

**REHABILITATION VS PUNISHMENT: A LEGAL ANALYSIS OF JUVENILE
TRIAL AND SENTENCING PRACTICES IN NIGERIA**

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BENIN CITY**

NOVEMBER, 2025

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**A LONG ESSAY WRITTEN AND SUBMITTED TO THE FACULTY OF
LAW, UNIVERSITY OF BENIN, IN PARTIAL FULFILLEMENT OF THE
REQUIREMENTS FOR THE AWARD OF THE DEGREE OF BACHELOR
LAWS (LL.B) OF THE UNIVERSITY OF BENIN, BENIN CITY.**

NOVEMBER, 2025.

DECLARATION

I, Victory Agbonmeirei Omueti, with Matriculation number LAW2002929, hereby declare that this work is the product of my own research efforts and has not been presented elsewhere for the award of a degree or certificate. All sources have been duly distinguished and appropriately acknowledged.

Victory Agbonmeirei Omueti
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DEDICATION

This project work is dedicated to God Almighty, my family and to juvenile offenders who are faced with the harsh pragmatism of the juvenile justice system, especially those who have been denied the justice they deserved due to dilapidated juvenile justice system in Nigeria.

ACKNOWLEDGEMENTS

First and foremost, I am immensely grateful to God for guiding me so far, for his protection, for his unending grace, and for giving me the inner fortitude to walk down this road.

I extend my deepest love and gratitude to my parents Mr & Mrs Tunde Omueti, for their love, unwavering support, constant encouragements, guidance, your investment in my life, and above all, your prayers. You have been my rock throughout this journey. Thank you for having believing in me.

To my aunt and mother, Mrs. Ofure Uwadiale, I am deeply grateful for your constant support, your prayers and encouragement. You have been more than just an aunt and I pray God continues to bless you for the love you have shown towards me.

To my siblings, Destiny Omueti, Mr. Shepherd Ojehomon, and Mrs. Sarah Ojehomon, you have been nothing but my backbone and my pillar of strength. Thank you for your endless support and for always cheering me on.

I also appreciate my lecturers who impacted knowledge in me, particularly Prof. Michael Attah, Prof. Violet Aigbokhaevbo, Dr. S. Gavin Daudu , and Dr. Juliet Aimienrhovbiye, who played a huge role in my academic journey. I pray God strengthens you to carry on the good work. Your constant advice and encouragement also helped me get to this point. I also acknowledge my supervisor, Barr. Theodora Otasowie, who was assigned to oversee this project.

At this juncture, I will like to express my feeling of gratitude to my best friend, Kizito Asirawede. Your steady presence, support and motivation kept me going even when i was in my low moments. No amount of words can express my feeling of appreciation to you, for the roles you played in my life during my stay in the faculty.

To my friends, Princess Ighodaro, Gift Omigie, Oswin Okunbor, Norbert Asirawede, Alexander Boroh, Precious Arasomwan, Itohan Omoregie, thank you for bringing joy, calm, and peace into my life during my stay in school. Your support, whether through conversations, small acts of kindness, or just being there, played a bigger role than you might think. I must thank my ‘lovely fans’-- Kizito, Princess, and Alex, for being the one reading group that helped me maintain academic balance especially during trying times.

I am also grateful to my seniors, especially Osato Obano Esq, Nosa Edema, Laura Ebrusike, Princess Ikeriehi, Progress, Owen, Oluboyo, Chioma, Nkem, Morgan, Joel, Ayomide, Joel, Barbara, Oluoma, for their guidance and willingness to help whenever I needed direction. Special thanks to Oluboyo, Chioma, and Nkem for their guidance throughout the process of writing this project.

And to my juniors, such as Mercy, Henrietta, Peace, Erons, Runo, Itse, Sammy, Promise, Perpetual, Ijeoma, Gift, Joyce, Gracious, Praise, Osakpolor, Eloka, Destiny, Lilian, Thiago, Bright, Treasure, Oshioke, Mirabel, thank you for your enthusiasm, your readiness to assist me whenever I call, and the cheerfulness you brought along the way.

To everyone whose encouragement, kindness, or support touched this journey in any way, I truly appreciate you. To Mummy Chi, Mummy Niki, and Uncle Akhere, thank you for how you supported me with your services at the faculty, and for making this experience more meaningful.

Last but not the least, I want to thank me for showing resilience on difficult days, for choosing determination over doubt, and for staying committed to my journey in the faculty. I am indeed proud of how far and most importantly how well I have come.

Again, I have God to thank for that, and I will never stop appreciating him for his goodness in my life.

2.1 Conceptual Clarification --	-	-	-	-	-	-	-	-6
2.1.1 Juvenile -	-	-	-	-	-	-	-	-6
2.1.2 Juvenile Delinquency - -	-	-	-	-	-	-	-	-7
2.1.3 Juvenile Justice --	-	-	-	-	-	-	--	-8
2.1.4 Juvenile Trial and Sentencing-	-	-	-	-	-	-	-	-10
2.1.5 Criminal Responsibility -	-	-	-	-	-	-	-	-11
2.1.6 Punishment - -	-	-	-	-	-	-	-	-12
2.1.7 Rehabilitation-	-	-	-	-	-	-	-	-12
2.2 Historical Overview of Juvenile Justice in Nigeria-	-	-	-	-	-	-	-	-13
2.3 Theoretical Framework- -	-	-	-	-	-	-	-	-15
2.3.1 Punishment Theory-	-	-	-	-	-	-	-	-15
2.3.2 Rehabilitation Theory-	-	-	-	-	-	-	-	-16
2.4 Literature Review on Juvenile Justice in Nigeria-	-	-	-	-	-	-	--	-16
2.4.1 Identified Gaps in Existing Literature-	-	-	-	-	-	-	-	-19

CHAPTER THREE

LEGAL AND INSITUIONAL FRAMEWORKS FOR JUVENILE TRIAL AND SENTENCING PRACTICES IN NIGERIA

3.1 Legal Frameworks-	-	-	-	-	-	-	-	-22
3.1.1 International Frameworks -	-	-	-	-	-	-	--	-22
3.1.2 Regional Legal Framework - -	-	-	-	-	-	-	--	-26
3.1.3 National Legal Framework -	-	-	-	-	-	-	-	-27
3.2 Institutional Frameworks -	-	-	-	-	-	-	-	-32
3.2.1 Police -	-	-	-	-	-	-	-	-33
3.2.2 Juvenile/Family Courts -	-	-	-	-	-	-	-	-34
3.2.3 Correctional Institutions -	-	-	-	-	-	-	-	-35

CHAPTER FOUR

ANALYSIS AND EVALUATION OF JUVENILE TRIAL AND SENTENCING PRACTICES IN NIGERIA

4.1 Analysis of the Juvenile Justice Process in Nigeria-	-	-	-	-40
4.1.1 Pre- Trial Stage-	-	-	-	-40
4.1.2 Trial Stage-	-	-	-	-44
4.1.3 Post- Trial Stage-	-	-	-	-47
4.2 Rehabilitation vs Punishment: A Critical Analysis of their Impacts on Juvenile Offenders in Nigeria-	-	-	-	-49
4.3 Evaluating Nigeria’s Alignment with International Standards-	-	-	-	-52
4.4 Practical Challenges Affecting the Juvenile Justice System -	--	-	-	-56

CHAPTER FIVE

CONCLUSION

5.1 Summary of Findings -	-	-	-	-	-	-	-59
5.2 Recommendations -	-	-	-	-	-	-	-60
5.3 Contributions to Knowledge -	-	-	-	-	-	-	-62
5.4 Areas for Further Studies -	-	-	-	-	-	-	-63
5.5 Conclusion -	-	-	-	-	-	-	-63
BIBLIOGRAPHY -	-	-	-	-	-	-	-65

TABLE OF CASES

Ahmadu v State [2014] LPELR - 23974 (CA).

Musa v State [2022] 18 NWLR (pt. 1863) 551.

Odidika & Anor v The State (1977) NMLR 295.

TABLE OF STATUTES

Administration of Criminal Justice Act 2015

African Charter on the Rights and Welfare of the Child (ACRWC)

Child Rights Act 2003

Children and Young Persons Act 1958

United Nations Convention on the Rights of the Child (UNCRC)

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

LIST OF ABBREVIATIONS

ACJA	-	Administration of Criminal Justice Act
ACRWC	-	African Charter on the Rights and Welfare of the Child
AU	-	African Union
CRA	-	Child Rights Act
CYPA	-	Children and Young Persons Act
CYPO	-	Children and Young Persons Ordinance
NGO	-	Non- Governmental Organizations
OAU	-	Organization of African Unity
UNCRC	-	United Nations Convention on the Rights of the Child
UNICEF	-	United Nations International Children's Emergency Fund
UN	-	United Nations

ABSTRACT

This research study examines the legal framework governing the juvenile justice system which involves the trial and sentencing practices. It focuses on the comparison between the rehabilitation approach and the punishment approach to the juvenile justice, as well as its impact on young offenders and other children. It further examines whether the modern juvenile trial and sentencing practices tilts towards the rehabilitation approach to juvenile delinquency or not.

The juvenile justice system seeks to protect, rehabilitate, and properly reintegrate young offenders into the society. This system includes all operating units- law enforcement, juvenile courts, and correctional centers, operating under specific laws and procedures that have been designed specifically for minors. The system is primarily governed by the Child Rights Act 2003 and also regulated by the Children and Young Persons Act in Nigeria.

An overview of the juvenile justice system forms the foundation of the research study as a result of its necessity to the second ambit of the topic- 'A Legal Analysis of Juvenile Trial and Sentencing Practices'. However, the body of this research study tends to focus more on the comparison between rehabilitation and punishment as well as the impact it has on young offenders and other children, which is particularly the composition of the first ambit of the topic.

Accordingly, the work recommends for an enhanced implementation of the rehabilitative approach which obviously will not be beneficial only to the offender but to the society at large.

CHAPTER ONE

INTRODUCTION

1.1 The Introduction, addressing the Background to the Study

“Children are generally considered to be one of the most vulnerable and powerless members in the society.”¹ Their vulnerability to anti-social behaviour often leads them to deviancy and delinquency. They are considered to be in need of protection from anti-social activities.² To this, the study is one that encompasses the legal analysis of juvenile trial and sentencing practices in Nigeria, and further delves into the comparison between the approach of rehabilitation and that of punishment.

The central issue in juvenile justice system is the conflict between rehabilitation and punishment, reflecting the two different ways of dealing with juvenile delinquency. This debate goes beyond theory and significantly impacts the lives of young individuals within the justice system.³

The realm of juvenile justice was founded on the principle of rehabilitation and reintegration into the society. This was pursuant to the notion that young offenders should be treated with utmost guidance and support rather than subjecting them to harsh treatment like that of adult offenders.

The Nigerian legal framework of the juvenile justice system has emphasized the use of rehabilitation approach as against the punishment approach. However, the most common approach has been one to tilt towards punitive measures which preaches punishment and penalization of young offenders. This further means that the Child Rights Act⁴ and the Children and Young Persons Act⁵ which are the primary statutes governing juvenile justice in Nigeria, have become inconsistent with its actual implementation. This is pursuant to the fact that many young offenders are still

¹ Prof. Oluyemisi Bamgbose, *Reevaluating the Juvenile/Child Justice System in Nigeria* (A paper delivered at the 2014 Professor Jadesola Akande Memorial Lecture) <[Excerpts Jadesola Akande Lecture November 2014 27.pdf](#)> accessed 13 July 2025.

² ‘A Report of Three Conferences on Juvenile Justice Administration in Nigeria’ (held at D’Rovans Hotel, Ibadan from 16th to 17th October 2002) 51. <<https://nigerianlawguru.com>> accessed 11 November 2025.

³ J M Miller and A J Mckee ‘Fundamentals of Juvenile Justice’ (28 May 2024) <<https://docmckee.com>> accessed 13 July 2025.

⁴ Herein referred as CRA

⁵ Herein referred as CYPA

subjected to harsh conditions and the ineffective rehabilitative system of the country, which in turn poses a seemingly termination of dreams the system had upon its enactment. This brings us to the problem of dilapidated rehabilitative system and its impact in the juvenile justice system.

1.2 Statement of the Problem

The Nigerian law clearly provides that child offenders should be treated differently from adult offenders. The CRA and other supporting laws promote rehabilitation and reintegration into the society, rather than punishment. However, in practice, many juveniles are still tried and sentenced in ways that focus more on punishment than reformation. For instance, there are several cases where child offenders are detained in adult detention centers, or cases where they are subjected to harsh punishment. This shows a clear gap between the law and the actual practice. The aim of correction is deeply affected by this problem. This problem emerged as a result of factors like poor implementation of the law, lack of trained personnel, and weak juvenile justice institutions.

It is important to analyze the how the juvenile trial and sentencing practices in Nigeria reflects the ongoing tension between rehabilitation and punishment, and to also help determine which approach truly serves the best interest of the child offender.

1.3 Research Questions

- i. Does Nigeria juvenile trial procedures effectively prioritize rehabilitation over punishment in practice?
- ii. How effective are the provisions of the CRA and related laws being implemented in the juvenile justice administration?
- iii. What are the major challenges affecting the proper enforcement of rehabilitative measures in Nigeria's juvenile justice system?

iv. How can Nigeria's legal framework and court practices be improved to ensure better protection and reform of young offenders?

1.4 Aim and Objectives

The aim of this study is to examine the legal framework governing juvenile trial and sentencing practices in Nigeria, with a view to determine how rehabilitation is applied over punishment, and whether this application aligns with the objectives of juvenile justice. The objectives of the study are to:

- i. To examine the effectiveness of Nigerian juvenile trial and sentencing procedure in prioritizing rehabilitation over punishment.
- ii. To examine the level of compliance with the rehabilitative goals of the CRA and other related laws.
- iii. To identify the practical challenges that hinder the implementation of rehabilitation approach for juveniles.
- iv. To recommend reforms that will strengthen the protection and rehabilitation of child offenders in Nigeria.

1.5 Scope and Limitations

The scope of this study covers the subject of juvenile justice, focusing on the law and the actual practice of the law governing juvenile trial and sentencing in Nigeria. It examines the extent to which rehabilitation is applied over punishment in the juvenile justice system. The content coverage borders on the examination of the principles, the applicability, and effectiveness of rehabilitation over punishment as provided for in the governing statutes. It excludes adult criminal justice and maintains a clear focus on juvenile legal processes. The study is geographically confined to the juvenile justice system within Nigeria.

However, the research is also faced with limitations and challenges. One of the challenges posed before this research is the limited time frame for which it has to be concluded. This has limited the extent to which the research can go. The research is also faced with the challenge of inadequate funding to carry out a vast research, as access to certain online sites require payments. The study is also limited by the availability and accessibility of relevant case laws specifically relating to juveniles which may affect the depth of legal analysis of what is practiced in reality. This is as a result of the fact that juvenile trial cases have limited public access.

1.6 Significance of Study

The study is significant because it addresses the ongoing debate between rehabilitation and punishment in the juvenile justice system. Though the law emphasizes the protection and rehabilitation of child offenders, but actual practice have shown that the provisions of the law are not often reflected in the system. This research will help identify the shortcomings of the juvenile justice system, by examining the gap between the law and its implementation.

The study also tend to give contributions to the juvenile justice system by providing an insight on how the existing laws governing the system can be better applied

1.7 Research Methodology

Research methodology simply means the process through which relevant information is gathered for the purpose of achieving the objectives of the study⁶. This research employs the doctrinal form of research methodology which is qualitative in nature(library- based approach). It involves analysis of existing legal principles, statutes, judicial decisions, journals, treatises, articles, textbooks, online resources,

⁶ Nigerian Association of Law Teachers Manual Uniform Format and Citation Guide For Legal Research Writing in Nigeria for Law Faculties and Legal Research Institutions in Nigeria, A Manual on Legal Research Format and Citation Guide for Legal Research for Legal Research Writing (NALT's Blue Book Basic Guide) Series No. 2 2021.

and other relevant publications that support the research objectives. This approach was chosen based on the fact that it relies solely on authoritative materials and does not involve field surveys, thereby distinguishing it from non-doctrinal approach(empirical) that rely on field work. The specific techniques applied in this research include analytical and descriptive methods. The research will also obtain data from primary and secondary sources of materials such as relevant statutes, case laws, textbooks, journals, articles, online sources, e.t.c.

1.8 Chapter Analysis

This chapter one introduces the background to the study, and establishes the research problem, research questions, objectives, and significance of the study. It also explains the methodology, scope, and limitations of the work. Generally, it lays the foundation upon which the entire study is built.

Chapter two dwells on conceptual clarifications by defining key terms, theoretical frameworks, and review of existing literature on Nigeria juvenile justice system. It also includes a brief historical development of juvenile justice system in Nigeria.

Chapter three examines the legal and institutional frameworks governing juvenile trial and sentencing practices in Nigeria. It analyses international, regional and national frameworks applicable to juvenile trial and sentencing practice, as well as the institutions that have been established for the purpose of implementing the legal frameworks.

Chapter four provides an analysis of juvenile court processes in Nigeria by focusing on the three main stages of the juvenile court process. It evaluates how each stage ought to function and how they are currently functioning in Nigeria (the law vs actual practice). This chapter also examines the impacts of the two main approaches used to address juvenile delinquency- rehabilitation vs punishment.

Chapter five concludes the study by summarizing the major findings and providing recommendations aimed at improving the juvenile justice system, and further identifies areas for further study.

CHAPTER TWO

CONCEPTUAL CLARIFICATION, THEORETICAL FRAMEWORKS AND LITERATURE REVIEW.

2.1 Conceptual Clarification

In this study, clarification of key concepts is crucial because it ensures that terms are understood throughout the research. For the purpose of clarity, some key terms are hereunder explained.

2.1.1 Juvenile

It is pertinent to state at this juncture that the terms ‘minor’ and ‘juvenile’ are often used interchangeably, so therefore, it is pertinent to give a brief encapsulation of both terms. Although, the two governing statutes⁷ of the juvenile justice system made use of the term “child”, however, this study will implement the interchangeable use of both words.

A minor is “someone who has not reached full legal age; a child or juvenile”⁸. A juvenile is someone who has not reached the age(usually 18) at which one should be treated as an adult by the criminal justice system⁹.

The CYPA made use of the terms ‘child’ and ‘ young person’. According to the Act, “a child is a person under the age of fourteen years.”¹⁰ While a young person is “a person who is fourteen years of age or upwards and under the age of seventeen years.”¹¹ However, the CRA made use of the term ‘child’ and defined it to be “a person under the age of eighteen years.”¹²

2.1.2 Juvenile Delinquency

Juvenile delinquency refers to are acts or omissions done by a person who has been deemed by the law to be a juvenile, as opposed to if the crime were to be committed by an adult which would undoubtedly be tagged a crime. This simply means that when these actions are committed by children, it is referred to as juvenile delinquency,

⁷ The Children and Young Persons Act, and The Child Rights Act.

⁸ *Black’s Law Dictionary 11th ed.*

⁹ *ibid.*

¹⁰ Section 2.

¹¹ *ibid.*

¹² Section 277.

and further qualifies as a crime if committed as an adult.¹³ These offences ranges from societal misconducts to criminal acts. Examples are theft, vandalism, assault, e.t.c.

The concept of juvenile delinquency encompasses anti-social behaviour of children between the ages 7 and 17. It is defined as “the habitual committing of criminal acts or offenses by a young person, especially one below the age at which ordinary criminal prosecution is possible”.¹⁴ They are also referred to as juvenile offences or child offences. Thus, children who commits these offences are referred to as juvenile offenders or child offenders or young offenders. All of these can be used interchangeably.

2.1.3 Juvenile Justice

The legal system that handles offenses committed by individuals under the age of 18, is referred to as Juvenile Justice. The juvenile justice system focuses on the rehabilitation of young offenders rather than punishing them like adult criminals. This is aimed at guiding young offenders towards positive behaviour. The system was born out of the idea that young people are capable of change and development and therefore requires a justice system that has high interest in rehabilitation than punishment. Juvenile justice system has been defined to mean the collective institutions through which a youthful offender passes until any charge has been disposed of or the assessed punishment has been concluded.¹⁵ Juvenile justice administration is seen 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.¹⁶ In a

¹³ C Unini ‘Juvenile Sentencing in Nigeria and the Legal Framework’ (10 Feb 2023) <<https://thenigerialawyer.com>> accessed 18 September 2025.

¹⁴ *Black’s Law Dictionary 11th ed.*

¹⁵ *ibid.*

¹⁶ H Ijaiya, ‘Juvenile Justice Administration in Nigeria’ *NUJS Law Review* 2 (2009) <<https://nujlawreview.org>> accessed 4 November 2025.

similar veil, Williams Glanville¹⁷ opined that ‘...if the guiding principle in the treatment of children and young persons is to have regard to their welfare, then punishment may be irreconcilable.’ Pursuant to this, the law frowns at the imprisonment of children. A juvenile offender can only be sentenced to a prison term if his character vitiates moral and social standards. However, he is prohibited from associating with adult prisoners while in prison.¹⁸ Also, a juvenile offender cannot get an imposition of death sentence if the offence committed is one that is punishable with death.¹⁹

*No child shall be subject 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.*²⁰

Thus, in the case of *Odidika & Anor v The State*,²¹ a juvenile offender who at the age of 15 was charged with an armed robbery offence together with an adult, was saved and released at the pleasure of the then military Governor of Imo state on the ground that he was under the age of 18 as at the time he committed the offence, however, the adult criminal was neglected.

In a nutshell, juvenile justice system is that part of the criminal justice system which pertains to children and young persons and of course, must be different from the system that pertains to adults. Its focus is primarily based on the establishment of a justice pattern for children who come in contact with the law. It seeks to provide

¹⁷ W Glanville, quoted in N O Umejiaku and C N Uzoka, ‘An Appraisal of Juvenile Justice Administration in Nigeria: Advocating for the Rights of Child Offenders’, *NAU, JCPL* Vol. 6(1) 2019 <<https://journals.ezenwaohaetor.org>> accessed 4 November 2025.

¹⁸ *ibid.*

¹⁹ Article 5(3) of Africa Charter on the Rights of Welfare of the Child, 1990.

²⁰ Section 204.

²¹ (1977) NMLR 295.

separate courts for these children and to also come up with flexible alternatives to imprisonment.

2.1.4 Juvenile Trial and Sentencing

Juvenile Trial is the judicial process through which a minor who has been accused of committing an offence is brought and arraigned before a juvenile court(usually referred to as Family Court as provided for under the CRA²²). Simply put, that juvenile trial is when a young offender undergoes the process of arraignment in the court. This is for the purpose of determining whether or not the minor is guilty of the offence, and to further fulfil the constitutional provisions on dignity of persons and fair hearing as provided for in Sections 34 and 36 respectively.

However, all young offenders are subject to trial by juvenile courts, except in two cases where they will be subjected to the high court²³: (a) where the charge is one of homicide. In this instance, a court order for the young offender to be detained at the pleasure of the governor;²⁴ (b) where the juvenile is charged jointly with an adult. While in this instance, they are usually brought to an adult court for initial appearance as a witness to that particular case, after which the court then decides whether to hold a joint trial or to separate the cases.

Juvenile Sentencing is simply the latter part of the trial, where the juvenile is being adjudicated and punished for their delinquent behaviour. It is the process through which the court determines the legal consequences for a juvenile who has been found guilty of an offence. The unique nature of juvenile sentencing cannot be overemphasized because it is seen as a pivotal mechanism through which the lives of young offenders are shaped and rehabilitated unlike the adult sentencing largely

²² Section 149 of the CRA.

²³ *Ahmadu v State* [2014] LPELR - 23974 (CA).

²⁴ *Musa v State* [2022] 18 NWLR (pt. 1863) 551.

punitive in nature. The primary aim of sentencing pattern is the reformation, re-integration into his or her family and social rehabilitation.²⁵

2.1.5 Criminal Responsibility

Criminal responsibility is a core principle in the criminal justice field, which refers to the legal and moral accountability of a person who commits a crime.²⁶ The principle plays a determining factor on whether a person can be held accountable for a criminal act.²⁷

Generally, children under the age of seven cannot be criminally responsible for any act or omission. Furthermore, a person under the age of twelve cannot be criminally responsible for any act or omission unless it can be proven that at the commission of such act or omission, the person had the requisite *mens rea*²⁸. This is pursuant to Section 30 of the Criminal Code.

It is important to note at this point that the Criminal Code only pertains to the Southern part of Nigeria with exception to Lagos state. Lagos state is governed by the Criminal Law of Lagos State²⁹. In Lagos state, a minor is a person less than eighteen years of age. Regardless of that, only children less than the age of ten have zero criminal responsibility for their criminal actions.³⁰ This therefore implies that children who have attained the age of ten, and above will be fully held responsible for their criminal actions.

However, the criminal responsibility for minors in the Northern states differs. In the Northern part of the federation which is governed by the Penal Code as opposed to the Criminal Code governing the South, the focus is on the ages below twelve years. Here,

²⁵ Section 17(3) ACRWC 1990.

²⁶ A J McKee 'Criminal Responsibility' (24 February 2025) <<https://docmckee.com>> accessed 22 September 2025.

²⁷ *ibid.*

²⁸ Guilty mind or Criminal intent.

²⁹ Which became operational from 8 August 2011 and in turn, repealed the Criminal Code Law which was operational in Lagos state.

³⁰ Section 30.

minors are children less than eighteen years of age. Although, the law provides that acts done by a child under the age of seven; or by a child above the age of seven but under the age of twelve will not be tagged as an offence.³¹ This implies that any minor who has attained the age of twelve years, and above will be fully responsible for his/her criminal actions.

It is crystal clear that while minors are referred to as children who are below the age of eighteen, not all minors can escape criminal responsibility across the federation.

2.1.6 Punishment

Punishment refers to any penalty, sanctions, suffering or confinement inflicted upon a person by the authority of the law and the judgement and sentence of the court, for some crime or offense committed by him.³² Punishment entails the imposition of penalties or sanctions on juvenile offenders for the sole purpose of deterring future offenders. Under the criminal justice system, there are several kinds of punishments that may be meted out on offenders according to their offences, and as stipulated by law.

2.1.7 Rehabilitation

Rehabilitation is a planned correctional intervention targets for change internal and/or social criminogenic factors with the goal of reducing recidivism and, where possible, of improving other aspects of the offender's life.³³ It refers to the reformative process aimed at helping juvenile offenders reintegrate into the society by means of engaging them in certain supportive standards, and programs. It is the process of re-educating those who have committed a crime and preparing them to re-enter society.

Rehabilitation is pivotal to building safer communities, reducing recidivism, and supporting the development of young offenders.

³¹ Section 50.

³² *Black's Law Dictionary, 11th ed.*

³³ F T Cullen 'Correctional Rehabilitation' <<https://law.asu.edu>> accessed 25 September 2025.

2.2 Historical Overview of Juvenile Justice in Nigeria

Nigeria's juvenile justice system has evolved from traditional methods of resolving disputes to legislative frameworks influenced by colonialism and instruments related to contemporary human rights. It developed as a way to meet the requirements of juvenile offenders and to make sure they were not punished like adult offenders. The system gradually transitioned from a punitive strategy to dealing with delinquent behaviour to a welfare-oriented approach targeted primarily at protecting the interests of children who are come in conflict with the law.

The issue of juvenile delinquency unfolded as a distinct social problem from the year 1914-1943.³⁴ It spread so widely that it was discussed in government letters, several police reports and even the media. For example, on July 31 1936, it was reported that the Senior Residents in Lagos expressed profound grief at the rising number of juvenile offenders in the country.³⁵

Reformatory and industrial schools were established across the nation as a result of the rising rate of juvenile crime, which also led to the development of child-specific regulations. In response to a bill put forth by an advisory committee that was established in the 1930s, it was suggested that juvenile courts, probation officers, and special detention facilities be established in order to safeguard the welfare of these juvenile offenders and keep them from becoming hardened criminals.³⁶

The idea that juveniles who were under the age of 14 years should be separated from adult prisoners was provided for in the Prison Ordinance 1917. However, in practice, the only alternative that was made available for young offenders was either they were

³⁴ I Ogunniran 'A Centurial Legal History of Child Justice Reforms in Nigeria 1914-2014' (1 January 2015) <<https://pearl.plymouth.ac.uk/solon/vol5/iss2/5>> accessed 9 August 2025.

³⁵ *ibid.*

³⁶ L Fourchard, 'Lagos and the Intervention of Juvenile Delinquency in Nigeria', *Journal of African History* (2006) 127 <<https://shs.hal.science>> accessed 9 August 2025.

sent to prison without any form of separation from adult prisoners as a result of unavailability of other provisions, or they were given corporal punishment.

It is important to state that during this period, young offenders were referred to as persons below the age of 16 that had come in conflict with the law.

The colonial masters rejected the proposed legislation that were suggested by the advisory committee that was established in the 1930s, leading them to pass the Children and Young People Ordinance in 1943³⁷. It was rejected because it was too "westernized" and could not adapt to Nigerian conditions. In order to achieve the goal of advancing child justice in Nigeria, the CYPO was passed.

Following the conviction of Donald Faulkner who had reported the factors responsible for juvenile delinquency, after a production of series of reports based on Lagos fieldwork, the government then promulgated the law first in Lagos and further ordered its application to the Eastern and Western regions in 1958. Hence, the adoption of the CYPO as part of the laws governing the regions.³⁸ Thus, it became CYPAs and this took effect from the year 1943-2003.

The CYPO established juvenile courts, approved schools, and remand homes and gave a distinction between a child and a young person.³⁹ Despite the cautious efforts to protect the interest of juveniles, the system still remained punitive in nature. The Ordinance focused on discipline and control rather than rehabilitation. This reflected the concern of the the colonial government to be associated with maintaining order in the society rather than promoting the welfare of these juveniles.

During those times, it was held that the juvenile court lacked structure and the procedures were not as protective as they ought to be. This formed one of the shortcomings that was faced by the juvenile justice system. The CYPAs was not strict

³⁷ Herein referred to as CYPO.

³⁸ (n 36).

³⁹ Section 2 of the Ordinance.

and firm in its pursuit for juvenile justice as it ought to be. For instance, during these times(1943-2003), it was held based on a plethora of researches that the Act had lots of loopholes like the non-existence of rehabilitation facilities in some institutions across the country. The CYPA channeled more attention to the treatment of delinquent behaviour and had limited coverage of children welfare and protection.

This led to the birth of the CRA in 2003 which modified certain provisions of the CYPA and enhanced the juvenile justice system in Nigeria. Although, the Act did not completely wipe out the existence of the CYPA as there are still some states which are yet to domesticate the CRA, hence, the continuous implementation of the CYPA alongside a simultaneous implementation of the CRA.

2.3 Theoretical Framework

Theoretical framework as regards this study is a breakdown of explanation of theories relating to the topic. This section is significant in the sense that it proffers relevant theories and places the research in the line of established philosophical thoughts.

In the context of this study, there are two major theories which would be analyzed during the course of this theoretical framework- 1) Rehabilitation 2) Punishment

These two theories has largely influenced the juvenile justice system in entirety. They are referred to as the approaches to addressing juvenile delinquency in the juvenile justice system. This framework spells out the thoughts, strengths and weaknesses of both theories.

2.3.1 Punishment Theory

This theory can be generally linked to the classical school of criminology. Proponents of this theory have argued that the punitive approach is one that ensures accountability of actions, protection of public safety and further serve as a form of

deterrence to future offenders and the offender himself.⁴⁰ Their emphasis has always been that penalties ties the offenders to accountability of their actions and by extension, helps in protecting the society.⁴¹ This perspective views punishment as a necessary tool to discourage criminal behaviour, ensure justice, and protect the community from harm.⁴² The punishment theory seeks to deter future offenses by instilling a sense of fear and criminal responsibility in young offenders. This deterrence can viewed either in the general form or the specific form, and this is what proponents of this theory seek to achieve. It is general deterrence when it is targeted at the society as a form of warning to others; and specific deterrence when it is targeted at the individual offender himself.

To the supporters of this theory, punishment plays a vital role when it comes to balancing societal protection and accountability of the offenders.

The punishment theory was premised on the fact that crimes are committed out of freewill and rational choice.⁴³ This model is rooted in the classical school of criminology, which has its theory built on the basis of freewill. They believe that offenders should be held accountable for their actions by subjecting them to punishment for their offences.⁴⁴ It therefore means that since crimes were committed out of freewill then, they should be reprimanded so as to achieve deterrence.

2.3.2 Rehabilitative Theory

The rehabilitation theory can be linked to the positive school of criminology which have their belief premised on the fact that antisocial behaviour is caused by several factors other than the free-will theory. However, it is rooted in the welfare model

⁴⁰ I Ogunniran, 'Reforming the Penal Policy for Child Offenders in Nigeria', *Justice Policy Journal* (2013) 10(2)1 <<https://www.cjcj.org>> accessed 26 September 2025.

⁴¹ J M Miller and A J Mckee 'Fundamentals of Juvenile Justice' (28 May 2024) <<https://docmckee.com>> accessed 26 September 2025.

⁴² *ibid.*

⁴³ C Beccaria, *Crimes and Punishments* (Hackett, 1986) <<http://files.libertyfund.org>> accessed 5 November 2025.

⁴⁴ *ibid.*

which has been spelt out by international legal standards like the Beijing Rules 1985, UN Conventions on the Rights of the Child 1989, which has now been incorporated in our CRA.

The general assumption is that juvenile offenders are immature, less culpable, and deserving of corrective measures as opposed to punitive measures.

The focus of rehabilitation is to address the underlying causes of delinquent behaviour in juvenile offenders. The aim of rehabilitation is to correct the behaviour of juvenile offenders through education, counseling, and most especially for the purpose of reintegrating them back into the society, rather than incarceration.⁴⁵ The juvenile justice system was founded on the *parens patriae* (parent of the nation) philosophy, which assigns the state the role of a protector rather than a punisher of juvenile offenders.⁴⁶ This theory prioritizes corrections over condemnation and criticism. The success of rehabilitation is evident in the aftermath of the process undergone by the offender.

2.4 Literature Review

Alemika and Chukwuma examined the operational framework and challenges of juvenile justice in Nigeria. They argued that the system often fall back to punitive practices from colonial era, despite the existence of the rehabilitation theory. They also highlighted in their book that young offenders should be seen as victims of circumstances and that they should be given opportunities correction and development to enable them get reintegrated back into the society. They criticized the system for relying on outdated laws like the CYPA and opined that there should be a call for

⁴⁵ Siegel L J and Welsh B C, *Juvenile Delinquency: Theory, Practice and Law* (Cengage Learning, 2014) <<https://studylib.net/doc/26045527/juvenile-delinquency-theory--practice--and-law-13e-13th-e...>> accessed 5 November 2025.

⁴⁶ Barry C F, *Bad Kids: Race and the Transformation of the Juvenile Court* (Oxford University Press, 1999) Available at: <<https://www.abebooks.com/9780195097887/Bad-Kids-Race-Transformation-Juvenile-0195097882/plp>> accessed 5 November 2025.

fundamental legislative changes to align with international children's standards like CRA.⁴⁷

Mariam Abdulraheem-Mustapha analyzed the administration of child justice but channeled her focus to comparison between Nigeria and South Africa. She examined theories of juvenile delinquency and further established that there are several factors that can lead to juvenile delinquency. However, she focused on the sociological factors and opined that Nigeria is in need of a better system that prioritizes the child's best interest.⁴⁸

Bolaji and Marie argued for a better enforcement of child rights and the urgent need for a more protective and less punitive approach. Their publication was focused on the predicament of street children within the Lagos State justice system. They argued that the system tends to violate the constitutional rights of these children. In their view, the notion of rehabilitation recognizes that juveniles are not fully mature and is therefore of the opinion that they should be treated with leniency and support. They further emphasized how the framework for juvenile justice has failed in actual practice by exposing children to abuse during arrest and detention. The system was influenced by the provisions of the UN Convention on the Rights of the Child, yet they fail to align with these international provisions.⁴⁹

Okonkwo analyzed the legal and constitutional aspects of the Nigerian juvenile justice system. He highlighted that children should be treated with special care and attention

⁴⁷ E E O Alemika and I C Chukwuma, 'Juvenile Administration in Nigeria: Philosophy and Practice' Available at: https://www.researchgate.net/publication/268372436_Juvenile_Justice_Administration_in_Nigeria_Philosophy_and_Practice accessed 5 November 2025.

⁴⁸ M A Abdulraheem-Mustapha, 'Child Justice Administration in the Nigerian Child Rights Act: Lessons from South Africa' *African Human Rights Law Journal* (2016) 16(2) Accessed at: https://www.researchgate.net/publication/313125954_Child_Justice_Administration_in_the_Nigerian_Child_Rights_Act_Lessons_from_South_Africa accessed 5 November 2025.

⁴⁹ Bolaji Owasanoye and Marke Wernham (eds), *Street Children & the Juvenile System in Lagos State* (Lagos: Human Development Initiatives, 2001) Available at: <http://www.eldis.org/vfile/upload/1/document/0708/DOC16855> accessed 5 November 2025.

because of their vulnerable nature and developmental phase. Okonkwo further examined the provisions of the CYPA which has been historically proven to be the principal legislation regulating juvenile matters, and provided a framework for understanding the intentions of the system and how it contrasts with practical challenges.⁵⁰

Diriwari, in his study⁵¹ says that resocialization is formally part of the juvenile justice framework, however, in practice, the lack of adequate infrastructure, limited personnel, e.t.c. limits the realization of these goals. He beckons for strengthened oversight, specialized and trained personnel, and above all, functional rehabilitation programs.

Ajah and Ugwuoke argued that juvenile offenders in Nigeria are often ‘lumped’ with adult offenders. They also added that this act undermines the sole purpose of the juvenile justice system. The inappropriate mixing of juvenile offenders with adult criminals increases the risk of the juvenile becoming a hardened criminal and further crushes the chances for correction.⁵²

2.4.1 Identified Gaps in Existing Literature

Although most Nigerian works like that of Ajah and Ugwuoke (2018) overemphasized on legal provisions by highlighting the laws regulating the juvenile justice system, but they have limited theory application. Their works has no theoretical linkage criminological thoughts. This leaves an explanatory gap on the persistent punitive measures despite the rehabilitative laws.

⁵⁰ C O Okonkwo, *Administartion of Juvenile Justice in Nigeria* (Enugu: Fourth Dimension Publishers, 1985)

https://searchworks.stanford.edu/?per_page=100&q=%22Children%27s+rights+Nigeria.22&search_field=subject_terms accessed 5 November 2025.

⁵¹ Diriwari Wilson, ‘Nigerian Juvenile Justice System and the Resocialisaton of Young Offenders’, *South Asian Journal of Social Studies and Economics*, (2023) Vol 20(4) 261-269
<https://journalsjsse.com> accessed 5 November 2025.

⁵² Ajah B O & Ugwuoke C O, (2018) ‘Juvenile Justice Administration and Child Prisoners in Nigeria’, *International Journal of Criminal Justice Sciences*, 13(2) 438-446 <https://ijcjs.com> accessed 5 November 2025.

Multiple Nigerian works like that of Alemika and Chukwuma (2001) shows inconsistency between the CRA and the CYPA in some states, yet no comprehensive comparative analysis talks about the variations and by extension, the implications for sentencing outcomes. They emphasize on the uneven domestication of the CRA yet provide a brief analysis of the judicial consequences that it gives room for implementation of diverse provisions across the country.

While several Nigerian scholars like Diriwari (2023), Ajah and Ugwuoke (2018) have analyzed the administration of juvenile justice and the tension between rehabilitation and punishment, their works lack case law analysis. They also do not show how the courts interpret or apply rehabilitative principles in juvenile sentencing. Hence, existing literature on this aspect of law lacks the capacity to ascertain whether judicial discretion actually goes in line with rehabilitation or not. There is less engagement with the judicial decisions when it comes to interpretation of child welfare, discretion on sentencing and correctional orders. This makes literature on rehabilitation look more abstract than practical because they are seldom tested in judicial reasoning.

There has also been a weak evaluation of how effective rehabilitative programs are, and how it helps in reducing the rate of recidivism. Most works only portray the fact that the law emphasizes on the rehabilitation of child offenders, however, little emphasis are made on how effective rehabilitative programs are and how it tend to achieve development of the child. It suffices to state that these works only focus more on what the law says as regards rehabilitation of the child, but they pay little attention to how rehabilitative programs help protect the welfare of the child in actual practice.

In summary, there are significant gaps in both theoretical and practical knowledge in the existing literature regarding juvenile justice in Nigeria. Although many academics emphasize the value of rehabilitation, few provide comprehensive legal analysis of

how courts use these principles in sentencing. The field of study appears dispersed and mostly descriptive due to the inconsistent implementation of the CRA, little theoretical input, and little focus on rehabilitative measures. By providing analysis of Nigerian juvenile trial and sentence procedures, this study aims to address these shortcomings by clarifying the level at which the legal system is consistent with its stated rehabilitative ideology.

CHAPTER THREE

LEGAL AND INSITUIONAL FRAMEWORKS FOR JUVENILE TRIAL AND SENTENCING PRACTICES IN NIGERIA

3.1 Legal Frameworks for Juvenile Trial and Sentencing Practices in Nigeria

A legal framework simply refers to a set of laws or regulations governing a particular subject matter (in this case, the juvenile trial and sentencing practices in Nigeria). They typically include statutes, judicial decisions and guidelines issues by relevant authorities.⁵³ There are various framework which have been provided for the

⁵³ 'Legal framework:overview, definition, and example' <www.cobrief.app> accessed 5 November 2025.

regulation of juvenile trial and sentencing practices. However, for the purpose of this study, a few will be discussed under the international, regional and national frameworks.

3.1.1 International Legal Frameworks

These are frameworks regulating child justice at the international level and they are:

- (i) United Nations Convention on the Rights of the Child (UNCRC)
- (ii) United Nations Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules)

i. United Nations Convention on the Rights of the Child (UNCRC)

Generally, there are four core principles of this convention and they are (a) non-discrimination of children (b) devotion to the best interest of the child (c) right to life, survival and development (d) respect for the views of the child.⁵⁴ The convention seeks to protect every child's rights by elevating standards in health care, education, legal, civil and social services.⁵⁵ The convention requires that juvenile trial and sentencing practices should have its focus on the child's rehabilitation and social reintegration, rather than retribution. The child's best interest is the primary consideration in all actions concerning them.⁵⁶

The convention prohibits enforcement of cruel treatments, torture and capital punishment or life imprisonment without release for offences committed by juvenile.⁵⁷ It also provided that arrest or detention should be the last resort and should only be for a short period of time.⁵⁸ Following the principle of the child's best interest,

⁵⁴ UNICEF 'A Summary of the Rights Under the Convention on the Rights of the Child' 2015 <<https://www.unicef.org>> accessed 6 November 2025.

⁵⁵ *ibid.*

⁵⁶ Article 3 (1).

⁵⁷ Article 37 (a).

⁵⁸ Article 37 (b).

those who have been deprived of liberty by virtue of detention must be treated with humanity, separated from adult criminals and allowed contact with family.⁵⁹ In addition, the convention also provides that juvenile offenders should be treated in a way that protects their dignity as humans, and promotes reintegration into the society.⁶⁰ It made provisions reflecting the guarantee of fair trial rights such as presumption of innocence until proven guilty, prompt information of charges, fair hearing, legal assistance, not being compelled to confess, examining witnesses, record confidentiality during hearing and even appeal.⁶¹

By virtue of Article 40 (3), states are expected to promote specific laws, procedures, authorities, and institutions that have been established for children who have gotten themselves entangled with the law; And also make use of non-judicial measures where possible. Accordingly, there should be variety of alternatives to detention.⁶² Some of these alternatives may include: counselling, probation, foster care, education or vocational training programs, e.t.c. These provisions were made in order to achieve a child-friendly procedure during their trial and sentencing. Hence, states are expected to treat every child who is found in conflict with the laws in line with the above provisions.

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

This is also known as the Beijing Rules. It was adopted by the UN in 1985 and tend to provide guidance for States so as to protect and respect the rights and needs of children by developing a separate and specialized system of juvenile justice.⁶³ Its

⁵⁹ Article 37 (c).

⁶⁰ Article 40 (1).

⁶¹ Article 40 (2).

⁶² Article 40 (4).

⁶³ Geraldine Van Bueren and Anne-Marie Tootell, 'United Nations Standard Minimum Rules for the Administration of Juvenile Justice Beijing Rules: Defence for Children International', *Faculty of Laws*,

main principle is that juvenile trials must adhere to due processes, and sentencing should emphasize the well-being and rehabilitation of the juvenile. The Part Three of the Beijing Rules provides for the adjudication and sentencing of juvenile offenders.

The adjudication provisions have established due process in protecting the rights of the juvenile offenders and a child-friendly approach to judicial process. The aim of juvenile justice is to prioritize the well-being of the juvenile.⁶⁴ The Beijing Rules also guarantees basic rights of juveniles such as presumption of innocence, making the charges known to the juvenile offender, maintaining the right to remain silent, right to counsel or free legal aid, right to have the presence of parent or guardian, and right to appeal.⁶⁵ The law also prohibits the publication of the juvenile's information because the child's privacy must be maintained.⁶⁶ There should be specialized authorities saddled with the responsibility of handling these cases in order to conduct the proceedings in a way and manner that conforms to the juvenile's best interest.⁶⁷ The law also provides that most offences requires an investigation into the background of the juvenile before final disposition(sentencing).⁶⁸ This is to ensure that the sentencing is tailored to meet the needs and circumstances of the juvenile offender, instead of focusing only on the offence that has been committed. Pursuant to Rule 20.1, each cases shall be handled quickly without any form of unnecessary delay. It pose a direct impact on the effective nature of the trial process.

The sentencing patterns are not left out, the law through its provisions has also emphasized that rehabilitation is the guiding principle for sentencing with preference to rehabilitative measures. The law provides that the sentence must be proportionate

Queen Mary and Westfield College, University of London, England. Available at: <https://www.scribd.com/document/63405471/HR-Beijing-Rules> accessed 6 November 2025.

⁶⁴ Rule 5.1.

⁶⁵ Rule 7.1.

⁶⁶ Rules 8.1 & 8.2.

⁶⁷ Rules 14.1 & 14.2.

⁶⁸ Rule 16.1.

to the offence committed. However, the needs of the juvenile offender must be considered and if need be for restrictions on liberty,⁶⁹ it should be minimal.⁷⁰ It is important to state that the law also disapproves the infliction of capital punishment and corporal punishment for juvenile offenders.⁷¹ Accordingly, the law prefers the imposition of non-custodial sentencing on the offender. The law proposes that a range of flexible measures or alternatives to institutionalization like care, guidance, and supervision orders, probation, community services, e.t.c, be made available to avoid the placement or confinement of a juvenile offender in residential facilities⁷² like correctional center, detention center or other institutions where they are deprived of their liberty. This is because placement of a juvenile in an institution is always a disposition of last resort.⁷³ Pursuant to the law,⁷⁴ the aim and objectives of these institutional treatment is geared towards the provision of education, skills for rehabilitation and possibly upkeep. However, the juveniles in those institutions must be totally separated from adults.

3.1.2 Regional Legal Framework: African Charter on the Rights and Welfare of the Child (ACRWC)

The ACRWC is a regional treaty adopted by the African Union and its member states, whereas the previously discussed laws are international treaties adopted by countries worldwide. It was originally known as the Organization of African Unity (OAU) Charter on the Rights and Welfare of the Child until 2001 when the Organization of African Unity (OAU) became known as the African Union (AU), hence, the document is now formally referred to as the African Charter on the Rights and

⁶⁹ Which the law has made to be the last resort.

⁷⁰ Rule 17.1.

⁷¹ Rules 17.2 & 17.3.

⁷² Rules 18.1 & 18.2.

⁷³ Rule 19.1.

⁷⁴ Rules 26.1-26.3.

Welfare of the Child (ACRWC).⁷⁵ It augments international juvenile justice standards for Africa as it addresses juvenile trial and sentencing practices. It mandates the operation of a special system focused on reformation and rehabilitation, forbids capital punishment for a juvenile offender. Just like the other two international frameworks, it also guarantees an execution of due process rights during trial and sentencing.

The provisions regarding juvenile trial and sentencing practices is based on the interest of the child which is the primary consideration at every step of the trial.⁷⁶ As a result, it has also been reaffirmed by the said law that death penalty shall not be imposed on a juvenile offender,⁷⁷ Additionally, the provisions regulating the trial and sentencing practices are majorly contained in Article 17. It begins by stating in (1) that there should be special treatment of the child offender which is aimed at improving on their reformation and rehabilitation. The provisions of (2)(a-d) encompasses the prohibition of any degrading treatment, presumption of innocence, speedy and impartial trial, protection of trial from the public and the press. These articles seek to achieve a child-sensitive, protective trial, and rehabilitation-focused approach are carried out in Africa juvenile justice system.

3.1.3 National Legal Framework

These are frameworks governing juvenile trial and sentencing at the national level, and they are:

- i. Children and Young Persons Act (CYPA) 1958
- ii. Child Rights Act (CRA) 2003
- iii. Administration of Criminal Justice Act 2015

⁷⁵ African Charter on the Rights and Welfare of the Child, <en.wikipedia.org> accessed 6 November 7 2025.

⁷⁶ Article 4.

⁷⁷ Article 5.

i. Children and Young Persons Act (CYPA) 1958

The CYPA was the first and main legislation enacted in 1943 by the British Colonial Government for the ‘protection of children and young persons’⁷⁸ in Nigeria and was codified into the federal laws of Nigeria in 1958. The purpose of the Act is to make provision for the welfare and treatment of young offenders as well as to make provision for juvenile courts. The scope of the Act further extends to children who may come in contact with the juvenile justice system, which are categorized into three: a) Those who are in conflict with the law. These are children who have committed offences which are classified as adult crimes. b) Those who are in need of care and protection. These are the ones who have either been abandoned by their parents or they are offspring of beggars or criminals. c) The ones who are beyond parental control. These ones are usually brought by their parents to the authorities.⁷⁹

In order to achieve a separate system for children, the Act first established juvenile courts which were vested with the authority to entertain matters involving children or young persons. The Act added that these courts must sit separately from that of the adult courts.⁸⁰ It criminalizes the publications of any information that could identify the child, and added that hearings must not be open to the public.⁸¹ The court may choose to discharge a juvenile conditionally, or place them under the supervision of a probation officer for up to three years. Accordingly it is the duty of the probation officer to visit, assist and monitor the child, and report their progress to the court.⁸²

The court may give an order to the parent or guardian of the child to pay any fine if

⁷⁸ Nigerian Children and Young Persons Ordinance Cap 32 of 1958.

⁷⁹ ‘The History and Development of Juvenile Justice in Nigeria’ (4 February 2021) <<https://folorunsoandco.com/the-history-and-development-of-the-juvenile-justice-system-in-nigeria/#>> accessed 30 October 2025.

⁸⁰ Section 3.

⁸¹ Section 3 (5).

⁸² Section 20.

they contributed to the offence through their negligence.⁸³ Under section 24 of the Act, no child shall be sentenced to imprisonment, however, a young person may be imprisoned if the court finds that no other method is suitable.⁸⁴ The Act further provided that a child or young person may be discharged absolutely, or given alternative punishments (like repatriation or committal to an institution), where they are charged with an offence other than homicide, or any other offence punishable with imprisonment for a term exceeding seven years.⁸⁵ It has also been established that the court may commit a child or young person to an approved school for correction and education until they turn 18 (or for a shorter period not less than two years unless they are over 16), if they are charged with an offence punishable with imprisonment in the case of an adult.⁸⁶ However, section 39 & 40 depicts that when awaiting trial or sentencing the juveniles must be kept in remand homes under proper care and supervision, and not adult prisons.

In summary, the CYPA tends to promote rehabilitation over punishment by emphasizing care, supervision, and correction rather than incarceration. Just like the previous frameworks, it restricts imprisonment, separates juveniles from adults, ensures fair and friendly proceedings, and makes the welfare and interest of the child a leading principle in sentencing. At this juncture, it is imperative to state that the CYPA has been modified by the CRA which happens to be the current legislation guiding the juvenile justice system in Nigeria. However, for the CRA to be operational in a state, it has to be domesticated by that particular state. Where states are yet to domesticate this law, they are governed by the CYPA. Currently, there are

⁸³ Section 23.

⁸⁴ Section 24.

⁸⁵ Section 25.

⁸⁶ Section 26.

25 states⁸⁷ of the federation that have adopted and domesticated the CRA. This further means that the remaining 11 states⁸⁸ of the federation are still under the operation of the outdated and inadequate laws of the CYPA.⁸⁹

ii. Child Rights Act (CRA) 2003

The enactment of the CRA was largely driven by the limitations and shortcomings of the colonial era CYPA which governed juvenile justice system for decades. While the CYPA focused on control and correction, the CRA ushered in a rights-based framework which is in total alignment with international child protection standards (the UNCRC and the ACRWC), prioritization of child's best interest, rehabilitation, and reintegration of the child. The CYPA lacked clarity on crucial areas such as treatment of children who reached adulthood while in custody, its approach was practically punitive in nature than rehabilitative, and its outdated nature rendered it inconsistent with global standards, e.t.c.

The CRA introduced a more distinct and comprehensive juvenile justice system that prioritizes the welfare rehabilitation and reintegration of children over punitive approach which is in accordance with section 204 of the Act. It provides that a person under the age of 18 alleged to have committed an offence shall be subjected to the juvenile justice system and not the regular adult justice system. Furthermore, the Act empowers the police, prosecutor or any other person dealing with a case involving a child offender, to dispose the case without resorting to formal trial by using other means of settlement. Such power may be exercised if the offence in question is of a

⁸⁷ Abia, Akwa-Ibom, Anambra, Bayelsa, Benue, Cross River, Delta, Ebonyi, Ekiti, Edo, Enugu, Imo, Jigawa, Kwara, Kogi, Lagos, Nasarawa, Niger, Ogun, Ondo, Oyo, Osun, Plateau, Rivers, Taraba.

⁸⁸ Adamawa, Bauchi, Borno, Gombe, Kaduna, kano, Kastina, Kebbi, Sokoto, Yobe, Zamfara.

⁸⁹ Hon. Justice Zaynab Bashir, 'The Rights of a Child in Nigeria' (15 Feb 2023) <<https://www.iawj.org>> accessed 8 November 2025.

non-serious nature. In addition, police investigation and adjudication before court shall be the measure of last resort.⁹⁰

In order to hear and adjudicate on matters involving children, the CRA established a family court which is more encompassing on child matters. The family court was created at both high court and magistrate levels. The court is vested with the authority and exclusive jurisdiction to hear such matters. This is pursuant to sections 149-151 of the Act. Furthermore, the privacy and confidentiality of legal proceedings involving a child is another necessity which have been emphasized by the Act.⁹¹ Proceedings are also prohibited from being publicized in order to protect the identity of the child and to ease the child's reintegration back to society.⁹² The CRA further stipulates that detention pending trial should be a measure of last resort, which is to be used when there is no other suitable option available. However, such confinement must be for the shortest period of time.⁹³

The order of imprisonment and capital punishment on a child has been prohibited by virtue of section 221 (1)(a-c). The Act stipulates that there should be prompt handling of cases and encouragement of the child's release on bail at the earliest possible stage, unless there is a solid reason for detention which is allowed in very serious offences.⁹⁴ As regards the methods of dealing with a child offender based on age and the interest of the child, the CRA has paved way for dispositional orders for a child offender, and prioritization of non-custodial and rehabilitative measures in order to promote the child's rehabilitation, rather than employing punitive measures on them. There are a variety of dispositional orders and some of them include: dismissing the charge, discharging the child on entering into a pledge of good behaviour, ordering the child's

⁹⁰ Section 209.

⁹¹ Section 205.

⁹² Section 156.

⁹³ Section 212.

⁹⁴ Section 222.

participation in a counseling activity, ordering community service under supervision, committing the child to a custody or correctional centers, e.t.c.⁹⁵ In addition, the government is required to provide specialized centers for child offenders instead of adult prisons.⁹⁶ The release and post-release supervision of children from institutions to assist their reintegration is not left out in the provisions of the Act. These provisions revolves around the mandated supervision period upon release, and the duties of ‘supervision officers’.⁹⁷

Collectively, these sections portray an embodiment of rules that guides every stage of juvenile trial and sentencing practices in order to protect the best interest of the child.

iii. Administration of Criminal Justice Act (ACJA) 2015

The vulnerable nature of a child is also recognized ACJA, thus there is a need to protect them during criminal proceedings.⁹⁸ Although, it is not a statute for juvenile justice, it incorporates general principles of modern criminal justice, some of which align with juvenile justice standards and further contains specific sections made for the protection of children’s interest. It is simply a procedural law that governs criminal proceedings in Federal Courts and the Federal Capital Territory. It has been provided for in ACJA that the provisions of the CRA shall apply where a child is alleged to have committed an offence.⁹⁹ However, notwithstanding the application of the CRA, the provisions of the AJCA shall apply to bail proceedings of a child offender.¹⁰⁰ The Act further recognizes the pre-trial stage of juvenile trial procedure. It affirms that where a child is arrested with or without warrant and cannot be brought before a court, the officer in charge of the case for the time being shall inquire into the

⁹⁵ Section 223.

⁹⁶ Section 224.

⁹⁷ Sections 258 & 259.

⁹⁸ C P Iloka, C M Aghadinuno & O C Obikeze, ‘Protecting the Right of the Child in Criminal Proceedings in Nigeria: An Appraisal of the Legal Framework’, *African Journal of Criminal Law and Jurisprudence (AFJCLJ)* 8(2023) <<https://journals.ezenwaohaetorc.org>> accessed 7 November 2025.

⁹⁹ Section 452 (1).

¹⁰⁰ Section 452 (2).

case. However, the exception to this rule is if the charge is one of homicide, if the offence charged is one that is punishable for a term exceeding three years. It also provides that the removal of the child from any association with adult criminals is necessary because it is in line with the child's interest.¹⁰¹ Like every other governing statute, the ACJA protects the privacy right and expression of the child by providing that where a person has not attained the age of 18 is being brought to court as a witness in any proceeding in relation to an offence committed, the court may order the exclusion of every person who does not fall within the ambit of court officials, parties and legal representatives to the case, and persons who have direct concern in the case.¹⁰² Additionally, the Act reaffirms the prohibition of death sentence for anyone under the age of 18 as at the time the offence was committed. Instead, the Act requires that the court to sentence the child to life imprisonment or any other term the court deems appropriate, in consideration of the principles in Section 401.¹⁰³

3.2 Institutional Frameworks

An institutional framework refers to a structures set of formal organizational structures, rules, and informal norms for service provision. It establishes the structures, roles, and responsibilities for those who have been put in place to carry out such duties, and provides the mechanisms for decision-making and enforcement.¹⁰⁴ There are various institutional framework which have been established for the enforcement of the rules guiding juvenile trial and sentencing practices. These institutions form the operational backbone of the juvenile justice system, guided by legislation that ideally prioritizes a child-friendly, and rehabilitative approach. However, for the purpose of

¹⁰¹ Section 160 (1).

¹⁰² Section 260.

¹⁰³ Section 405.

¹⁰⁴ Wikitionary, the free dictionary 'Institutional Frameworks' <<https://en.wikitionary.org>> accessed 9 November 2025.

this study, the major ones will be discussed. They are the police, juvenile/family courts, and correctional institutions.

3.2.1 The Police

The Nigerian police force has a specialized departmental unit designed to manage initial contact with juvenile offenders in a sensitive and child-friendly manner. This unit is known as the Juvenile Welfare Unit. Such unit was established through the mandate placed on the police force by the CRA.¹⁰⁵ It is made up of police officers who have received specialized training in child handling and protection.¹⁰⁶ These units are designed to serve as a child's initial point of contact following an offence. The primary function of this unit include investigating the offence while upholding the principles of the CRA or CYPA (where applicable), ensuring appropriate domestication and facilitating the transfer of the child to a remand home or social welfare officer rather than an adult police cell. As previously mentioned, the police have the discretionary powers to use alternative measures and encourage settlement of case, with formal investigation and court adjudication processes being reserved as a measure of last resort. The parents, guardian, or probation officer must be notified by the police upon the child's apprehension.¹⁰⁷ In addition, the police is expected to collaborate with other institutions within the juvenile justice system like the social welfare officers. These welfare officers ought to be present from the point of arrest in order to assist in assessing the child's background, and possibly to recommend appropriate measures in diverting the case. When the Act is implemented effectively, the goal is typically to divert the case, and focus on rehabilitation. In conclusion, the police is charged with duties of apprehending child offenders, promptly notifying the

¹⁰⁵ Section 207 (1) of the CRA.

¹⁰⁶ Section 207 (2) of the CRA.

¹⁰⁷ Section 211.

their parents or guardian, granting bail when needed,¹⁰⁸ diverting cases without the need for formal court proceedings, keeping child offenders separate from adult offenders while in custody, and bringing them to court for trial. The pre-trial stage of a juvenile is covered by all of these procedures.

3.2.2 Juvenile Courts/Family Courts

This depicts the trial stage of a juvenile offender. It is pertinent to reiterate at this juncture that the CYPA provided for the juvenile court while its equivalent under the CRA is the family court. The juvenile court under the CYPA still remains in its narrow scope, while the CRA established the family court to accommodate a wider scope of child matters. Juvenile trials are often conducted in either a juvenile court or a criminal court, depending on the seriousness of the offence.¹⁰⁹ For instance, there are two exceptions where the cases will be subjected to the high court which are cases where the offence charged is one of homicide, and that which is charged jointly with an adult. However, that is not the case for family courts. Irrespective of the degree of the offence committed, the CRA mandates the family courts to entertain all civil and criminal matters involving a child. But the old laws of CYPA allows for transfer of juvenile trial to criminal court if it a very serious offence.

The CRA emphasizes on the best interest of the child being the guiding principle of all court decisions relating to children. Accordingly, all court proceedings are expected to adopt informal and friendly setting, and be conducted in an atmosphere that is geared towards the best interest of the child, where firm legal procedures are relaxed to allow the child to participate in the trial comfortably. The court must have their proceedings closed doors, with restrictions on media reports that could identify the child, in order to protect their privacy as a child and prevent stigmatization. They

¹⁰⁸ Section 211 of the CRA; and Section 5 of the CYPA.

¹⁰⁹ A B Dambazau, *Criminology and Criminal Justice* (Spectrum Books ltd 2007).

are also expected by the CRA to consider a variety of sentencing options that are rehabilitative rather than purely punitive.

The functions of the juvenile/family courts include adjudicating cases, issuing care and protection orders, imposing suitable sentences, monitoring and reviewing the execution of orders, and finally, working closely with social welfare officers and other organizations tasked with case management. It is crucial to mention that where states have domesticated the CRA, the family courts automatically operates there, while for states that are yet to domesticate the CRA, the functional judicial bodies remain the juvenile courts which operate under the outdated CYPA and are usually presided over by a magistrate often assisted by assessors¹¹⁰ whereas, that of the family court is presided over by a judge of the High court, a magistrate, and two assessors.¹¹¹

3.2.3 Correctional Institutions

The correctional institutions involved in the child justice system are designed with a focus on the care, protection, education, and rehabilitation of children and young persons rather than punitive confinement. Their legal basis is rooted in both the CRA and the prior legislation CYPA. Below are the correctional institutions:

- i. Remand Homes
- ii. Approved Schools
- iii. Borstal Institutions
- iv. Welfare Departments

i. Remand Homes

Remand Homes are forms of facilities created to serve as temporary places for safety of juveniles awaiting trial or other court orders. The remand homes are regarded as

¹¹⁰ Section 3 of the CYPA.

¹¹¹ Section 149 of the CRA.

juvenile detention center (temporary detention center) specially designed for juveniles who are awaiting trial. They are made for children or young persons who may be kept in custody pending the time for their trial or placement, and are managed by welfare departments. This facility was established specifically to separate juvenile offenders from adult offenders and to offer a secure and monitored environment until the trial or transfer to an approved school takes place. Though the CRA did not establish it, but by implication, it constantly made reference to it in several sections related to detention. For instance, section 212(3) of CRA limits police detention to 72 hours and implies the need for such accommodation by requiring the state government to provide “accommodation” for children in custody. Section 19(1) of the CYPA refers to the establishment of “places of safety”.

The procedures governing this institution is provided for in sections 39 & 40 of the CYPA. These provisions authorizes the President to create and oversee remand homes for children and young persons, including their details about their operation, management, and location.¹¹² Such homes serve as lawful places of custody, with orders committing children and young persons to the place. The President also oversees inspections and sets rules for the treatment, supervision, and welfare of those detained.¹¹³ Detainees are considered to be in legal custody during their stay and transport; escaping or helping someone escape is punishable under the CYPA by fine or imprisonment.¹¹⁴

The remand homes serves the following purposes: to provide a secure temporary custody for children who cannot be released on bail; to ensure the child’s basic needs,

¹¹² Section 39 of the CYPA.

¹¹³ Section 40 (3) of the CYPA.

¹¹⁴ Section 40 (4) of the CYPA.

safety and well-being are met; and to ensure the child is available for court appearances.¹¹⁵

ii. Approved Schools

Approved schools are long-term residential institutions designed to provide education, vocational training, and rehabilitation for young offenders who have been found guilty of an offence and sentenced to institutional care by the court. Pursuant to the interpretation section of the CYPA,¹¹⁶ an approved school means “a school established by the President under the provisions of section 31 or any place or institution declared to be an approved school under the provisions of that section”. Approved schools can be regarded as reformatory institutions whose focus borders on the training, education, and above all, moral development of the juvenile. This depicts the rehabilitative nature as opposed to that of punishment. Children are brought here on the order of the court to undergo rehabilitation, and are also managed by the welfare departments. It is structured on improving the child aim for the eventual reintegration into the society.

The procedures governing this institution is provided for in sections 31-38 of the CYPA. An approved school order serves as legal authority for the child's detention and must specify the designated school and the person responsible for escorting the child.¹¹⁷ However, the execution of the order may be temporarily suspended for reasons like incomplete arrangement for the reception of the child into the approved school, illness, or other legitimate reasons during which the child may be remanded, placed in temporary care, or released on bail. The child is considered to be in legal custody while detained or being transported to the institution; aiding or harboring a child who has escaped, is a crime that is also punishable with a fine or imprisonment,

¹¹⁵ Section 40 of the CYPA.

¹¹⁶ Section 2.

¹¹⁷ Section 32.

or both.¹¹⁸ If more care or training is required, the manager of the school may, with presidential agreement, extend detention for up to a year, but not past the age of eighteen.¹¹⁹ Following release, the person is still under the school's supervision until they are eighteen. They may be brought back to the school if the court determines that it would be in their best interests, provided that the appropriate notification and hearing procedures are followed.¹²⁰

Under the CRA, this facility also fall under the umbrella of specialized correctional centers that must adhere to strict welfare and educational standards, focusing purely on rehabilitation.

iii. Borstal Institutions

Borstal institutions are similar to approved schools but typically cater for young persons (usually between the ages of 16 and 21) who need a more rigorous, disciplined, and structured training environment to reduce recidivism. It was established as a result of the direct influence of the British colonial system and the subsequent need for specialized correctional facilities for young offenders, distinct from adult prisons. It was formally entrenched in Nigerian law through a specific legislation- The Borstal Institution and Remand Centers Act of 1962, and further falls under the Nigerian Correctional Service; while section 3 empowers its existence to serve as a detention and training center for offenders between the ages of 16 and 21.

They have share similar functions with the approved schools, which are: to help the young offenders acquire skills and character development; to prepare young offenders for reintegration process into society through rigorous discipline and structured programs; and to provide general training ground for rehabilitation of juvenile offenders who were ordered to borstal training.

¹¹⁸ Section 34 (2).

¹¹⁹ Section 35.

¹²⁰ Section 36 (2).

iv. Welfare Departments

These departments serve as the backbone of the social and welfare aspect of the juvenile justice system. They fall under the Ministry of Women Affairs and Social Development, and they tend to develop plans and link offenders with essential educational, vocational, and counseling services to ensure rehabilitation of child offenders and their successful reintegration to society. Their involvement is mandated by the CRA, especially with regard to court orders. Their establishment and their role structure is implied in sections 219, 239 (1) and 240 of the CRA respectively. They are implied to be “supervision officers” in the Act.

They exist in every state and play a crucial administrative and investigative role. Their functions are: preparation of social inquiry reports(which are vital for the court’s decision-making process, providing detailed background information on the child’s family, environment, and other necessary information that will help the court determine the best sentence); coordination of processes between the police, courts, and custodial facilities; and to oversee the supervision and community reintegration programs once a child is released from a correctional facility. It suffices to also say that they perform the role of an advisory body at almost every stage of juvenile trial and sentencing.

CHAPTER FOUR

ANALYSIS AND EVALUATION OF JUVENILE TRIAL AND SENTENCING PRACTICES IN NIGERIA

4.1 Analysis of the Juvenile Justice Process in Nigeria

Having outlined the key institutions that constitute the structural operation of juvenile justice in Nigeria, it is essential to examine their respective functions within the different stages of juvenile trial process. The administration of this justice system occurs through interconnected stages- from the point of arrest and investigation (which is signified by the pre-trial stage) to the adjudication of juvenile offences and sentencing (signified by the trial stage), and lastly, to the post-trial stage (which is signified by the correctional phase and reintegration phase). Each of these stages is engaged by a specific institution performance of duty directly influences the next stage, and in the long run, the extent to which rehabilitation is achieved. The analysis therefore begins with the pre-trial stage, focusing on the role of the Gender and Juvenile Welfare Unit of the Nigerian Police Force, which serves as the initial point of contact between the juvenile offender and the justice system.

4.1.1 Pre-Trial Stage

The pre-trial stage marks the preliminary stage of the juvenile justice process. It begins at the point of arrest and covers the investigation and first point of handling a juvenile offender before the matter reaches the court which is the trial stage. In Nigeria, the responsibility of handling juveniles at this stage lies on the shoulders of the Juvenile Welfare Unit of the Police Force.

The juvenile welfare unit was established in line with the standards of the CRA, which reflects Nigeria's attempt to align with the legal frameworks that cuts across the international, regional and national level, in order to ensure that the best interest of children in conflict with the law are protected. In theory, this unit is designed specially to protect the child's welfare from the very first point where they are caught in this conflict, by prioritizing the juvenile's best interest while at custody, diverting the case through processes like settlement or compensation of victims or even bail,

and by collaborating with social services for support and correctional measures. However, reverse is often the case in practice, due to several factors that pose a constraint in their operation within the system.

Studies and field assessments by UNICEF and NGOs unveil that only a few states have fully functional Juvenile Welfare Units, and even where they exist, there is a frequent lack of trained officers. The chances of rehabilitation at this earliest stage have been crippled by virtue of several factors like pre-trial detention, manhandling of juvenile offenders in custody, ineffective implementation of diversion, and even lack of collaboration with other institutions.

Following the issue of pre-trial detention, it is trite law that such detention be permitted as a measure of last resort, and must be for the shortest possible period of time.¹²¹ On the contrary, there have been a prevalence of unlawful detention of juveniles without trial. Reports have been made on the unlawful detention of juvenile offenders at the pre-trial stage. For example, the case of Emeka Nzeruike, a 12 year old boy who was detained for over 10 years without trial for alleged theft.¹²² Often times, these unlawful detentions are due to poor and delayed investigations, lack of resources, or even ignorance on the part of the police officers.

Also, the handling of juvenile offenders often reflect the harsh treatment given to adult suspects like the detention of children in unfavourable environments and subjection to coercive interrogation methods which are detrimental to rehabilitation. For instance, it was reported¹²³ that a group of persons were arrested as suspected boko haram group. One of the victims, Mahmood, a 15 year old boy from Yobe state

¹²¹ Section 212 of the CRA.

¹²² Unini Chioma, 'This is beyond injustice' <<https://thenigerialawyer.com/this-is-beyond-injustice-12-year-old-emeka-nzeruike-freed-after-10-years-in-prison-without-trial-over-alleged-theft/>> accessed 11 November 2025.

¹²³ Fox13 Seattle 'Rights groups accuses Nigerian Police of torture' (19 September 2014) <[55](https://www.fox13seattle.com/news/rights-group-accuses-nigerian-police-of-torture?hl=en-US#:~:text=Published%20September%2019%2C%202014%20,in%20a%20graphic%20new%20report.> accessed 11 November 2025.</p></div><div data-bbox=)

in northern Nigeria, was arrested with 50 other people, mainly boys between the ages of 13 and 19 years old. It was stated by Amnesty International that he was held for three weeks, and during that period, he was beaten repeatedly with gun butts, batons, and machetes, poured melting plastic on his back, made him walk and roll over broken bottles and even forced him to watch other detainees being executed (without trial). According to the report, Mahmood was freed in April 2013, but that does not change the fact that he was subjected to harsh treatments while he was in custody.

This stage is also faced with low rate of diversion implementation. Often times, these juvenile offenders are charged to court for minor offences like theft. This action indirectly diminishes the chance of reformation in the life of the child and by extension, the rehabilitative goal of the system. This act also contributes effectively to the overcrowded remand homes and borstal institutions. For instance, a 15 year old boy named Ibrahim was sentenced to six months in prison for stealing two dogs worth #50,000. A panel of two magistrates however gave him an option to pay a fine of #20,000 or spend three months in prison. The magistrates also ordered him to pay #50,000 in damages or to spend additional three months in prison if he defaults.¹²⁴ There was also a case of a 16 year old boy identified as Adeniyi Muhammed who was arrested by the police in Ogun State for allegedly stealing 14 ladies' underwear. He was caught while trying to sneak out from another lady's room with the stolen item. A search warrant was executed in his house and it was discovered that he had another 14 used underwear belonging to females. He later confessed that he was sent by someone to get those underwear for him. Although, the then Commissioner of Police directed that the case be transferred to the State Criminal Investigation and intelligence Department(SCIID) for further investigation, with efforts made to apprehend

¹²⁴ Vanguard News 'Court sentences student to six months imprisonment for stealing dogs', *Vanguard News* (Nasarawa 21 February 2021) <<https://www.vanguardngr.com/2021/02/court-sentences-students-to-6-months-imprisonment-for-stealing-dogs/>>_accessed 11 November 2025.

accomplice.¹²⁵ However, news reports from that time do not contain updates on the final outcome of the case or result of the investigation into is alleged accomplice, but by virtue of the law, a separate trial ought to be conducted for the juvenile involved, and further sent to a rehabilitation center, while the accomplice ought to have be tried according to the adult criminal justice system. While in the first instance of Ibrahim, the case ought to have been diverted at the pre-trial stage by the juvenile welfare unit, rather than resorting to the judicial measures which is tagged as a measure of last resort. This goes to say that exploration of other diversionary measures has a huge impact in the life of the juvenile.

Also, it is expected of the juvenile welfare unit to collaborate with the other institutions like the welfare departments. Ideally, officers from the social welfare department ought to be present from the point of arrest, to enable them carry out an assessment on the child's background and the necessary study on the child. This process enables them gather a comprehensive social inquiry report as stipulated by the CRA. However, in practice, this collaboration is inconsistent and is eventually to procedural gaps in the entire system.

In summary, while the juvenile welfare unit represents a significant institutional role aimed at protecting the juvenile offenders at their first point of contact with the system, its practical operation across Nigeria remains inconsistent and poorly implemented.

4.1.2 Trial Stage

Stemming from the pre-trial stage is the trial stage, which borders directly on the role of the juvenile/family courts and how they conduct juvenile trial and sentencing. This stage covers the adjudication of child- related matters, and also ensuring that such

¹²⁵ Bukky Olajide, 'Teen Nabbed for Stealing Women's Underwear', *The Guardian* (Ogun, 24 August 2020) <<https://guardian.ng/news/teen-nabbed-for-stealing-womens-underwear/>> accessed 17 November 2025.

proceedings are conducted in the most-friendly and informal manner. At the juvenile/family courts, all formal and strict court mannerism are relaxed in order to ensure that the child participates in the trial in a comfortable state. The court is also expected to have a set of special trained judicial personnel who would be placed in charge of handling these matters. Furthermore, they are expected to confine themselves to the guiding principle of child interest, by ensuring that the interest of the child is upheld at every point of the trial. It is designed to focus on the rehabilitation of the child rather than meting punitive measures on them. Despite these provisions, actual practice shows that there is a high level of inconsistency which reduces the effectiveness of the court. Some of these inconsistencies are lack of skilled personnel, low demand rate of social inquiry report, conduction of some trials in an open court, lack of adequate legal representation and fair trial, irregular court sittings, and lastly, imposition of punitive measures during sentencing; which will be discussed subsequently.

One major inconsistency of the court is the lack of skilled personnel. The court has a segment of skilled persons charged with the responsibility of collection and collation of child reports necessary for the courts especially to aid decision-making process suitable for the juvenile offender. However, in actual practice, these collections and collations are not even done as a result of the shortage in skilled personnel responsible for this obligation. In the long run, it leads to lack of information and poor decision-making of the court.¹²⁶

Another actual practice that is inconsistent with the provisions of the law is the low demand rate of social inquiry report by the court. These are reports written by the welfare department of the ministry of women affairs and social development in order

¹²⁶ A E Obidimma & E O C Obidimma, 'Challenges and Pospects of the Juvenile Justice Administration in South East Nigeria', *Nnamdi Azikiwe University Journal of International Law and Jurisprudence(NAUJILJ)* 2012. <<https://core.ac.uk>> accessed 11 November 2025.

to serve as a guide in reaching the final decision of the court. Actual practice shows that these reports are not even demanded by the courts, and where they are demanded by and brought to the court, they are often scanty and almost irrelevant because of its level of insufficiency.¹²⁷ This low demand rate further shows that there is lack of collaboration between the welfare department and the court during the trial process of a juvenile offender.

Notwithstanding the legal frameworks and their provisions on the conduction of a juvenile trial in closed doors, some parts of the country still indulge in open court trial for juvenile offenders in actual practice, without due regard to the privacy rights provided for the juvenile offender by the laws. ‘For instance, in Anambra and Enugu states as in all the states in South East Nigeria, trials of juveniles are most often conducted in open court without any regard to the requirements of privacy provided under the law.¹²⁸’ This act makes it difficult for the juvenile offender to be reintegrated into the society because of the exposure of identity caused by the open trial. By extension, it brings stigmatization and unnecessary public attention to the juvenile offender. This is one of the negative effect the law tend to achieve by stipulating that such trials be done closed doors; which the courts have now been violating on several occasions from the above analysis.

The system in its trial stage has also been faced with inconsistency on issue of legal representation. Juveniles often suffer lack of adequate legal representation and fair trial which can lead to unfair outcome on the part of the juvenile offender. It leads to excessive delay in trial, just like the aforementioned case of Emeka. It was crystal clear that the delayed trial he faced for a decade was as a result of lack of legal representation and institution of fair trial in the court.

¹²⁷ *ibid.*

¹²⁸ *ibid.*

In addition, there is the practice of irregular court sittings which is mostly caused by lack of human resources. This action of the court may eventually lead to excessive delay in juvenile trials. The law empowers the juvenile/family court with the jurisdiction to try juvenile matters, however, what happens when these courts do not sit regularly? It may result in unnecessary pile of cases which may in turn pose a negative effect on the child's best interest. An interview with some judges at the family court in Lagos was conducted by some writers and it was held that the court rarely sit and even when they do, the requirement of the law (that a magistrate and two assessors should be seat for child matters) are not often meant. This is as a result of the unavailability of assessors which sometimes causes delay in these trials. Furthermore, the interview revealed that the courts have consistently been faced with situations where one assessor is available and the other is unavailable or may have retired, thereby leaving the court unable to proceed with cases for months, again leading to unnecessary delay in trying these cases. It was added that the court only sits once a week, because the assessors are people who are also regularly working somewhere else, in the ministries, and as at now there are badly remunerated.¹²⁹

Finally, the imposition of punitive sentences on juvenile offenders which has clearly been tagged among measures of last resort provided by the governing statutes, has often been over relied upon without giving a chance for rehabilitative measures to step in first. Most times, courts are often quick to give sentences that are clearly punitive in nature without first attempting to apply lesser options like probation, community service, or even compelling them to attend counselling sessions. This shows that most times, the court seem to have over relied on custodial practices, rather than trying to help promote rehabilitative measures that will help correct the

¹²⁹ C Q Umeobika, 'Examining the Criminal Trials and Liability of Child Offenders in Nigeria: The Need for an Effective Child Justice System', *AFJCLJ* 1(2016) <<https://journals.ezenwaohaetorc.org>> accessed 12 November 2025.

behaviour of the child. It is as though the court is focused more on punishing the juvenile offender for the offence committed, rather than focusing more on the correction of the child's behaviour. This is portrayed in the case of a 13 year old child named Omar Farouq who was sentenced to 10 years imprisonment by the Kano State Sharia Court with menial labour for blasphemy.¹³⁰

4.1.3 Post- Trial Stage

The post-trial stage ushers in a fresh process that succeeds the trial stage in the entire juvenile justice system. In line with the objectives of this system, all actions taken at each stage of the system is geared towards achieving rehabilitation and reintegration of the juvenile offender. In Nigeria, the juvenile justice system adopts several forms of correctional centers in form of institutions- Remand Homes, Approved Schools, Borstal Institutions, which are established for the purpose of meeting the rehabilitative needs of juvenile offenders. However, the efficiency of these centers have been questioned overtime, as a result of their inability to meet up with the standards of the law in reality. These centers are not as they seem on paper given that they are faced with inadequate infrastructure, lack of skilled and qualified personnel, poor supervision, as well as prevalence of detention without a chance of granting bail.

Despite the fact that these correctional centers ought to meet the provisions of basic amenities for the juvenile offenders kept in their custody, the reality of poor infrastructure overrides its expectations. The absence of suitable rehabilitative infrastructure like conducive rooms for counseling sessions and workshops keeps preventing the legal obligation of providing meaningful rehabilitation programs the Acts tend to achieve. This challenge of poor infrastructural facilities often results in

¹³⁰ Adekunle Rasak, 'Conviction of 13-year-old on Blasphemy', *Nigerian Tribune* (Kano, 18 September 2020) <<https://tribuneonline.ng/conviction-of-13-year-old-on-blasphemy-kano-govt-can-not-intervene-%e2%80%95-attorney-general/>> accessed 13 November 2025.

overcrowded centers, neglect of well-being, and even poor environmental state. It is either the facilities in these centers are not existing or they are no longer functional.

The lack of skilled and qualified personnel are not left out as a prevailing issue. The centers are so deteriorated that there are constant lack of qualified personnel that ought to be in charge of handling the children while in custody. Supervisions of these children during their reformation process are usually done by these skilled personnel, however, correctional centers of nowadays lack these professionals and in turn, the children end up lacking the professional care and constant supervision they deserve while in the correctional centers.

Although, it is usually inferred that the juvenile offenders and the centers are usually supervised and monitored closely to ensure that their reformation process is not interrupted in any slightest way; and the centers are in good condition, yet, this inference is not in any way met by the centers because there are no effective mechanisms put in place to ensure that this supervision is carried out. This weak supervision promotes violations of children's rights to go unaddressed.

Having established that, it has also been noted that while the primary function of the Remand Home (that of detention of juveniles on trial) has been relegated to the background, detaining juveniles in police cell and prison remand has been prevalent. The nationwide study by the Nigerian Institute of Advanced Legal Studies, Lagos, found that 84.1% of juveniles in custody of the police were not released on bail after arrest, and nearly 75% of 203 cases that went to court were not released on bail by the courts (NIALS, 1990).¹³¹

This shows that the correctional centers are also weak in practice and further leads to inadequate modern rehabilitation rather than to prioritize rehabilitation and

¹³¹ A M Sa'ad, 'Juvenile Justice in Nigeria', *The Nigerian Journal of Sociology and Anthropology* Vol 79 <<https://www.nasajournal.com.ng> PDF> accessed 14 November 2025.

reformation process by acting directly in accordance with the obligations imposed on them by law.

4.2 Rehabilitation vs Punishment: A Critical Analysis of their Impacts on Juvenile Offenders in Nigeria

Rehabilitation seeks to address the root causes of offences by guiding juvenile offenders towards education, skill development, healthier behavioural pattern, and improved decision-making. In Nigeria, when rehabilitation programs are designed perfectly and sufficiently funded, they generally yield more positive results for juvenile offenders than approaches focused on deterrence. Evaluation of studies show that juvenile offenders who participate in diversion programs, counselling sessions, or even vocational training, typically have lower rates of repeating those crimes compared to those subjected to custodial sentences.¹³² For instance, *Odidika & Anor v The State*,¹³³ a 15 year old juvenile offender who was charged with the offence of armed robbery together with an adult, was saved and released at the pleasure of the then military Governor of Imo state. Also, in a case where an 18 year old boy named Mustapha Aminu was convicted for taking hard drugs in Ilorin, the Area Court committed him to a one year stay at the Borsal Facility for keeping bad company and taking hard drugs. The court further added that while he is at the Borstal Training Institute, he should either continue with his education or learn any vocation of his choice.¹³⁴ This effectiveness of rehabilitation is linked to the way these programs address social and developmental factors contributing to offending,

¹³² UNICEF, *Assessment of Children and Young Adults Deprived of Liberty in Nigeria* (UNICEF Nigeria 2025). Available at: <<https://www.unicef.org/nigeria/reports/assessment-situation-children-and-young-adults-deprived-liberty-nigeria>> accessed 14 November 2025.

¹³³ (1977) NMLR 295.

¹³⁴ Nan, 'Court Commits Teenager to Borstal Facility for Taking Hard Drugs', (Kwara, 17 December 2024) <<https://guardian.ng/news/court-commits-teenager-to-borstal-facility-for-taking-hard-drugs/?hl=en-US#:~:text=Delivering%20judgement%20in%20a%20case,any%20vocation%20of%20his%20choosin g.>> accessed 14 November 2025.

such as disrupted education, family instability, exposure to violence, and even bad company just like in the previous case.

Rehabilitation is also more closely aligned with the developmental needs of children. Several assessments in Nigeria highlight that many juveniles who get in contact the justice system were already face vulnerabilities like poverty, trauma, and lack of education; which are obvious challenges that detention might worsen in most cases.¹³⁵ Rehabilitative strategies reduce psychological harm and support positive identity formation. This is crucial because adolescence is a time when behaviour can be shaped significantly, and supportive environments can redirect children away from further conflict with the law; it will also lead the young individuals to redirection of their lives. Though, rehabilitation is typically more cost-effective than detention in terms of economic standpoint, but programs reflecting non-custodial measures usually incur lower costs and cause less social disruption than keeping children in custodial facilities.¹³⁶ However, these benefits are only realized when programs have adequate support.

In Nigeria, the limited availability of trained staff, weak institutional capacity, and inconsistent program quality can restrict the impact of rehabilitation. Evaluations note that follow-up systems, monitoring mechanisms, and long-term reintegration support are often lacking, which depreciates its effectiveness.¹³⁷ Despite these shortcomings, the available evidence indicates that rehabilitative measures offer more sustainable

¹³⁵Bar Human Rights Committee of England and Wales, *The Child Rights Manual: Nigeria* (BHRC 2013) <https://barhumanrights.org.uk/wp-content/uploads/2013/12/The-Child-Rights-Manual_Nigeria-29.10.13.pdf> accessed 14 November 2025.

¹³⁶ B O Ajah and C O Ugwuoke, 'Juvenile Justice Administration and Child Prisoners in Nigeria' (2018) *International Journal of Criminal Justice Sciences* 476 <<https://ijcjs.com/menu-script/index.php/ijcjs/article/download/230/169/248>> accessed 14 November 2025.

¹³⁷ Chisom Oke- Chinda, *Off the Rights Spectrum: The Treatment of Child Offenders Deprived of Liberty in Nigeria* (Leiden University 2021) <<https://www.universiteitleiden.nl/binaries/content/assets/rechtsgeleerdheid/instituut-voor-privaatrecht/jeugdrecht/chisom-oke-chinda---off-the-rights-spectrum-the-treatment-of-child-offenders-deprived-of-liberty-in-nigeria.pdf>> accessed 14 November 2025.

and protective outcomes. They are also more consistent with child rights principles, especially when compared to punitive methods that disrupt development and contribute to long-term social harm.

On the other hand, punitive responses especially custodial detention remain common for juvenile offenders in Nigeria, despite their often severe consequences. Research and human rights reports reveal that institutional conditions expose children to trauma, overcrowding, violence, and neglect.¹³⁸ Detention can disrupt education and family support, both critical protective factors against future offending. As a result, children placed in custodial facilities often experience worsened psychological and behavioural problems, increasing the likelihood of recommitting offences.¹³⁹

Punishment without rehabilitative support also contradicts legal and developmental standards for children. Delays in case processing, prolonged remand periods, and the mixing of minors with adults in some facilities undermine child-specific protections and raise significant rights concerns.¹⁴⁰ These practices have been widely criticized for violating principles of proportionality and the best interests of the child.

Beyond individual harm, punitive approaches can generate broader social and economic costs. Families of detained children often face financial burdens due to interrupted education and diminished future earning potential,¹⁴¹ which can deepen poverty and destabilize communities. Detention is also more costly for the justice system and does little to address the root causes of offending.¹⁴² In practice, this makes punitive approaches less effective and efficient over time.

¹³⁸ Human Rights Watch, 'Nigeria:Events of 2023' (HRW 2024) <<https://www.hrw.org/africa/nigeria>> accessed 14 November 2025.

¹³⁹ (n 134).

¹⁴⁰ (n 131).

¹⁴¹ (n 133).

¹⁴² (n 131).

Although punishment may provide immediate public safety, its long-term impact on young offenders and society is generally negative. Custodial environments tend to reinforce, rather than correct delinquent behaviour, making them unsuitable for the developmental needs and interest of juvenile offender and the overemphasized aims of juvenile justice.

4.3 Evaluating Nigeria's Alignment with International Standards

Nigeria's compliance with the provisions of the United Nations Convention on the Rights of the Child (UNCRC), the UN Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules), and the African Charter on the Rights and Welfare of the Child (ACRWC) presents a two-sided narrative: one is law on paper and the other of deficit in legal practice. Theoretically, Nigeria has taken critical steps towards meeting these international obligations, primarily through the enactment of the CRA , which was designed to domesticate the principles of the UNCRC and the ACRWC and align the national legal framework with international best practices concerning juvenile justice administration.¹⁴³

The CRA was a big step forward, aiming to bring global standards into Nigerian law. It clearly defines anyone under eighteen as a child, centers every decision on the child's best interests, and encourages rehabilitation instead of punishment.¹⁴⁴ The Act also created special Family Courts to specifically handle child matters, and made it clear that children should never be detained with adults or be treated like adult offenders. However, the efficacy of this legislative compliance is significantly undermined by series of challenges in implementation and a lack of uniform application across the

¹⁴³ AWJAI 'Understanding the CRA Nigeria' (AWJAI) <<https://awjai.org/understanding-the-child-rights-act-nigeria/>> accessed 15 November 2025.

¹⁴⁴ 'A Report of Three Conferences on Juvenile Justice Administration in Nigeria' (held at D'Rovans Hotel, Ibadan from 16th to 17th October 2002) 51. <<https://nigerianlawguru.com>> accessed 11 November 2025.

country.¹⁴⁵ But just having strong laws is only part of the struggle because in practice, not all states in Nigeria have adopted the CRA. In some places, old laws of the erstwhile CYPA still govern how children in conflict with the law are treated, leaving them vulnerable and creating uneven protections across the country. This means that a enforcement of child rights largely depends on where they live, thereby undermining the spirit of fairness these international frameworks promises the child. This inconsistent adoption of the CRA across the Nigeria keeps leading to a fragmented system where the outdated CYPA remain operative.¹⁴⁶

The CYPA still gives room for both punishment and rehabilitation, and even further overemphasize on punishment rather than rehabilitation. And the Act is further inconsistent with its provisions which gives room for insufficient implementation. This inconsistency directly hinders compliance with the uniform standards required by the UNCRC and ACRWC.

Furthermore, the issue of the minimum age of criminal responsibility remains problematic; while the CRA generally seeks to raise this age, some supporting legislations still allow for criminal responsibility as low as seven years, with conditional responsibility from seven to twelve years¹⁴⁷ on the ground that the person has the requisite *mens rea* as at the time of the committed act or omission. Pursuant to this, the African Committee of Experts on the Rights and Welfare of the Child (ACERWC), which is the monitoring body for the ACRWC, has recommended that

¹⁴⁵G A Arowolo 'An Appraisal of the Legal Framework for Child Justice Administration in Nigeria' (2018) *Journal of Law and Criminal Justice* <<https://scispace.com/pdf/an-appraisal-of-the-legal-framework-for-child-justice-2m62b3nwld.pdf>> accessed 15 November 2025.

¹⁴⁶ Garba Abubakar 'An Examination of Nigerian's Compliance with its Legislative Obligations under the Convention on the Rights of the Child' *African Scholars Multidisciplinary Journal*, (2023) 5 <<https://gojamss.net/journal/index.php/ASMJ/article/view/992>> accessed 15 November 2025.

¹⁴⁷ H Ijaiya, 'Juvenile Justice Administration in Nigeria' 2 *NUJS Law Review* (2009) <<https://nujlawreview.org>> accessed 4 November 2025.

Nigeria raise this minimum age to twelve years or above to eliminate these conflicting provisions to prevent the juvenile offenders from being punished as adults.¹⁴⁸

Furthermore, The Beijing Rules highlights the importance of having specialized personnel and appropriate procedures for handling juvenile cases. However, Nigeria is struggling with a severe shortage of adequately trained judges, police officers, and social workers who possess the knowledge and sensitivity necessary for dealing with issues that specifically affect children at every stage of their encounter with the juvenile justice system.

It also emphasized on diversion and non-custodial practices, however, the reversed is often the case in practice. Despite the legal priority for non-custodial measures, there is an over-reliance on the deprivation of liberty, and custodial institutions often suffer from inadequate infrastructure, lack of qualified personnel, and poor condition of centers.¹⁴⁹ The police is always quick to detain the juvenile offender without first considering the provisions of case diversion by the CRA, that other means (like instant settlement of case, compensation of victims, or even reaching out to the welfare departments for better suggestions on how to handle the case at that early stage), be resorted to by the police and reserving detention or formal judicial proceedings as last resort.

Unfortunately, due to insufficient non-custodial measures, or over-crowded and poorly operated facilities, some juvenile offenders still find themselves detained with

¹⁴⁸ African Committee of Experts on the Rights and Welfare of the Child (ACERWC), 'Concluding Observations and Recommendations of the African Committee of Experts on the Rights and Welfare of the Child to the Government of the Federal Republic of Nigeria on its Periodic Report on the Implementation of the African Charter on the Rights and Welfare of the Child' (2019) <<https://www.acerwc.africa/sites/default/files/2022-09/Nigeria%202-3rd-periodic%20Concluding%20observation.pdf>> accessed 15 November 2025.

¹⁴⁹ M A Abdulraheem-Mustapha, 'Child Justice Administration in the Nigerian CRA: Lessons from South Africa' *African Human Rights Law Journal* (2016) 16(2) Accessed at: <https://www.researchgate.net/publication/313125954_Child_Justice_Administration_in_the_Nigerian_CRA_Lessons_from_South_Africa> accessed 5 November 2025.

adults. This not only contradicts with the provisions governing juvenile trial and sentencing, but also puts the interest of the juveniles at risk.¹⁵⁰

In addition, Nigeria has failed in their compliance with international standards as regards the privacy rights that has been guaranteed by these laws when undergoing the process of their trial. As earlier analyzed, some parts of Nigeria has failed to meet this particular requirement by indulging in open trial for juvenile offenders which the contravenes both international and national provisions that these trials be done closed doors to protect the identity and privacy of the child in question.

Finally, the system suffers from protracted judicial processes and limited access to legal representation for children. Many young people are denied their right to a fair and speedy trial as guaranteed under the international frameworks.¹⁵¹ Thus, while the legal framework is largely protective of the interest of a juvenile offender, the gap between what the law promises and the actual practice is wide, and bridging it will require not only better laws but real, nationwide commitment to putting them into practice.¹⁵²

4.4 Practical Challenges Affecting the Juvenile Justice System

The juvenile justice system in Nigeria may seem perfect on paper, but in reality are faced with practical challenges in the implementation of rehabilitation due to certain factors. A significant concern is the lack of connection between established laws and actual practices. While the CRA sets forth substantive protections for minors, many states have failed to implement it fully. This has led to uneven standards across the nation, meaning numerous children still find themselves subjected to outdated legal

¹⁵⁰ UNICEF, *An Assessment of the Situation of Children and Young Adults Deprived of Liberty in Nigeria*, 2024.

<https://www.unicef.org/nigeria/media/12396/file/An%20of%20Children%20and%20Young%20Adults%20Deprived%20of%20Liberty%20in%20Nigeria%202025.pdf.pdf> accessed 15 November 2025.

¹⁵¹ *ibid.*

¹⁵² (n 145).

procedures. Consequently, the assurances provided by the law often do not translate into tangible safety or support for these juvenile offenders, because their protection of rights are clearly largely dependent on their state.

The lack of institutional strength and insufficient finance is another critical issue. Many juvenile courts, child-friendly police units, and probation services are either non-existent or inadequate in a number of places.¹⁵³ Children sometimes navigate the legal system without the required evaluations, counseling, or opportunities to divert from formal judicial procedures when there is a lack of skilled personnel and operational processes. Due to the substantial delays caused by this circumstance, juvenile offenders are even kept in custody for longer than necessary.

The system as a whole is further undermined by poor conditions in correctional facilities. Many children in these environments suffer from overpopulation, poor sanitary facilities, limited educational opportunities, and increased psychological stress.¹⁵⁴ Juveniles may even be detained with adult offenders in certain circumstances, putting them at risk of maltreatment and going against fundamental principles that safeguard juvenile rights. These harsh realities frequently aggravate the trauma that these juveniles experience, and further undermining the purpose of rehabilitation.

Additionally, law enforcement frequently use custodial measures in response to juvenile offenses, especially during pre-trial stages, because there are either insufficient or non-existent options for diversion. As a result, children accused of relatively minor crimes may find themselves in remand for extended periods of time simply because they cannot afford bail or because social welfare services are unavailable.¹⁵⁵

¹⁵³ (n 146).

¹⁵⁴ (n 149).

¹⁵⁵ (n 136).

Lastly, the lack of thorough data collection and insufficient supervision are problems for the juvenile justice system. There is a shortage of reliable information regarding the number of children held in custody, the duration of their detention, or the effectiveness of various interventions. This data shortage impedes authorities in their efforts to track advancements or uncover failing areas of the system. Without reliable data, violations of provided rights of the juvenile offender persists without consequences, and the needed reforms suffer due to a lack of empirical evidence for establishing their effectiveness.

All things considered, the Nigerian juvenile justice system continues to struggle with significant structural and operational limitations that undermine its ability to function as a firm framework centered around the interest protection of those who come in contact with the law. The persistent gap between legal standards and daily practice, combined with inadequate institutional capacity, poor custodial conditions, excessive reliance on detention, and weak monitoring mechanisms, shapes an environment where children often experience outcomes that are constantly far from the protections prescribed by the law. These practical problems portrays a system that remains unmatched with its legislative provisions.

CHAPTER FIVE

CONCLUSION

5.1 Summary of Key Findings

This study examined the tension between rehabilitation and punishment of juvenile offenders in the Nigerian juvenile justice system. It aimed to determine whether the actual practices genuinely reflect the intentions of Nigerian laws and policies, particularly the CRA and other related frameworks. The findings reveal a significant gap between the ideals of the law and the realities faced by young offenders.

One major finding is that Nigerian juvenile courts still rely heavily on punitive measures. Instead of prioritizing education, counseling, psychological support, and community programs, many young offenders are subjected to processes that are in line with that of the adult criminal justice system. Detention remains a common response for even minor offenses, contradicting the intent of the CRA to use detention

only as a last resort. Indications from interviews, reports, and existing studies reveals overcrowded remand homes, limited access to trained social welfare officers, and poor conditions in juvenile facilities.

The study also identified implementation gaps within the Nigerian juvenile justice system. While the CRA promotes rehabilitation, diversion, and personalized treatment, its enforcement remains weak and keeps deteriorating by the day. Many states have yet to fully adopt the CRA, resulting in inconsistent practices across the nation. In states that observe the CRA, courts and law enforcement often do not follow the recommended procedures. Social workers and probation officers, who should provide guidance and alternatives to detention, are often unavailable or overwhelmed.

In addition, societal attitudes towards juvenile offenders lean toward punishment rather than support. Public perceptions frequently label young offenders as criminals instead of children needing guidance and reform. This mindset influences the treatment these juveniles receive from judges, police, and community leaders, fostering a culture of strict consequences rather than one of understanding. Such attitudes create barriers to successful rehabilitation, making reintegration into society even more challenging; which was the reason behind closed door trials.

However, the several reports have shown that effective rehabilitation leads to positive outcomes. Programs that offer psychological and social support, education, vocational training, mentoring, and family counseling can enhance self-esteem and reduce the likelihood of future offenses. Successful outcomes of these programs have demonstrated that with the right support, young offenders can transform their lives, gain skills, return to education, and improve their relationships with families and society.

Finally, the study highlighted the potential for improvement within the Nigerian juvenile justice system. Despite possessing a strong legal framework, the lack of political will, funding, trained personnel, and standardized procedures hinders effective implementation. And when rehabilitation occurs, it is often due to the efforts of individual NGOs or dedicated workers rather than a cohesive state strategy. Until the Nigerian government prioritizes the welfare and reform of young offenders, the goals of juvenile justice system will remain unfulfilled.

5.2 Recommendations

To strengthen the juvenile justice system and promote rehabilitation, the following recommendations are necessary:

1. Fully adopt and implement the CRA in all states: The CRA is an essential cornerstone of a juvenile justice system that promotes rehabilitation. It must be accepted by all states and applied consistently. Compliance requires oversight and training for courts, police departments, and prisons.

2. Expand diversion programs: By using diversionary measures, juveniles can avoid formal court processes by opting for family-based interventions, counseling, community service, or mentoring. Each stage of the justice system, from interactions with the police to courtroom settings, requires the expansion and sufficient funding of these programs.

3. Invest in juvenile facilities focused on education and therapy: Facilities should give rehabilitation precedence over punishment when incarceration is required. This involves delivering education and life skills training, as well as qualified counselors, psychologists, and educators who may assist the juveniles in their rehabilitation.

4. Provide training for law enforcement and judicial officers on practices that are sensitive to juvenile needs: It is important that police, prosecutors, judges, and

magistrates receive regular training on child development and children's rights. This training should encourage the use of non-custodial measures, assisting officials in seeing juvenile offenders as children in need of support.

5. Collaborate with NGOs and civil society: NGOs are essential in helping juvenile offenders get counseling and legal assistance. The government ought to establish official collaborations with these groups, giving them resources and money to improve their initiatives.

6. Run public awareness campaigns to change societal attitudes: Research shows that rehabilitation is frequently more successful than harsh punishment in deterring juvenile offences. Educational efforts can assist communities in realizing the advantages of supporting juveniles towards attaining positive development.

7. Create independent monitoring bodies to ensure accountability: The establishment of independent committees to examine juvenile courts, police units, and detention facilities on a regular basis will ensure that standards are met. Clarifying punishments for infringement of children's rights is critical.

8. Ensure sustainable funding for juvenile justice programs: It is essential to have sufficient financial resources in order to guarantee successful rehabilitation efforts. For programs that are centered on the rehabilitation of young people, adequate financing must be allocated by both the state and the federal governments.

5.3 Contributions to Knowledge

This study advances knowledge of the Nigerian juvenile justice system in many crucial areas:

1. Identifying the gap between policy and practice: Although many studies focus on the legal features of the CRA, this study draws attention to the differences between

the real experiences of juvenile offenders in the system and the primary goal of the law.

2. Promoting rehabilitation as a more successful strategy: The study shows that rehabilitative strategies are more beneficial to addressing juvenile delinquency than punitive methods, by using both Nigerian and global instances.

3. Highlight institutional deficiencies: The study identifies institutional challenges that degrades the efficacy of Nigeria juvenile justice system.

4. Promoting awareness of the rights of juvenile offenders: The study supports arguments for a more humane juvenile justice system in Nigeria by highlighting the advantages of rehabilitation, such as minimizing recidivism and fostering improved life chances.

5.4 Areas for Further Studies

Although this study provides valuable insights, further research is required in the following areas to assist continued juvenile justice system improvements:

1. Extended research on juvenile offenders who have been rehabilitated: The efficacy of various rehabilitation therapies can be assessed through studies that follow juvenile offenders throughout time.

2. Examining CRA-states and Non-CRA states: Gaining insight into practical effects of the CRA may help identify best practices that can enhance results for juvenile offenders throughout Nigeria.

3. Examining economic factors influencing juvenile offending: A more thorough examination of how poverty affects juvenile crime can direct the development of preventive support systems.

4. Evaluating diversion programs and alternative sentencing: More data on the efficiency of these programs is needed to determine their success rates and areas for improvement.

5. Examining police interactions with juveniles: Knowing how children interact with law enforcement at first can help identify necessary reforms.

5.5 Conclusion

In conclusion, this study shows that although Nigeria has a strong legal framework that supports a rehabilitative juvenile justice actual practices frequently lean toward punishment. However, it is evident that effective rehabilitation not only transforms lives but also strengthens communities and reduces crime. In order for Nigeria to truly align with modern standards of juvenile justice, it must shift its focus from punishment to rehabilitation; by investing in support systems that guide juvenile offender through education, counseling, and skilled training, the country can ensure public safety and progress.

BIBLIOGRAPHY

BOOKS

Beccaria, C Crimes and Punishments (Hackett, 1986) Available at:

<<http://files.libertyfund.org>> accessed 5 November 2025.

Dambazau, A B Criminology and Criminal Justice (Spectrum Books ltd 2007).

Fox, B C Bad Kids: Race and the Transformation of the Juvenile Court (Oxford

University Press, 1999) Available at:

<<https://www.abebooks.com/9780195097887/Bad-Kids-Race-Transformation-Juvenile-0195097882/plp>> accessed 5 November 2025.

Garner, B A (ed) Black's Law Dictionary (11th ed).

NALT Manual Uniform Format and Citation Guide For Legal Research Writing in

Nigeria for Law Faculties and Legal Research Institutions in Nigeria, A Manual

on Legal Research Format and Citation Guide for Legal Research for Legal
Research Writing (NALT's Blue Book Basic Guide) Series No. 2 2021.

Okonkwo, C O Administration of Juvenile Justice in Nigeria (Enugu: Fourth
Dimension Publishers, 1985) Available at:

<https://searchworks.stanford.edu/?per_page=100&q=%22Children%27s+rights+Nigeria.22&search_field=subject_terms> accessed 5 November 2025.

Owasanoye, B and Wernham, M (eds) Street Children & the Juvenile System in
Lagos State (Lagos: Human Development Initiatives, 2001) Available at:

<<http://www.eldis.org/vfile/upload/1/document/0708/DOC16855>> accessed 5
November 2025.

Siegel, L J and Welsh, B C Juvenile Delinquency: Theory, Practice and Law
(Cengage Learning, 2014) Available at:

<<https://studylib.net/doc/26045527/juvenile-delinquency-theory--practice--and-law-13e-13th-e...>> accessed 5 November 2025.

ARTICLES IN JOURNALS

Abdulraheem-Mustapha, M A 'Child Justice Administration in the Nigerian Child
Rights Act: Lessons from South Africa' African Human Rights Law Journal
(2016) 16(2) Accessed at:

<https://www.researchgate.net/publication/313125954_Child_Justice_Administration_in_the_Nigerian_Child_Rights_Act_Lessons_from_South_Africa> accessed
5 November 2025.

Ajah, B O and Ugwuoke, C O 'Juvenile Justice Administration and Child Prisoners in
Nigeria' International Journal of Criminal Justice Sciences (2018) 13(2) 438-
446 <<https://ijcjs.com>> accessed 5 November 2025.

- Arowolo, G A 'An Appraisal of the Legal Framework for Child Justice Administration in Nigeria' (2018) *Journal of Law and Criminal Justice* <<https://scispace.com/pdf/an-appraisal-of-the-legal-framework-for-child-justice-2m62b3nwld.pdf>> accessed 15 November 2025.
- Diriwari, W 'Nigerian Juvenile Justice System and the Resocialisation of Young Offenders', *South Asian Journal of Social Studies and Economics* (2023) Vol 20(4) 261-269 <<https://journalsjsse.com>> accessed 5 November 2025.
- Fourchard, L 'Lagos and the Intervention of Juvenile Delinquency in Nigeria', *Journal of African History* (2006) 127 <<https://shs.hal.science>> accessed 9 August 2025.
- Ijaiya, H 'Juvenile Justice Administration in Nigeria' *NUJS Law Review* 2 (2009) <<https://nujlawreview.org>> accessed 4 November 2025.
- Iloka, C P, Aghadinuno, C M & Obikeze, O C 'Protecting the Right of the Child in Criminal Proceedings in Nigeria: An Appraisal of the Legal Framework', *African Journal of Criminal Law and Jurisprudence (AFJCLJ)* 8 (2023) <<https://journals.ezenwaohaetorc.org>> accessed 7 November 2025.
- Obidimma, A E & Obidimma, E O C 'Challenges and Prospects of the Juvenile Justice Administration in South East Nigeria', *Nnamdi Azikiwe University Journal of International Law and Jurisprudence (NAUJILJ)* 2012. <<https://core.ac.uk>> accessed 11 November 2025.
- Ogunniran, I 'Reforming the Penal Policy for Child Offenders in Nigeria', *Justice Policy Journal* (2013) 10(2) 1 <<https://www.cjcj.org>> accessed 26 September 2025.

Sa'ad, A M 'Juvenile Justice in Nigeria', The Nigerian Journal of Sociology and Anthropology Vol 79 <<https://www.nasajournal.com.ng> PDF> accessed 14 November 2025.

Umejiaku, N O and Uzoka, C N 'An Appraisal of Juvenile Justice Administration in Nigeria: Advocating for the Rights of Child Offenders', NAU,JCPL Vol. 6(1) 2019 <<https://journals.ezenwaohaetorc.org>> accessed 4 November 2025.

Umeobika, C Q 'Examining the Criminal Trials and Liability of Child Offenders in Nigeria: The Need for an Effective Child Justice System', AFJCLJ 1 (2016) <<https://journals.ezenwaohaetorc.org>> accessed 12 November 2025.

ONLINE MATERIALS

'A Report of Three Conferences on Juvenile Justice Administration in Nigeria' (held at D'Rovans Hotel, Ibadan from 16th to 17th October 2002) 51. <<https://nigerianlawguru.com>> accessed 11 November 2025.

'African Charter on the Rights and Welfare of the Child', <en.wikipedia.org> accessed 6 November 7 2025.

'Legal framework: overview, definition, and example' <www.cobrief.app> accessed 5 November 2025.

'The History and Development of Juvenile Justice in Nigeria' (4 February 2021) <<https://folorunsoandco.com/the-history-and-development-of-the-juvenile-justice-system-in-nigeria/#>> accessed 30 October 2025.

ACERWC 'Concluding Observations and Recommendations of the African Committee of Experts on the Rights and Welfare of the Child to the Government of the Federal Republic of Nigeria on its Periodic Report on the Implementation of the African Charter on the Rights and Welfare of the Child'

- (2019) <<https://www.acerwc.africa/sites/default/files/2022-09/Nigeria%20-3rd-periodic%20Concluding%20observation.pdf>> accessed 15 November 2025.
- Alemika, E E O and Chukwuma, I C ‘Juvenile Administration in Nigeria: Philosophy and Practice’ Available at:
<https://www.researchgate.net/publication/268372436_Juvenile_Justice_Administration_in_Nigeria_Philosophy_and_Practice> accessed 5 November 2025.
- AWJAI ‘Understanding the CRA Nigeria’ (AWJAI) <<https://awjai.org/understanding-the-child-rights-act-nigeria/>> accessed 15 November 2025.
- Bamgbose, O (Prof) ‘Reevaluating the Juvenile/Child Justice System in Nigeria’ (A paper delivered at the 2014 Professor Jadesola Akande Memorial Lecture)
<[Excerpts Jadesola Akande Lecture November2014 27.pdf](#)> accessed 13 July 2025.
- Bar Human Rights Committee of England and Wales The Child Rights Manual: Nigeria (BHRC 2013) <https://barhumanrights.org.uk/wp-content/uploads/2013/12/The-Child-Rights-Manual_Nigeria-29.10.13.pdf> accessed 14 November 2025.
- Bashir, Z (Hon. Justice) ‘The Rights of a Child in Nigeria’ (15 Feb 2023)
<<https://www.iawj.org>> accessed 8 November 2025.
- Chinda, C O Off the Rights Spectrum: The Treatment of Child Offenders Deprived of Liberty in Nigeria (Leiden University 2021)
<<https://www.universiteitleiden.nl/binaries/content/assets/rechtsgeleerdheid/instituut-voor-privaatrecht/jeugdrecht/chisom-oke-chinda---off-the-rights-spectrum-the-treatment-of-child-offenders-deprived-of-liberty-in-nigeria.pdf>> accessed 14 November 2025.

- Cullen, F T 'Correctional Rehabilitation' <<https://law.asu.edu>> accessed 25 September 2025.
- Fox13 Seattle 'Rights groups accuses Nigerian Police of torture' (19 September 2014) <<https://www.fox13seattle.com/news/rights-group-accuses-nigerian-police-of-torture?hl=en-US#:~:text=Published%20September%2019%2C%202014%20,in%20a%20graphic%20new%20report.>> accessed 11 November 2025.
- Glanvile, W Quoted in Umejiaku, N O and Uzoka, C N, 'An Appraisal of Juvenile Justice Administration in Nigeria: Advocating for the Rights of Child Offenders', NAU,JCPL Vol. 6(1) 2019 <<https://journals.ezenwaohaetorc.org>> accessed 4 November 2025.
- Human Rights Watch 'Nigeria: Events of 2023' (HRW 2024) <<https://www.hrw.org/africa/nigeria>> accessed 14 November 2025.
- McKee, A J 'Criminal Responsibility' (24 February 2025) <<https://docmckee.com>> accessed 22 September 2025.
- Miller, J M and McKee, A J 'Fundamentals of Juvenile Justice' (28 May 2024) <<https://docmckee.com>> accessed 13 July 2025.
- Nan 'Court Commits Teenager to Borstal Facility for Taking Hard Drugs', (Kwara, 17 December 2024) <<https://guardian.ng/news/court-commits-teenager-to-borstal-facility-for-taking-hard-drugs/?hl=en-US#:~:text=Delivering%20judgement%20in%20a%20case,any%20vocation%20of%20his%20choosing.>> accessed 14 November 2025.
- Ogunniran, I 'A Centurial Legal History of Child Justice Reforms in Nigeria 1914-2014' (1 January 2015) <<https://pearl.plymouth.ac.uk/solon/vol5/iss2/5>> accessed 9 August 2025.

Olajide, B ‘Teen Nabbed for Stealing Women’s Underwear’, The Guardian (Ogun, 24 August 2020) <<https://guardian.ng/news/teen-nabbed-for-stealing-womens-underwear/>> accessed 17 November 2025.

Rasak, A ‘Conviction of 13-year-old on Blasphemy’, Nigerian Tribune (Kano, 18 September 2020) <<https://tribuneonlineng.com/conviction-of-13-year-old-on-blasphemy-kano-govt-can-not-intervene-%e2%80%95-attorney-general/>> accessed 13 November 2025.

UNICEF ‘A Summary of the Rights Under the Convention on the Rights of the Child’ 2015 <<https://www.unicef.org>> accessed 6 November 2025.

UNICEF Assessment of Children and Young Adults Deprived of Liberty in Nigeria (UNICEF Nigeria 2025). Available at: <<https://www.unicef.org/nigeria/reports/assessment-situation-children-and-young-adults-deprived-liberty-nigeria>> accessed 14 November 2025.

Unini, C ‘Juvenile Sentencing in Nigeria and the Legal Framework’ (10 Feb 2023) <<https://thenigerialawyer.com>> accessed 18 September 2025.

Unini, C ‘This is beyond injustice’ <<https://thenigerialawyer.com/this-is-beyond-injustice-12-year-old-emeka-nzeruike-freed-after-10-years-in-prison-without-trial-over-alleged-theft/>> accessed 11 November 2025.

Van Bueren, G and Tootell, A M ‘United Nations Standard Minimum Rules for the Administration of Juvenile Justice Beijing Rules: Defence for Children International’, Faculty of Laws, Queen Mary and Westfield College, University of London, England. Available at: <<https://www.scribd.com/document/63405471/HR-Beijing-Rules>> accessed 6 November 2025.

Vanguard News ‘Court sentences student to six months imprisonment for stealing dogs’, Vanguard News (Nasarawa, 21 February 2021)
<<https://www.vanguardngr.com/2021/02/court-sentences-students-to-6-months-imprisonment-for-stealing-dogs/>> accessed 11 November 2025.

Wikitionary ‘Institutional Frameworks’ <<https://en.wikitionary.org>> accessed 9 November 2025.