenders are also subjected to torture, inhumane and degrading treatment by the police and prisons. Furthermore, the various law enforcement and judicial institutions in the country are seen to be grossly underfunded and poorly equipped, resulting in inadequate facilities, delays in trying suspects, overcrowding, unhygienic and inhuman conditions in police and prison cells, and so on. Further, add that these conditions are worsened by the reluctance and corruption that characterize bail practices by police and judges [6]. As a result, several thousand people accused of minor offences are detained for months and years.

In this light, the Children and Young Persons Act, Penal Code, Criminal Code, and Sharia Law will be reviewed in this section.

THE CHILDREN AND YOUNG PERSONS ACT (CYPA)

The need to ensure that today's delinquents do not become tomorrow's criminals has led to the establishment of separate court systems, trial Act procedures, and treatment programmes for juvenile delinquents [7–10]. These arrangements are required to conform to the relevant United Nations rules and guidelines on the treatment of offenders, as well as the Charter and Conventions on Human Rights.

The CYPA has its roots in the Ordinance of 1943, which has been subjected to several changes over the years, such as Ordinances 44 of 1945; 27 of 1947; and 16 of 1950, as well as the laws of Nigeria, 131 of 1954, and 47 of 1955. Also included is Order in Council 22 of 1946. The afore-stated Ordinances and Orders were intended to be incorporated as a National Law, i.e., Cap 32 Laws of the Federation of Nigeria and Lagos, 1958; thus, provisions were made for their adoption as regional laws and later as state laws. In due course, the law was extended to the eastern and western regions of Nigeria in 1946 by Order in Council No. 22 of 1946. The law was enacted for the northern region in 1958 and subsequently constituted the Children and Young Persons Law, Cap 21 of the Laws of northern Nigeria (1963). Lagos state adopted the law in 1970, viz., Children and Young Persons Law

(Cap 26 of the laws of Lagos State) [11–15]. The Children and Young Persons Act (CYPA) deriving from the foregoing historical root, thus remains the most important legislation in the country pertaining to the treatment of juvenile offenders, and all discussions appertaining to children and juvenile matters in Nigeria so far are effluxes of the Children and Young Persons Act dating from. In the remaining part of this section, we shall do a synopsis of the CYPA in respect of its provisions on the court systems, trial procedures, and treatment programmes for juvenile delinquents and assess the level of its conformity with the United Nations Standard as contained in CRC Articles 37 and 40.

CYPA PROVISIONS FOR PRE-TRIAL CUSTODY OF JUVENILES

The viewpoints of the neo-classical school of penology formed the background upon which separate treatment for juvenile offenders is premised. The juvenile court was then seen as a child of necessity. This was a recognition of the fact that the juvenile offender was a child of circumstance in need of care, education, and protection from the adult world. Thus, apart from insisting on the separating of juvenile delinquents from adult criminals to avoid contamination and stigmatization that would militate against their re-integration, re-orientation, and rehabilitation, criminal court terminology was expunged from juvenile court proceedings. The word “criminal” was replaced with the child or juvenile; arrest by custody; charge by petition; sentence or imprisonment by commitment to a detention centre; trial by hearing; parole by after-care, etc. Judges in juvenile courts are composed of men and women. They are usually assisted by councilors and social workers in processing the cases.

CYPA PROVISIONS FOR JUVENILE COURT PROCEEDINGS

The first children’s court identified in the US was created by law on 19th July 1899, in Chicago, following the pressure mounted by the Chicago Women’s Club and the Catholic Visitation and Aid Society. A second juvenile court was established in Denver, Colorado, in 1903, and as of 1908, juvenile courts were established in England, Canada, and Hungary.

Judges in juvenile courts are generally men and women experienced in family matters as well as child welfare problems. They are usually assisted by counsellors or social workers. In addition to judicial functions, juvenile courts also engage in ministerial or administrative functions relating to custody or guardianship, adoption of minors, termination of parental rights, marriage of children, treatment or commitment of mentally defective children, etc. In Nigeria, many of these functions are handled by social welfare departments at the federal, state, and local government levels.

A point to note is that juvenile courts do not have jurisdiction over criminal offences such as armed robberies committed by juveniles. Such cases are usually referred to adult criminal courts that have jurisdiction over them [16]. However, the age factor constitutes a big dilemma for the judges when confronted with such a case.

It is pertinent to note here that in Nigeria, there are no separate courts known as juvenile courts. Rather, every magistrate court can be used as a juvenile court if and when the need arises, as allowed by the chief judge of the state [17]. Usually, when a juvenile case arises forbearing, the juvenile court, constituted by the magistrate and two others known as assessors (one of whom must be a woman) sits in camera in a separate courtroom in the magistrate court or in the chambers of the magistrate.

The proceedings of the court are not made public in a deliberate attempt to protect the identities of the juveniles who appear before it. But the fact that the proceedings take place in regular court buildings traumatizes the juvenile and makes the objective of reformation and reintegration difficult.
Some of the methods adopted by juvenile courts in Nigeria are as follows:

a. Absolute or conditional discharge of the juvenile or young person
b. Fines can be imposed on the parent or guardian for failure to exercise due control over the juvenile or child.

c. Commitment to a fit and proper person who is able and willing to provide the juvenile with a conducive home environment and emotional warmth.
d. Commitment to approved institutions such as approved schools, borstals, and remand homes for purposes of providing the juvenile with discipline and training to enable him to cope with the complexities of life.
e. The juvenile may be discharged but placed under the supervision of a probation officer who ensures that the juvenile attends school or a place of apprenticeship regularly and obeys court orders, including places not to be visited and persons not to associate with.

The given stipulations are foreclosed in the provisions of the CYPA concerning juvenile court proceedings bordering on:

Constitution of the Court, Section 6(1) posits that;
"A juvenile court for the purpose of hearing and determining cases relating to children or young persons shall be constituted by a magistrate sitting with such other persons, if any, as the chief judge of the Federal Capital Territory, Abuja, shall appoint".

As a complement to 6(1), 6(2) stipulates that:
"A court when hearing the charges against children or young persons shall, unless the child or young person is charged jointly with any other person not being a child or young person, sit either in a different building or room from that in which the ordinary sittings of the court are held or on different days or at different times from those at which the ordinary sittings are held."

Protection of a child's privacy: Deriving from the provisions of Section 6(2), further provisions are given for the protection of the child's privacy.

6(6) further add that:
"No person shall publish the name, address, school, photograph, or do anything likely to lead to the identification of the child or young person before a juvenile court, save with the permission of such court or in so far as required by the provisions of this law. Any person who acts in contravention of the provisions of this subsection shall be liable to a fine of one hundred naira".

From the afore-stated provisions, it is noted that the Nigerian regulation, to a reasonable extent, satisfies the protection of the privacy of young offenders as contained in Rule 8. The caveat here is noted cases of disregard and abuse by the police, judges, and parents as reported in the works of Okagbue (1996), and the Human Rights Monitor (1997). It might be instructive to cite a relevant position of the said Section 8 in respect of the aforesaid. Of signal importance is the substance of Section 8(7), which states, *inter alia*:

> *"If the child or young person admits the offence or the court is satisfied that it is proved, he shall then be asked if he desires to say anything as extenuation or mitigation of the penalty or otherwise. Before deciding how to deal with him, the court shall obtain such information as to his general conduct, home surroundings, school records, and medical history as may enable it to deal with the case in the best interest of the child or young person, and may put to him any question arising out of the sued information".*

CYPA PROVISIONS FOR PUNISHMENT IN JUVENILE CASES

The CYPA in Sections 11, 12, 13, and 14 stipulates the manner in which a juvenile case pending before a competently constituted authority may be disposed of. For instance, Section 11(1) stipulates:

> *"Where a child or young person is charged before any court with any offence for the commission of which a fine, damages, or costs may be imposed and the court is of the opinion that the case would be best met by the imposition of a fine, damages, or costs, whether or not without any other punishment. The court may, in any case, and if the offender is a child, order that the fine, damages, or costs awarded be paid by the parent or guardian of the child or young person instead of by the child or young person, unless*

> *the court is satisfied that the parent or guardian cannot be found or that he has not conduced to the commission of the offence by neglecting to exercise due care of the child or young person".*

Additionally, Section 12(1) prohibits the imprisonment of a child, and Section 12(2) stipulates that "no young person shall be ordered to be imprisoned if he can be suitably dealt with in any other way whether by probation, fine, corporal punishment, committal to a place of detention or to an approved institution, or otherwise." However, in the extreme case of the eventual committal of a juvenile to a prison, Section 12(3) requires that "A young person ordered to be imprisoned shall not be allowed to associate with adult prisoners."

In line with the foregoing stipulations is Section 13, on the passing of death sentences on juveniles. According to its provisions:

Section 14 of the CYPA gives a checklist of the various dispositions that juvenile courts can apprise themselves of in the disposal of juvenile cases (see Appendix IV on CYPA regulations). However, it has been observed that some of the various dispositions provided for in the law differ in a variety of ways from provisions in Rules 18 and 2 of the U.N. Standard Minimum Rules on Juvenile Justice Administration, moreso, as the provisions in the CYPA are seen to be more inclined to punishment. Some of the aspects of the CYPA provisions looked at with unease include;

The continued retention of whipping as a deterrent measure which when seen as a degrading treatment violates International Standards;

According to it, "a careful analysis of the legislation (CYPA) shows that too much emphasis is placed on remand in custody. This may be partly due to the fact that it is an old colonial law predating many of the contemporary international Standards and encourages non-custodial sentences."

There follows a brief outline of the various juvenile custodial institutions in the country as well as non-institutional practices.

JUVENILE CUSTODIAL INSTITUTIONS IN NIGERIA

Under the provisions of Sections 16 and 19 of the CYPA, the court has the power to commit a juvenile into custody [18–22]. And this can take either of three forms: remand homes, approved institutions, or prison. The place of custody depends on the place which is believed to serve the best interests of the juvenile. As much as possible, the juvenile is released into the custody of his or her parents, close relatives, or other responsible adults [23]. Where this is not tenable or where the condition demands it, the juvenile or child is sent to an institution for treatment (not punishment). Ordinarily, then, there are a number of specialized institutions for the detention and treatment of juvenile offenders in Nigeria.

The Approved Schools

The approved school system can be traced back to 1933, when it replaced the reformatory and industrial schools of the 19th century, earlier reorganized in 1908. The present-day approved school, derived from reformatories and industrial schools, essentially caters for boys and girls who are more highly disturbed and less responsive to therapy. Reformatory and industrial schools were said to have been established in Nigeria for the first time in Enugu in 1933, following the British colonial pattern, and later at Isheri and Military Street, Lagos.

Generally, the law establishing approved schools stipulates that only children between 10 and 16 years of age should be admitted to the approved schools [24]. The school prepares children for the first school leaving certificate, and those who do well are subsequently released on licence on the ground that they continue to be of good behaviour. Those who cannot cope with educational training have the option to get into various other vocational trades such as welding, tailoring, sign-writing, and carpentry. The girls are taught domestic science subjects such as dressmaking, cooking, and baking. Corporal punishment is discouraged in order to avoid giving the wrong message to the inmates that they are in the school for punishment instead of treatment. Also, recreational facilities such as football, netball, table tennis, etc., as well as facilities for moral and religious training, are provided to make inmates feel as at home as possible.

Borstal Institutions

Borstal institutions, in Nigeria came into existence on the heels of the enactment of the Borstal Institutions and Remand Centre Act of 1960 (see Appendix VIII) by the Federal Government of Nigeria. The act further stipulates that juveniles sent for probationary training shall be detained in such institutions for not more than three years from the date of the sentence. Like what is obtained in the approved school, vocational training involves vocational training in carpentry, tailoring, bricklaying, and sign-writing as well as educational training to enable inmates to read and write up to the General Certificate of Education.

A borstal training institution was first established in Nigeria at Kakuri, in the southern part of Kaduna. In the first instance, a Borstal remand centre was established as a remand and reception centre, prior to the transfer of committed juvenile offenders to the Borstal Institution in Kaduna. In Nigeria, the staff of borstal is drawn from prison staff. This is seen as a serious handicap to the reformation and rehabilitative ideals of Borsta training for juvenile adults.

This is in view of the fact that prison staff is trained to handle adult criminals. Hence, the staff is not used to the large-hearted approach required in the case of juveniles, who should be handled as if in their own homes. Also, with regards to the facilities needed for the realization of safety, the objectives or goals of reformation in the Borstal, Alemika, and Chukwuma (2001) reported that the facilities were well managed in the 1970s.

Remand Homes and Centres

The CYPA also empowered natives of local authorities and local government councils to establish remand homes as stipulated in Section 15 of the act. Remand homes were established to cater to juvenile offenders whose offences would attract imprisonment if they were adults. They are for short periods only and for serious offences. Remand homes, which share most of the characteristics of prisons, serve as places where juveniles facing trial in a juvenile court are sent pending the final termination of their cases. Also, juveniles who are taught to be beyond parental control or in need of care and protection are sent to the remaining centres until suitable foster homes are found for them. Ordinarily, children in remand homes are usually there on transit.

THE CRIMINAL CODE AND PENAL CODE OF NIGERIA

There are many provisions that exist for the benefit of children under the Criminal Code.

SHARIA LAWS

The Sharia legal system predates Nigeria and has been in existence until the end of 1999, when it was extended to criminal matters by some states; Zamfara was the lead state in this aspect. The Sharia Courts Law of Zamfara State (Zamfara 1-1999) and the Zamfara Penal Code that was adopted in January 2000 do not make adequate provision for the protection of children. The laws define the age of criminal responsibility as either puberty or 18 years, except in the case of *zina* (fornication or adultery), where the age of criminal responsibility is 15 years. This connotes that once a child has reached puberty, he will be treated and punished like an adult. This implies that juvenile offenders will be tried before Sharia courts instead of juvenile courts, and punished or sanctioned by flogging and amputation, which are violations of Article 37 of the CRC. The severity of the punishment can be reduced to a fine or 20 lashes (the Zamfara Penal Code). The problem here is that in Zamfara State, the CYPA is no longer applied to juvenile cases except for a few non-Muslims.

Finally, having discussed issues relating to juvenile justice administration as they exist presently in literature in Nigeria, the foundation has been laid to discuss juvenile justice administration in other African countries.

JUVENILE JUSTICE ADMINISTRATION IN OTHER AFRICAN COUNTRIES

Juvenile Justice Administration in Malawi

In its juvenile justice administration, the authorities of Malawi follow a draft model which is a derivative of the rights and welfare of the child.

The draft model de-emphasizes the use of police and prison custody for the children, as it posits that children should never be held in prisons under any circumstances. The model's provisions highlight and emphasize various principles for the handling of juvenile cases, which border on community-based approaches, including prevention measures, diversion, and non-custodial sentencing, as well as restorative justice.

- In the area of arrest, it is required that the parents or guardians as well as the social welfare officers be promptly informed, and in each city or district, at least two social welfare officers are required to monitor and assist children arrested for any offence. And in the process, no evidence should be taken from a child in the absence of a guardian or a social worker.
- For pre-trial detention, it is required that there be separate cells for juveniles, and within 48 hours of arrest, juveniles should be brought before a court for screening in the presence of a guardian, social welfare officer, and the prosecutor.
- As part of the requirement for the remand of children, should the need arise, children are required to await trial with their parents or guardians in what is regarded as parental custody. Also, there should be a limit on the period that a juvenile can be kept on remand. e.g., no child under 14 should spend any time in prison.
- With the adoption of diversion as a measure, it is required that the assessment of every case should be aimed at diverting all cases to pre-trial diversion programmes. Part of this process requires that where diversion is deemed necessary, the case should be withdrawn on condition that the juvenile complete the diversion programme successfully or the case should be postponed until the completion of the diversion programme, after which it can be withdrawn. All are restorative measures to make young offenders accountable for their actions and to help them repair the damage caused by their crimes.
- In the case of juvenile court procedures, the draft model recommends a greater use of a less formal approach in court procedures when dealing with juveniles. It also calls for special training for magistrates who should handle juvenile cases among other recommendations. The model also advocates for the involvement of social workers in court processes involving juveniles. In addressing the issue of criminal capacity in children, the model prescribes that children under 10 years of age should be deemed not to have criminal capacity, while children of 14 years of age and older are deemed to have criminal capacity.

  Finally, in urging the speedy disposal of juvenile cases, the model also prescribes that proceedings in juvenile courts should be held in camera.
- Furthermore, the draft model made provisions for alternative sentencing in juvenile cases. For instance, it posits that non-custodial sentencing should be used whenever possible. Other measures include compensation in terms of money and labour, probation services, etc.
- With regard to the institutions, the draft model prescribes that judicial officers and law enforcement officers should receive training in the care and treatment of juveniles; courts should pay particular attention to the rights to bail in all juvenile cases and relax the usual conditions such as surety. The draft also recommends an increase in cooperation between criminal justice agencies, and NGOs, and civil society groups. Finally, the draft recommends that a development programme be drawn up for each child as well as expedited court processing of juvenile cases.

JUVENILE JUSTICE ADMINISTRATION IN NAMIBIA

Juvenile justice administration in Namibia is anchored on what is regarded as a pre-trial diversion programme initiated in 1995 but centred at Windhoek Magistrate Court. Some of the recommendations for the enhancement of its effectiveness include a call for it to adopt a holistic approach that covers other aspects of juvenile justice system which include crime prevention strategies, training of service providers, lobbying and advocacy for support, policy, and legislative change and the development of a comprehensive service delivery system. Also, there is the call for the expansion of the pre-trial diversion programme to all other regions of Namibia for which permission was granted by the prosecutor General. This permission led to the establishment of juvenile justice for overseeing the implementation of pre-trial diversion programmes in different parts of the country. Also, an inter-ministerial committee (IMC) on juvenile justice was established towards the end of 1987, and this facilitated the formation of a comprehensive juvenile justice programme and the reformation of the existing one in the country.

The consensus decision-making process (COM), a victim-offender mediation programme, to be implemented in cases involving persons as complainants to train, empower, and upgrade the skills and knowledge of juvenile justice workers to ensure efficient and effective service is rendered to any case involving any child, is guided by "the best interest of the child seen as a fundamental of the CRC provision and the rights of all the CC Namibian people to live in a crime-free environment".

Among its various branches of activities, the Juvenile Justice Project has three components that directly border on children. They are in conflict with the law.

The service delivery covered by the JJP includes pre-trial diversion and legal representation.

And on the issue of screening, it is expected to be done thoroughly and not in a hurry, and those entrusted with the responsibility must know what it entails and what the elements of an offence are. Failure to comply with the requirements for diversion options may result in the re-arrest of the child, and the case may proceed to court if such failure is due to a lack of cooperation or negligence. In a case, where a child cannot be diverted and has to proceed to normal court, screeners are expected to assess the possibility of legal representation and may at this point refer the child to a lawyer from the Legal Assistance Centre or Legal Aid Board.

JUVENILE JUSTICE ADMINISTRATION IN SOUTH AFRICA

In line with those issues that draw inspiration from major world bodies' regulations, juvenile justice in South Africa did not make headlines until the immediate post-Apartheid years. After the ratification exercise, the South African Law Commission was mandated to investigate juvenile justice in South Africa and make recommendations to the minister of justice for the reform of juvenile justice administration. An efflux of the commission's mandate was a draft bill that ushered in reforms of the law relating to children involved in criminal activities in South Africa.

Part of the provisions of the bill covers such issues as age, criminal capacity, and age determination.

"A child, who, at the time of the commission of an alleged offence, is under the age of 10 years, cannot be prosecuted. A child who has reached 10 years of age but is not yet 14 years of age may not be prosecuted unless the Director of Public Prosecutions (DPP) issues a certificate confirming an intention to proceed with the prosecution of such a child. And this can only be obtained if it is established that the child has the capacity to appreciate the difference between right and wrong, and act accordingly".

Police powers and duties: The bill in Chapter 3 outlined three methods of getting a child to attend court proceedings. They include arrests, summons, and the use of alternative methods to arrest that are encouraged by the bill. In the event of arresting a child, the arrest must not involve force. But where force is necessary to neutralize resistance, deadly force cannot be used and the procedure for its use in limited circumstances is duly spelled out.

Furthermore, it is required that, in the event of a police officer making an arrest, a probation officer be notified within 24 hours of such an arrest. Also, it is the duty of the police officer to notify the parents or guardians of the child in the event of such an arrest.

In this respect, children can only be held in police custody for 48 hours pending their appearance at a preliminary inquiry.

Also, there is provision for a child to be released on self-recognition if circumstances warrant it in the opinion of the presiding officer. Child into the care of the parent or appropriate adult, or on bail, the child is to be remanded in a place of safety or secure care facility.

It further provides that if a child is remanded in a prison, he or she must appear before a court every 30 days and every 60 days if remanded to a place of safety or secure care facility.

Diversion: These options have a maximum duration of three or six months.

Child justice court: It is the preferred court in the adjudication of children's cases as it is staffed by specially selected and trained personnel and is situated at any convenient place outside a court or police station.

While in detention, no child is to be subjected to the wearing of leg irons when appearing in court though handcuffs may be used in exceptional circumstances.

In terms of the duration of the trial proceedings involving a child, it is required that all cases be quickly disposed of. But should conditions warrant any case lasting up to six months, it is expected that the child be released except in cases involving murder, aggravated assault, and vehicle robbery.

CONCLUSION

Various international treaties and norms pertaining to the rights and well-being of children in the legal system are highlighted, as well as how juvenile offenders are treated in Nigeria. It refers to clauses from the African Charter for the Rights and Welfare of the Child, the OAU Charter on the Rights and Welfare of the Child, and the United Nations Convention on the Rights of the Child (UNCRC).

The article admits that, despite Nigeria's constitution's protection of juvenile offenders' rights, these rights are frequently violated and face structural obstacles. It addresses problems including the absence of constitutional protections being enforced, restrictive criminal laws, torture and other cruel treatment of both adult and juvenile criminals, inadequate facilities, lengthy court proceedings, and corruption in the bail system. As a result, Nigeria's Children and Young Persons Act (CYPA), the main piece of legislation governing the handling of juvenile offenders. It explains the rules governing court systems, trial procedures, pre-trial detention, punishment, and detention facilities such sanctioned schools, borstals, and remand houses. It emphasises the significance of non-custodial punishments, privacy protection, and taking into account the best interests of the child, as well as the necessity for the CYPA to be in line with international norms.

These are notable ministries and channels for controlling juvenile justice administration in Nigeria, as given here:

1. Active and Legitimate Stakeholders
    - Federal Ministry of Women Affairs, Youth, and Development

- National Planning Commission
- Nigerian Prison Service
- Nigerian Law Reform Commission
- Federal Ministry of Justice
- Federal Ministry of Information and Culture
- Police Affairs Commission
- Non-Governmental Organizations and Community-based Organizations notably the Constitutional Rights Project (CRP), the National Council of Women Societies (NCWS), the African Network on the Prevention and Protection Against Child Abuse and Neglect in Nigeria (ANPPCAN),
- Child Care Experts
- Media, e.g., News Agency of Nigeria, Nigeria Union of Journalists
- Donor agencies, e. g. UNICEF, ILO, UNESCO, UNDP, World Bank, and UNFPA
- Families
- Religious Organizations

2. Departments responsible for the administration of juvenile justice at all levels of government
   a. Federal Government Level
      - Federal Ministry of Women's Affairs and Social Development
      - Federal Ministry of Sports and Social Welfare
      - Nigerian Police
      - Nigerian Prisons
      - Federal Ministry of Justice
      - National Assembly, Judiciary Committee, Prisons Committee, Police Committee, and Prisons Committee
      - Departments of Social Welfare
      - Juvenile Welfare Centre, Nigerian Police
      - Juvenile Welfare Centre, Nigerian Prisons
      - Public Prosecution Centre
   b. State and Local Government levels
      - Departments of Social Welfare
      - State Ministry of Women Affairs and Social Development
      - State Ministry of Sports and Social Welfare
      - Juvenile Welfare Centre, Nigerian Police
      - Juvenile Welfare Centre, Nigerian Prisons
      - Juvenile Courts
      - Remand homes
      - Approved Schools
      - Borstals
      - Religious Organizations

Having reviewed laws and policies, the next step is to assess the practice of the juvenile justice system in Nigeria.

REFERENCES

1. Bartollas CB. Juvenile Delinquency. New York: Macmillan Publishing Company; 1990.
2. Beccaria C. On Crimes and Punishment (reprinted). Indianapolis: Bobbs-Merrill; 1963.
3. Becker SH. Outsiders: Studies in Sociology of Deviance. Glencoe: Free Press; 1963.
4. Becker HS. Labeling Theory Reconsidered. In: Rock P and Mcintosh (eds.), Deviance and Social Control. London: Tavistock; 1974.

5. Bentham J. An Introduction to the Principles of Morals and Legislation. New York; Basic Books; 1780.
6. Block HA, Flynn FT. Delinquency: The Juvenile Offender in America Today. New York: Random Home; 1956.
7. Bonger W. Criminality and Economic Condition. Little Brown and Co.; 1916.
8. Bueren GV. United Nations Rules for the Protection of juveniles deprived of their liberty. Defence for Children International.
9. Thomas Davidson. Chambers Twentieth Century Dictionary. Edinburgh: T.A. Constable Ltd; 1978.
10. Chambliss WJ. Crime and the Legal Process. New York: McGraw Hill Book Co.; 1975.
11. Cicourel AV. The Social Organization of Juvenile Delinquency. London: Heinemann; 1976.
12. Cimler E, Beatch LR. Factors involved in juvenile's decisions about crime. Criminal Justice and Behaviour. Sept. 1981; 8(3): 275–286.
13. Clinard MB, Abbot DJ. Crime in Developing Countries. New York: John Wiley and Sons; 1973.
14. Cloward R, Ohlin LE. Delinquency and Opportunity: A Theory of Delinquent Gangs. London: Routledge; 1960.
15. Ibhawoh B. (1996). The failure of prosecution: A report on the prosecution of criminal suspects in Nigeria. [Online] Academia.edu. Available at: https://www.academia.edu/737327/The_failure_of_prosecution_A_report_on_the_prosecution_of_criminal_suspects_in_Nigeria.
16. Cook PJ. The Demand and Supply of Criminal Opportunities. In: Tonry M, Morris N. (ed.) Crime and Justice 7, Chicago, University of Chicago Press; 1986.
17. Dow PE. Criminology in Literature. London; Longman; 1980.
18. Child Justice Bill: Summary of public submissions | PMG [Online]. Pmg.org.za. 2022 [cited 2023 Jul 14]. Available from: https://pmg.org.za/committee-meeting/8944/
19. Feigelman William. Sociology Full Circle; Contemporary Readings on Society. U.S.A.: Abe Books; 1980.
20. Fogel D. We Are the Living Proof: The Justice Model for Corrections. Cincinnati: Anderson Publishing; 1979.
21. Glueck SW, Glueck E. Physique and Delinquency. New York: Harper and Row; 1956.
22. Gordon DM. Capitalism, class and crime in America. Crime and Delinquency. 1973; 19(2): 163186.
23. Haralambos M, Holborn M. Sociology: Themes and Perspectives. Italy: Harper Collins Publishers; 1998.
24. Haralambos M. Sociology Themes and Perspectives. Slough: University Tutorial Press Ltd.; 1983.

