

Assessment of the Administration and Practice of Juvenile Justice System in Abuja, Nigeria

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Abstract

No social group seems to bear the direct brunt of economic crises like children and young persons. Because of their vulnerable nature, some of them resort to different forms of deviant activities, which bring them in conflict with the law. As a result, there is a range of laws at the international and local levels which set standard practice as it concerns juvenile offenders. However, the practice of juvenile justice system in Nigeria tends to be at variance with these laws. This study examines the practice of juvenile justice system in Nigeria, with the view to assessing the effort of government in the administration and control of juvenile delinquency in line with established standard in Federal Capital Territory, Abuja. The study used structured questionnaires to elicit information from the respondents. Findings reveal that there exist laws to protect the rights and conditions of juveniles, but these laws do not adequately conform to international standard. Juveniles are subjected to poor conditions in police and prison cells; they are poorly fed, subjected to verbal and physical abuses, and not separated from adult prisoners. The study concludes that Nigerian juvenile justice administration needs to be reviewed and properly coordinated to reflect international rules and standards for the treatment of juvenile offenders.

Key Words: Justice administration, Juvenile, justice system; Abuja; Nigeria

1. Introduction

The Children and Young Persons Act (CYPA) defines a child as “a person under the age of fourteen years”. Similarly, a young person is defined by the law as “a person who has attained the age of fourteen years”. However, the Beijing Rules of the United Nations Standard Minimum Rules for the Administration of Juvenile Justice defines a juvenile as “a child or young person who, under the respective legal systems, may be dealt with for an offence in a manner which is different from an adult”.

No social group bears the direct brunt of the global economic crises like children and young persons. The social, economic and cultural activities and benefits hitherto accrued to them have either dwindled or are no more in existence. The most vulnerable groups in this regard are children from poor and broken homes (Human Rights Monitor, 1997). The economic hardship, occasion by the introduction of Structural Adjustment Programme in the 1980s, devaluation of the Nigerian Currency and the global economic melt-down have had devastating impact on the social, economic and cultural relations of the middle class and the less privileged in the society. They have significantly dislocated the family structure and strained family relationships; it has increasingly become difficult for families and government to meet their basic commitments, such as provision of good health care services, good educational opportunities, good recreational facilities, and other goods and services. Those who could not survive on the meager salaries and income have to look for other means and opportunities to supplement them. The impact of these has led to break-up of families, increase in the number of commercial sex workers, trafficking in women, child labor, high incidence of theft, armed robbery, high mortality rate, abandoned babies and economic deprivation.

The juveniles bear and feel the greater impact of the dwindled purchasing power of the middle class and the poor in society. Most young men are pushed into the world of business the moment they finished from the primary school; the juvenile is forced to the street as a hawker; in the process, they mix with anti-social elements and are trained on how to make money as quickly as possible. These manifest in the high rate of juvenile crime pervading the society. Some became big time criminals, while others roam around in the big cities with no visible mean of livelihood. The girls fall victim to social perverts who sexually abuse and exploit them. These situations are very visible in Abuja Municipal Area Council, like any other parts of cities in Nigeria. More children are becoming homeless, in poverty, abused, orphaned or

single-parent, especially those born out-of-wedlock. The current state of destitute, “area-boys” and “almajiri” in parts of Abuja are all indications of the plight of Nigerian juveniles, and the break down of community norms and values.

Most parents with poor economic background can hardly afford to send their children to school. When they do, only one or two of their wards will be sent to school; the rest are distributed to well-to-do relatives who use their discretion to determine what they feel is best for them. Some are engaged in petty trading in the market or to hawk wares on the streets, while others are used as house boys and girls; they grow up with no formal education and no skills. Yet, others remain in shops and in workshops from morning till night. They hardly get the type of rest and leisure that is their entitlement by virtue of their age, consequently, they become hardened at a very early age. Because of their vulnerable nature, some of them resort to different forms of anti-social behavior and end up running foul of the law.

In the last few decades, juvenile delinquency rates have soared, leaving some to argue for adult punishments as deterrence. For instance, in United States in 2007, juveniles were responsible for 16% of all violent crimes. Juvenile crime rates increase in 2005 and 2006 and decreased slightly in 2007 (www.ehow.com2010). In Nigeria, however, there has been no meaningful statistics on juvenile delinquency (Alemika and Chukwuma 2001:26). Unreliable, because many cases brought to them are informally settled and information management is very poor in the absence of statistics; therefore, it is not surprising that government officials, moral entrepreneurs and especially the mass media, decry alarming increasing incidence of juvenile delinquency. In addition to the above, there seems to be no clear-cut children-friendly policies of government, and where they exist, they only remain at the level of legislation begging for implementation.

A child in conflict with the law has the right to treatment that promotes his sense of dignity and worth taking his age into account, and which aims at his reintegration into and assumption of a constructive role in society (UNICEF, 2001). Consequently, there is a range of laws at the international and local levels which set standards of prison conditions as they concern juvenile offenders specifically. This is because, the fundamental purpose of the law in the treatment of juveniles is for their rehabilitation and unusual reintegration into the society, as well as to protect them from both the harshness of prison life and the unwholesome influence of adults and, possibly, irreparably crooked offenders. Given reported variance in the treatment of juvenile offenders in Nigeria with established standards, this study assesses the administration and practice of juvenile justice system in Abuja Area Council.

2. Literature Review

2.1. International Law and Treatment of Juvenile Offenders

Juvenile Justice Administration has been influenced by the activities of humanitarian and penal reformers who protested against cruelty to children under the guise of administering justice. Prior to the 19th century, children were harshly punished for even petty offences, but in the 19th century, there were concerns, first, about increasing rates of delinquency and second, about the handling of juvenile offenders. It was the realization of the negative consequences of the punitive treatment of young offenders that spurred humanitarian and penal reformers to advocate lenient treatment of young offenders (Alemika and Chukwuma 2001:27). They argued that young offenders should be given opportunity for correction, reformation, rehabilitation and be restored into society as useful and law-abiding citizens, instead of being punished. These concerns heightened as delinquency rates increased, and the reformers realized that the young offenders were not “born criminals” but victims of circumstances beyond their control.

These agitations led to the emergence of general international legal instruments – conventions, charters and principles, rules and guidelines that regulate the promotion and protection of the rights of the child and treatment of juvenile offenders which to some, Nigeria is signatory such as, the Beijing rules of the United Nations Standard Minimum Rules for the Administration of Juvenile Justice, the Children and Young Persons Act, the United Nations Convention on the Rights of the Child, the O.A.U Charter on Rights and Welfare of the Child etc. The underlying principles of these conventions and charters is to extend the same rights accorded to adults within the criminal justice system to juvenile offenders, and to offer guidance for the treatment of juvenile offenders. To fully appreciate the rights of the Nigerian juveniles, it is important to take a look at these International Conventions, Charters, guidelines and rules visa-avis Nigeria laws. This is because they serve as standard for the evaluation or assessment of government policies and administration of juvenile justice system in Nigeria.

Article 19 of the United Nations Convention on the Rights of the Child, provided that:

State parties shall take all appropriate legislative, administrative, social and educational measures to protect the violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation including sexual abuse, while in the care of parents(s) legal guardian(s) or any other person who has the care of the child.

Again, the United Nations Convention on the Rights of the Child set out in Article 40 the principles that should guide the treatment of young offenders; Article 40 (1) states that:

State parties recognize the right of every child alleged as, accused of or recognized as having infringed the penal law to be treated in a manner consistent with the promotion of the child's sense of dignity and worth, which reinforces the child's respect for the human rights and fundamental freedoms of others and which takes into account the child's age and the desirability of promoting the child's reintegration and the child's assuming a constructive role in society.

Essentially, the handling of juvenile offenders should promote “the child's reintegration and the child's assuming constructive role in society” rather than inflicting punishment or executing retribution and vengeance. Article 40 (2) consists of elaborate provisions on the rights of child during trial, which is primarily intended to extend the observance of rule of law or due process rights to the trial and treatment of juveniles accused of violating the penal laws. Subsections 3 and 4 of the Article 40 made specific provisions for philosophy, principles, legal safeguards, institutional framework and practices for treating juvenile offenders. The underlying principle of the provisions is to extend the same rights accorded to adults within the criminal justice system to juvenile offenders, and to offer guidance for the treatment of juvenile offenders. For instance, Article 40 (4) made provisions for the disposition and treatment programmes for juvenile offenders adjudicated to have infringed the law. It provides that:

A variety of dispositions, such as care, guidance and suspension orders, counseling, probation, foster care, education and vocational training programmes and other institutional care shall be available to ensure that children are dealt with in a manner appropriate to their well-being and proportionate to both their circumstances and the offence.

These provisions serve as guidance for the treatment of juvenile offenders by member nations of the United Nations Organizations.

The OAU Charter on Rights and Welfare of the Child in its preamble recognized that “the child due to the needs of his physical and mental development requires particular care with regard to health, physical, mental, moral and social development, and requires legal protection in conditions of freedom, dignity and security”. The provisions of the Charter in this regard are important in the light of the peculiarity of the conditions of most African children that remain “critical due to the unique factors of their socio-economic, cultural, traditional and developmental circumstances, natural disasters, armed conflicts, exploitation and hunger”. They are important because of cultural and religious traditions in Africa that do not give adequate opportunity to the children for self-expression (Alemika and Chukwuma 2001:35).

There is also United Nations Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules), and the United Nations Guidelines for the prevention of Juvenile Justice (the Riyadh Guidelines). The Minimum Rules and Guidelines provide a desirable balance between Juvenile Justice Administration and juvenile delinquency prevention. Juvenile delinquency prevention must be embedded in national economic, social development, health, educational and youth development policies. The Guidelines especially provided that:

The need for and importance of progressive delinquency prevention policies and systematic study and the elaboration of measures should be recognized. These should avoid criminalizing and penalizing a child for behaviour that does not cause serious damage to the development of the child or harm to others.

The Minimum Rule was adopted by the General Assembly Resolution 40/33 of 29 November, 1985. Section 5 states the aims of juvenile justice system as follows:

The Juvenile Justice System shall emphasize the well being of the juvenile and shall ensure that reaction to juvenile offenders shall always be in proportion to the circumstances of both the offenders and offence.

Section 7 affirms the due process outlined in the UN Convention and OAU Charters on the Rights of the Child. Section 13 deals with detention of juveniles pending trial:

Juvenile under detention pending trial shall be kept separate from adults, and shall be detained in a separate institution or in separate part of an institution also holding adults. While in custody juveniles shall receive care, protection and all necessary individual assistance—social, education, vocational, psychological, medical and physical, that they require in view of their age, sex and personality.

This is to ensure that young offenders are not subjected to “criminal contamination” and descend deeper into criminal subculture.

Nigeria and other member states of United Nations and the Organization of African Unity are expected to align their laws and policies on juvenile justice administration to the various provisions described above, and the contents of

other UNO instruments, including the Standard Minimum Rules for the Treatment of Prisoners. Nigeria, as a member state has taken certain steps in this direction. Successive Nigerian constitutions since independence from British imperialism in 1960, guaranteed the rights of accused persons to fair trial and due process as contained in chapter 4, section 36 of the Constitution the Federal Republic of Nigeria 1999. These provisions conform to the relevant United Nations Rules and Guidelines on treatment of offenders as well as the Charter and Conventions on Human rights.

The Children and Young Persons Act (CYPA) remains the most important legislation in the country pertaining to the treatment of juvenile offenders. It was enacted to make provision for the welfare of the young person and treatment of young offenders and the establishment of juvenile courts. In order to ensure that only juvenile courts deal with children and young persons, section 29 of CYPA provided that:

Where a person, whether charged with an offence or not, is brought before any court other wise than for the purpose of giving evidence and it appears to the court that he is a child or young person, the court shall make due inquiry as to the age of that person, and for that purpose shall require the production of a birth certificate or other direct evidence as to the date of birth and in the absence of such certificate or evidence, a certificate signed by a medical officer in the service of the government giving his opinion as to such age.....

In accordance with the United Nations Minimum Rules for the Administration of Juvenile Justice (section 26), provisions were made in a different law for the establishment of Borstal Institutions. The law, Borstal Institution and Remand Centre Act (No 32 of 1960) establish Borstal and Remand Centre as federal juvenile correctional institutions. The purpose of the institution is to bring to bearing 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 him to do so by fullest development of his character, capacities, and sense of personal responsibilities.

From above discussion, attempt has been made to review international laws – Convention, Charter, Guidelines and Rules. However, in spite the efforts made by the government to ensure compliance in administration and control of juvenile delinquency, it is pertinent to note that Nigerian juvenile justice laws and especially juvenile justice administration have not been reviewed and properly coordinated to reflect those international rules and standards for the treatment of juvenile offenders.

3. Materials and Methods

Abuja, the Federal Capital Territory (FCT) is a “planned” city. It came into existence by virtue of the Federal Capital Territory Act of 1976 and officially became Nigeria’s capital on 12 December 1991, replacing the role of the former capital, Lagos. The Territory covers a total land area of approximately 8,000 square kilometers and it is presently made up of 6 Area Councils, namely Municipal, Abaji, Bwari, Gwagwalada, Kuje and Kwali. Over 60% of its populace still lives in the rural areas across the 6 Area Councils. With an estimated population of 1.4 million, according to the 2006 census data, the territory has a growth rate of 9.3% due to the influx of Nigerians from all parts of the country.

The bulk of federal institutions, ministries and embassies are located within the confines of the Area Council, these no doubt affect the economic and social life of the people. The inequality produced by this circumstance manifest itself in patterns of style of life among families in terms of their economic circumstances, the extent of social provision and pattern of socialization.

The social structure of the Area council and the cost of living doubtless affect family life. The implication is that values, morality, discipline, rationality and approved achievement orientation expected of moral society began to dwindle or is being compromised in order to survive. Juveniles became engaged in petty trading and in the process, many children become exposed to vices. This situation tends to present some social implications for the residents of the Area Councils. For instance, cases of juvenile delinquency became pronounced among families in the lower strata of the community. An average child becomes loathed for his/her outrageous sense of irresponsibility. They steal and lack courtesies. They are not forthcoming and consistent in school, and are fundamentally delinquent. Generally, the Area Councils began to witness high incidence of alcoholism among youths, violence, early initiation into sex-free union, high incidence of children abandonment, etc. The desperation therefore, to make ends meet brings these children into conflict with the law. Today many of these children are either serving different jail terms or in detention in Kuje prison and other Borstal Institutions and Remand Homes in the country.

The primary data on which this study mainly relied were collected by means of survey questionnaire. The informants were drawn from the Police, Prison Service and the Judiciary. This is because these three institutions are the major pillars of the Nigerian criminal justice system. The questionnaire schedule consisted of both close and open-ended questions. For the purpose of selecting the respondents, the researcher used a combination of cluster and simple random sampling techniques. For the Police personnel, Abuja Municipal Area Council was clustered into the existing 18 Divisional

Commands, namely Nyanya, Karu, Karshi, Asokoro, Garki, Garinpa, Gwagwa, Utako, Wuse, Maitama, Mpape, Lugbe, Lube Housing Estate, Life Camp, Karomo, Jiwa, Federal Secretariat, and National Assembly. Out of these, eight Divisional Commands were selected while 30 respondents were selected from each of the eight commands, and administered with questionnaires.

In similar vein, Abuja Municipal Area Council was clustered into existing magistrate courts, and prisons, to select judicial and prison staff respectively, for interview. Forty (40) respondents were selected from the magistrate courts and 120 from the Nigerian prisons service. Altogether, a total of 400 respondents were selected for the study and served with the questionnaires. These were achieved after the sample frames were determined, and the approaches were adopted because of the relatively homogeneous nature of the population of study, as regards the issue under investigation. The views of the respondents were sought on such issues as the condition of juveniles, plights of juvenile offenders in detention, treatment of juvenile offenders, rights and conditions in juvenile justice system, etc. In the end, 364 valid questionnaires were returned on which the analysis is based. The statistical package for social sciences (SPSS) was used to generate the frequencies and percentages for the analysis.

4. Results

4.1. An Assessment of the Administration and Practice of Juvenile Justice System in Nigeria

The findings indicate that there exist laws to protect the rights and conditions of juveniles in juvenile justice system; however these laws do not adequately conform to international standard. Consequently, the rights of children and young persons are not adequately protected by juvenile justice system. Table 1 shows the respondents' assessment of the existing government efforts in the administration of juvenile justice in Nigeria.

Table 1 revealed that 74.7% of the respondents agreed that there are laws put in place to protect the rights and conditions of the juveniles in juvenile justice system, while 14.3% disagreed. However, 52.7% of the respondents pointed out that these laws do not adequately conform to international standard, whereas 37.4% objected to this. It is therefore not surprising that juveniles in Nigeria are subjected to the same plight with adult offenders. Also, the fact that 61.5% pointed out that the rights of children are not adequately protected by juvenile justice system, explains the response pattern in which slightly more than half of the sample said that the existing laws and conventions do not conform adequately to international standard. Though, 60.4% of the respondents agreed that juveniles are presumed innocent before the law, 70.3% respondents, objected that juveniles are not often given legal representation. Similarly, 53.8% objected that juveniles are not protected against maltreatment. This may not be unconnected with their inability to afford legal representation, as 53.8% affirmed that juveniles are often subjected to force confession.

Table1: Existing Government Efforts in the Administration of Juvenile Justice in Nigeria

S/N	Government policies and control of juvenile delinquency	Yes	No	Undecided	Total
1	Are there laws to protect the rights and conditions of juveniles in juvenile justice system?	136 (74.7%)	26 (14.3%)	20 (11.0%)	182 (100%)
2	Do these laws adequately conform to international standard?	68 (37.4%)	96 (52.7%)	18 (9.9%)	182 (100%)
3.	Are the rights of children adequately protected by juvenile justice system?	58 (31.9%)	112 (61.5%)	12 (6.6%)	182 (100%)
	Protection of rights and conditions of juveniles in juvenile justice system.				
4.	Are juveniles presumed innocent before the law?	110 (60.4%)	56 (30.8%)	16 (8.8%)	182 (100%)
5.	Are juveniles protected against forced confession?	68 (37.4%)	98 (53.8%)	16 (8.8%)	182 (100%)
6.	Are juveniles given legal representation?	44 (24.2%)	128 (70.3%)	10 (5.5%)	182 (100%)
7.	Are juveniles protected against mal-treatment?	82 (45.1%)	98 (53.8%)	2 (1.1%)	182 (100%)
8.	Are juveniles tried in open courts?	54 (29.7%)	110 (60.4%)	18 (9.9%)	182 (100%)
9.	Are there juvenile justice institutions?	90 (49.5%)	72 (39.6%)	20 (11.0%)	182 (100%)
10.	Are there adequate educational /vocational programmes in the institutions?	54 (29.7%)	106 (58.2%)	22 (12.1%)	182 (100%)

Though juvenile justice institutions established for the treatment and control of juvenile delinquency may exist in Nigeria, it seems their activities are relatively unknown as evidenced by the proportion (39.6%) who claimed ignorance of their existence. This is further compounded by the admission by a large proportion of the respondents (58.2%) that, even though these institutions exist they lack adequate educational and vocational programmes to achieve the reformation and rehabilitation intents of the government.

To assess the administration and practice of juvenile justice system in Nigeria, views of respondents were sought and their responses are presented in the Table 2. The data indicate that about two-thirds of the respondents agreed that juveniles are subjected to poor conditions in police and prison cells, subjected to verbal and physical assault, and are poorly fed, while more than half agreed that they are subjected to long detention without trial and are not separated from adult prisoners. These contravene the relevant international laws, such as the preamble to the Declaration of the Rights of the Child, the United Nations Convention on the Rights of the Child, Article 40, especially 40(2) and 40(4), and OAU Charter on the Rights of the Child, Sec. 13 as well as Prison Law 16 which specifically states that juvenile pending trial shall be kept separate from adults.

As regards poor condition of cells, overwhelming majority (74.7%) revealed that the prison cells where juveniles are kept, along side with adults are congested. This may be so because with the rising waves of juvenile delinquency in recent times, the existing borstal institutions are no longer adequate for the treatment of young offenders. However, this again contravenes the relevant laws, for example, the Children and Young Person's Act. Consequently, they suffer all the conditions to which adult prisoners are subjected.

In addition, about two-thirds of the respondents agreed that there are no adequate feeding and medical care as well as accommodation and sleeping materials in the juvenile institutions. The institutions are inadequately funded; lack qualified and competent staff, as well as counseling services.

Table 2: Assessment of the Administration and Practice of Juvenile Justice System in Nigeria

S/ N	Treatment of Juveniles	Yes	No	Undecided	Total
1	Are the juveniles subjected to poor conditions in police and prison cells?	126 (69.2%)	42 (23.1%)	14 (7.7%)	182 (100%)
2	Are they subjected to verbal/ physical assault?	118 (64.8%)	50 (27.5%)	14 (7.7%)	182 (100%)
3	Are they poorly fed in police and prison cells?	118 (64.8%)	52 (28.6%)	12 (6.6%)	182 (100%)
4	Are the juveniles subjected to long detention without trial?	92 (50.5%)	76 (41.8%)	14 (7.7%)	182 (100%)
5	Are the juveniles separated from adult prisoners?	108 (59.3%)	58 (31.9%)	16 (8.8%)	182 (100%)
6	Are the prison cells congested?	136 (74.7%)	36 (19.8%)	10 (5.5%)	182 (100%)
	Conditions in juvenile justice institutions				
7	Are there adequate feeding and medical care in juvenile institutions?	54 (29.7%)	118 (64.8%)	10 (5.5%)	182 (100%)
8	Are there adequate accommodation and sleeping materials in juvenile institutions?	42 (23.1%)	122 (67.9%)	18 (9.9%)	182 (100%)
9	Are the juvenile institutions adequately funded?	28 (15.4%)	134 (73.6%)	20 (11.0%)	182 (100%)
10	Is there qualified and competent staff in juvenile institutions?	72 (39.6%)	78 (42.9%)	32 (17.6%)	182 (100%)
11	Do the juveniles have adequate counseling services in juvenile institutions?	58 (31.9%)	104 (57.1%)	20 (11.0%)	182 (100%)
12	Do the juveniles in the institutions have access to qualitative education?	38 (20.9%)	126 (69.2%)	18 (9.9%)	182 (100%)
13	Do they have access to qualitative vocational training and recreational activities?	46 (25.3%)	120 (65.9%)	16 (8.8%)	182 (100%)
14	Are there adequate training facilities in the juvenile institutions?	42 (23.1%)	128 (70.3%)	12 (6.6%)	182 (100%)
15	Do juveniles have access to parents while in correctional homes and prisons?	122 (67.0%)	46 (25.3%)	14 (7.7%)	182 (100%)

However, these scenarios suggest that, the existing Borstal Institutions meant for the treatment of juveniles with rehabilitation as the ultimate aim can hardly play these significant roles.

On access to qualitative education, a large proportion of the respondents revealed that the juveniles in borstal institutions are not accessible to qualitative education, nor qualitative vocational training and recreational facilities; they admitted that the training facilities in these institutions are grossly inadequate. These again contravene Rule 12 of the SMR which prescribed specialized training for officials handling the juveniles. However, 67.0% of the respondents agreed that the juveniles do have access to parents while in correctional homes and prisons, in compliance with the provision of the relevant international and local laws that prescribed access of young offenders who are in correctional institutions to their parents and guardians.

However, though not much has been achieved by government in the administration and control of juvenile justice, the identification by this study of some notable effort such as enactment of appropriate laws to protect the rights of children, establishment of juvenile justice institutions in Enugu and Kaduna, are in conformity with the works and reports of Alemika and Chukwuma (2001:6)), Borstal Institution and Remand Centre Act No. 32 of 1960, Human Rights Monitor (1997:2), the 1999 Nigerian Constitution and the Children and Young Persons Act. The Children and Young Persons Act remains the most important legislation in the country pertaining to the treatment of juvenile offenders. It was enacted to make provision for the welfare of the young persons and treatment of young offenders and the establishment of juvenile courts. Also, Borstal Institution and Remand Act established Borstal and Remand Centre as federal juvenile correctional institutions. However, it is pertinent to note that, Nigerian juvenile laws, and especially juvenile justice administration have not been reviewed and properly coordinated to reflect those of international rules and standards for the treatment of juvenile offenders.

On the assessment of the administration and practice of juvenile justice system, findings revealed that Nigeria juvenile justice laws and the treatment of juveniles do not reflect those of international laws, as they are subjected to inhuman treatments in both conventional prisons and juvenile custodian institutions. For instance, the report of the Nigerian Law Reform 1983 revealed that at Kirikiri Prison, juveniles are not separated from adult prisoners which negate the great cardinal point in the treatment of offenders, which is the minimization of contamination. The juvenile justice system is guided by a philosophy of concern, care and reformation for possible reintegration into the society. To this end, the purpose of establishing Borstal institutions is to bring to bear upon the inmates every good influence which may establish in the children 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 responsibility.

Unfortunately, the laudable goals are not realized due to lack of proper policy, legal and institutional frameworks for juvenile offenders' correction, and juvenile delinquency prevention, as young offenders are subjected to inhuman treatments and conditions that tend to have more negative impact on their transformation and rehabilitation against the intended purpose. For instance, the juveniles are not just incarcerated in regular prisons, but are not separated from adult prisoners. Consequently, they suffer like adult prisoners from deprivations, poor feeding and medical care, etc. In lines with the social learning and differential association theory, because the young persons share the same police and prison cells with adult prisoners, they are forced to interact with the adult prisoners who are already carriers of anti-social norms. These help in the transformation of the juveniles into hardened and more experienced offenders. Given the above, any effort to reduce the current wave of increasing juvenile delinquency in Nigeria should be orientated towards a carefully planned and balanced social welfare for the juveniles and correctional programmes for juvenile offenders that will promote the best interests of children and youth.

5. Conclusion

Obviously, there is a range of international laws which member states are expected to align their laws and policies on juvenile justice administration. Nigeria as a member state has taken certain steps in this direction. However, in spite of these efforts, it is important to realize that, Nigerian juvenile justice laws, and especially juvenile justice administration have not been reviewed and properly coordinated to reflect those of international rules and standards for the treatment of juvenile offenders. The practice of juvenile justice is counter productive as they criminalize young children more than the reformation, rehabilitation and reintegration intents. The structural causes of this situation are poor funding, limited juvenile remand homes, and the consequent deterioration and decay of prisons and Borstal Institutions' facilities.

The Nigerian juveniles suffer various degrees of maltreatment in both police and prison cells, and even in custodian institutions. On the contrary the treatment of juveniles should rather be anchored in provisions for social and economic welfare of the child and the prevention of juvenile delinquency instead of the present practice of punishment and institutionalization of juvenile delinquents. Evidently, the inadequacy of approved institutions has resulted in the juveniles being incarcerated in regular prisons. Provisions should therefore be made for the establishment of well-

equipped, properly staffed approved institutions by federal and state governments. The institutions should provide adequate educational and vocational training, feeding and clothing as well as healthcare and recreational facilities for the institutionalized offenders. There is need for improved government's funding of the approved correctional institutions in Nigeria to meet the UN standards and to protect the rights of the child and young offenders. If this is provided and properly utilized, it will help to improve the state of facilities for vocational and educational training and thereby contribute meaningfully to the reformation and rehabilitation of offenders.

Given its negative implications, there is also the need to discontinue the practice of detaining juvenile offenders along side their adult counterparts. Where it is imperative to keep juveniles in regular prisons, administrations should ensure that they are kept separately from the adults to avoid contamination. Thus, this study recommends that a carefully balanced social welfare for juveniles and correctional programmes for juvenile offenders that promote the best interests of children and youth be put in place through deliberate and sincere policies and programmes.

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