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APPRAISAL OF THE LEGAL FRAMEWORK FOR THE TREATMENT OF JUVENILE OFFENDERS IN NIGERIA

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by

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ABSTRACT

In Nigeria, restorative justice appears to be a myth for those who find themselves at the end of the tunnels of Nigerian prisons. It is almost clear that the Nigerian system is designed for a retributive justice system that does not see any flicker of hope for rehabilitation and recovery of the convicts. The society has practically designed itself to block off any form of reintegration of ex-convicts into the society and this has defeated the mantra of making better lives for the prisoners who find themselves in such situations.

The juvenile offender in Nigeria is treated almost the same way as the adult offenders. These juvenile offenders, identified as young people under the age of eighteen are not incarcerated as their adult contemporaries, but are drafted into a "milder" prison system called the borstal homes. The aim of this paper is to develop on the existing literature on the framework provided for the treatment of juvenile offenders under the Nigerian legal system.

In doing this, important questions will be asked and addressed. This paper will critically appraise and address the nature and classification of juveniles based on the applicable laws. It will also consider the sentencing

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and incarceration procedure as provided under the enabling laws. The nature of the borstal homes will be examined with a view to critiquing the facilities that exists in such homes and considering its sufficiency in the reorientation and reintegration of these juveniles back into society.

1.0. INTRODUCTION

The wheels of justice in Nigeria turns, but slowly. This is due to the multifaceted problems that the country faces, especially the failure of leadership in many sectors, among other problems such as corruption and some generally regressive cultures. This delay in progress is also applicable to the juvenile system, as it is an appendage of the justice system in the country.

Under the Nigerian criminal justice system, the juvenile system is governed by several laws. These laws include the Convention on the Rights of the Child, an international treaty which Nigeria has ratified and which has been domesticated into the Child Rights Act. There are also some United Nations Declarations such as the 1990 United Nations Rules for the Protection of Juveniles Deprived of their Liberty (Havana Rules); the 1985 United Nations Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules); the 1990 United Nations Guidelines for the Prevention of Juvenile Delinquency (Riyadh Guidelines). Another vital legislation crucial to the issue of the juvenile system in the country is the Children and Young Persons Act. Other relevant laws are the Constitution of the Federal Republic of Nigeria, the Criminal Code Act, the Penal Code Act etc. These laws will be critically analyzed and extensively examined in the other sections of this paper.

2.0. CONCEPTUAL CLARIFICATION

Juvenile systems evolved out of the need for society to regulate the conduct of young persons who were not of age but had criminal proclivities or tendencies. These set of young persons are described as juvenile delinquents. However, the term “juvenile” has been stretched past these limiting narratives. It is no longer a term that strongly defines young persons engaged in criminal activities but extends to persons whose parents are in prison or young persons with anti-social behavior among other types of categories.^[1]

It is important to note that the provisions covering who a child is, according to Nigerian legislation can be muddled up and may seem confusing due to the enactment and applicability of several laws over the subject matter. The primal law in respect of children protection in Nigeria which is the Child Rights Act defines a child as a person under 18 years old. On the other hand, the Child and Young Persons Law defines a child as a person under 14 years of age and a young person as a person within 14-16 years of age. Another standard of age exists under the criminal substantive and procedural laws. The Criminal Code Act 1916 sets the minimum age of criminal responsibility at 7. The Criminal Procedure Act 1945 defines a child as a person under 14, a young person as aged 14-16, a juvenile offender as a person under 17.

It is crystal clear from the above that the parameters of determining who a child is under the Nigerian legal system is not clear-cut and in most cases is usually determined by the law regulating the affairs of the child. The confusing views notwithstanding, the juvenile system is guided mainly by

the Children and Young Person Act but the rights of the child are guided by the Child Rights Act which also covers the child justice system while the criminal aspects are covered by provisions that relate to the child under Nigeria's criminal laws, both substantive and procedural. It is therefore concluded that the Child Rights Act has superseded the other laws in covering the child justice system in States which have promulgated the Act into laws.^[2]

Among the thirty-six (36) states of the Federation of Nigeria, only twenty-four (24) have domesticated the Child Rights Act to wit: Abia, Akwa-Ibom, Anambra, Benue, Cross River, Delta, Ebonyi, Edo, Ekiti, Imo, Jigawa, Kwara, Lagos, Nassarawa, Ogun, Ondo, Osun, Oyo, Plateau, Rivers, Niger, Bayelsa, Kogi and Taraba. In other states like Adamawa, Bauchi, Borno, Enugu, Gombe, Kaduna, Kano, Katsina, Kebbi, Sokoto, Yobe and Zamfara that have not domesticated the Child Rights Act, the law that covers juvenile justice administration is still the Children and Young Persons Law (CYPL).

At this point, it is imperative to address the set of people the juvenile justice system applies to in Nigeria. Generally, when the issue of "juvenile justice system" is mentioned, the central thought is that it only deals with young people who have committed a crime. However, this definition is limiting and a new approach has been taken. According to Bella, Atilola, and Omigbodun:

"there are three categories of children who may become involved with the juvenile justice system: *children in conflict with the law* (those who have committed crimes similar to adult crimes), *children*

in need of care and protection (those who have been abandoned or left destitute by their parents, or children of criminals, beggars or destitute), and *children beyond parental control* (those brought to the attention of the authorities by their parents and are alleged to have engaged in minor criminal activity as well as truancy and running away from home).”^[3]

As observed by the scholars in the above excerpt, there are three classes of persons who are covered under the Nigerian juvenile justice system. These are:

- (a) Children in conflict with the law
- (b) Children in need of care and protection
- (c) Children beyond parental control

It is in the light of the above that this paper will now consider the legal framework of regulating the juvenile justice system in Nigeria under the afore-listed classifications.

3.0. CHILDREN UNDER THE NIGERIAN JUVENILE JUSTICE SYSTEM

3.1. CHILDREN IN CONFLICT WITH THE LAW

Children in conflict with the law are young persons who have committed crimes similar to adult crimes. This form of behaviour as seen in young persons is termed ‘juvenile delinquency’. It could be simply defined as a violation of criminal codes that regulate and guide the behaviour of young

persons in society. Juvenile delinquency is also defined as any act in violation of criminal law, committed by a person defined under law as a juvenile, which if same had been committed by a person over 18 years of age would be treated as a crime or criminal conduct.^[4]

According to the Centre for Law Enforcement Education Lagos, the meaning of acts that could cause a young person to be in conflict with the law can also be extended to include:

'...other behaviours that do not constitute crime for adults but which are defined as delinquency, when manifested by children and young persons. These are referred to as status offences. Such behaviours are prohibited among juveniles because of the status of the young person. Status offences under juvenile delinquency laws of different countries include diverse behaviours like truancy from school, running away from home, drinking alcohol in public, associating with disrepute persons - criminals, prostitutes, etc.'^[5]

It is important to establish that the exact details of when a young person is delinquent are not static in any society. This is due to the fact that societal standards are not static and since they are subject to change, then a young person considered as a delinquent in the 19th century may not be considered the same in the 21st century. This creates instability in determining how to define what juvenile delinquency itself is. However, its meaning could be limited to the commission of an act which is regarded as unlawful by society's standards by a young person.

The legal framework applicable to this category of young persons is more expansive than the other two categories. Approaching the legal framework from the international sphere is quite important because it is the premise for our local legislations concerning the juvenile justice system. Article 19 of the United Nations Convention on the Rights of the Child, provides that:

“State parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation including sexual abuse, while in the care of parents(s), legal guardian(s) or any other person who has the care of the child.”^[6]

This is the major foundation of the creation of the juvenile system which is deemed to be a method of rehabilitating juvenile offenders before they degenerate into criminals when they reach adulthood. The legislative measures taken by the Nigerian state can be found in its criminal codes which apply a different set of rules to children who are in conflict with the law.

The Child Rights Act which is considered the primary Nigerian legislation dedicated to the protection of the child provides for a child justice system where the child gets into conflict with the law.^[7] The Act replaces the Juvenile Justice Administration which had been in existence for several decades in Nigeria with a child justice administration system.

The Act explicitly prohibits the subjection of any child to the criminal justice process, and guarantees that due process be given to any child

subjected to the child justice system, at all stages of investigation, adjudication and disposition of any case against such a child. It prohibits the use of capital punishment, use of imprisonment and use of corporal punishment for children less than 18 years of age.^[8]

The Act created these new provisions, as no such prohibition existed under previous legislation on children such as the Children and Young Persons Act (CYPA). The Act further states that deprivation of liberty should only be used as a method of last resort. The child justice system established by the Child Rights Act also introduced new additions into the child justice system like the Specialised Children Police Unit which, according to Section 207 of the Act, is a specialised unit in the Nigerian Police Force set up to deal with children that come under the child justice system.

Other legislative measures were created by Nigerian penal laws. The Criminal Code contains special provisions relating to the treatment of children who are in conflict with the law, for the protection of the child and the preservation of his dignity. Other provisions in the Code exempt the child from criminal responsibility and punishment for some offences. Section 30 of the Criminal Code specifically provides that:

“A person under the age of seven years is not criminally responsible for any act or omission.

A person under the age of twelve years is not criminally responsible for an act or omission, unless it is proved that at the time of doing the act or making the omission he had capacity to know that he ought not to do the act or make the omission.

A male person under the age of twelve years is presumed to be incapable of having carnal knowledge."^[9]

In the Northern states of Nigeria, the Penal Code, which is the applicable criminal legislation specifies that the minimum age of criminal responsibility is seven (7) and categorises juvenile offenders as those under the age of seventeen (17).^[10]

According to the Sharia law, children are eligible for *hadd* (for which the prescribed punishment is mandatory) and *qisas* (punished by retaliation) punishments from the age of puberty.^[11]

It has been observed earlier that not all States of the Nigerian federation have domesticated the Child Rights Act. In these States, the Children and Young Persons Law is still in operation for the sustenance of a juvenile justice system. Where a child is found guilty of an offence, the CYPL provides that no child shall be ordered to be imprisoned. It is also provided that imprisonment may be ordered for a young person only if he cannot be suitably dealt with in any other way such as probation, fine, corporal punishment, committal to a place of detention or to an approved institution or otherwise.^[12]

Accordingly, under Section 14 of the CYPL, where a child or young person is found guilty in a juvenile court, the court is given a considerable range of options for dealing favorably with such offender namely:

- By dismissing the charge or

- By discharging the offender on his entering into recognizance or
- By committing the offender and placing him under the supervision of a probation officer; or
- By committing the offender by means of a corrective order to the care of a relative or other fit person; or
- By sending the offender by means of a corrective order to an approved institution;
- By ordering the offender to be caned; or
- By ordering the offender to pay fine, damages or costs; or
- By ordering the parent or guardian of the offender to pay a fine, damages or cost; or
- By ordering the parent or guardian of the offender to give security for his good behavior; or
- By committing the offender to custody in a place of detention provided under the law;
- Where the offender is a young person, by dealing with the case in any other manner in which it may be legally dealt with.

It is important to establish that apart from the legislative measure taken to protect children who are in conflict with the law, administrative measures also exist. According to the Children and Young Person Law, the minimum

age of criminal responsibility is at seven but it states that children below that age who have allegedly committed a crime must be brought before the Juvenile Court. It provides for special measures for persons under 16 years of age in conflict with the law, but persons older than 16 are tried as adults. Juvenile Courts have been established in section 6 of the Child and Young Persons Act, 1958, which states that;

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

The different states of the Nigerian Federation have adopted two approaches to the establishment and operations of juvenile courts. In Lagos State, an established structure of juvenile justice administration is visible.^[13] While in other states, such structures are not readily available. Instead of a permanent juvenile court, magistrates hear cases involving juveniles outside the normal courtrooms or outside normal court sessions either in the courtrooms or in their chambers. This is to comply with the provisions of the CYPA which states that:

“A court when hearing charges against children or young persons shall, unless the child or young person is charged jointly with any person not being a child or young person, sit either in a different building or room from that in which the ordinary sittings of the court are held, or on different days or at different times from those at which the ordinary sittings are held.”^[14]

The purpose of this provision is to protect the privacy of the young offenders and also to protect him or her from the effects of stigmatization that may result from public trial. This is clear from additional provisions in section 6 (5) (b), which state that:

“(5) In a juvenile court no person other than the members and officers of the court and the parties to the case, their solicitors and counsel, and other persons directly concerned shall except by leave of such court, be allowed to attend: provided that such bona fide representative of a newspaper or news agency shall not be excluded, except by special order of the court.

(6) No person shall publish the name, address, school, photograph or do anything likely to lead to the identification of the child or young person before a juvenile court, save with the permission of such court or in so far as required by the provisions of this Ordinance. Any person who acts in contravention of the provisions of this subsection shall be liable to a fine of fifty pounds.”

Another administrative measure is that juvenile delinquents who are in conflict with the law are not imprisoned or kept in custody with adult prisoners. The Convention on the Rights of the Child, an international instrument which Nigeria has ratified provides that children in detention shall be separated from adults; they must not be tortured or suffer cruel or degrading treatment. Section 13 of the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules) deals with detention of juveniles pending trial:

"Juveniles under detention pending trial shall be kept separate from adults and shall be detained in a separate institution or in separate part of an institution also holding adults. While in custody juveniles shall receive care, protection and all necessary individual assistance - social, educational, vocational, psychological, medical and physical - that they require in view of their age, sex and personality."^[15]

The prospect that young offenders may be subjected to "criminal contamination", and descend deeper into the criminal subculture if lumped together with adult criminals in detention is a major rationale for this provision. The Beijing Rules further explained this rationale where it provided that the objective of training and treatment of juveniles placed in institutions is to provide care, protection, education and vocational skills, with a view to assisting them to assume socially constructive and productive roles in society. The Rules further provides that juveniles in institutions shall receive care, protection and all necessary assistance - social, educational, vocational, psychological, medical and physical - that they may require because of their age, sex, and in the interest of their wholesome development.^[16]

In order to ensure that juveniles are not incarcerated with adult offenders, the legislation have included provisions for the creation of an institution where such delinquents can be detained, trained and rehabilitated before they are re-integrated into society. These institutions include remand homes, borstal homes and prisons. According to S. 15 (1) of the Children and Young Persons Act, a native or local authority or a local government

council with prior approval of competent authority “may establish remand homes and may make rules for the management, upkeep and inspection of such homes”.

Section 15 (3) of the Act further provides that:

“Where no remand home is conveniently situated a child or young person ordered to be detained in a custody may in the discretion of the officer or the court, as the case may be, be detained in an approved institution or in a prison: provided that if a child or young person be detained in a prison he shall not be allowed to associate with adult prisoners.”

The Child Rights Act in respect of creation of institutions for the detention of juvenile delinquents provides in its Section 274 that it supersedes all enactments that relate to approved institutions, remand centres and borstal institutions, thereby nullifying the provisions of the Children and Young Persons Act in states of the Federation where the Child Rights Act has been domesticated.

However, it is important to note that the Child Rights Act itself does not make any clear cut provision for the detention of children in conflict with the law. Its section 175 provides for an accommodation sponsored by the State government which is highly ambiguous. However, this may be based on the rationale that the new legislation is attempting to tone down the rhetoric of the CYPA which has been criticised as sounding more punitive than rehabilitative.

The Nigerian criminal justice system has made efforts, though insufficient at protecting the children under its juvenile justice system. Some shortcomings expose the inadequacy of the juvenile justice system in Nigeria.

One of the most notable shortcomings is the incomprehensible volume of laws that exist over a single subject matter. The child justice system or juvenile justice system as it may be known is covered by the Child Rights Act, the Children and Young Persons Law, the Penal Code, the Criminal Code, the Criminal Procedure Act. These laws operate on different standards and tend to be mixed up leading to a plethora of differing views. A case of the confusion created by the number of various laws is the age issue which differs under the various laws that relate to the juvenile justice system.

3.2. CHILDREN IN NEED OF CARE AND PROTECTION AND CHILDREN BEYOND PARENTAL CONTROL

This category of children has been defined by section 50 of the Child Rights Act as a child that:

- (a) is an orphan or is deserted by his relatives;
- (b) has been neglected or ill-treated or battered by the person having the care and custody of the child;
- (c) has a parent or guardian who does not exercise proper guidance and control over the child;



- (d) if found destitute, has both parents or his surviving parent, undergoing imprisonment or mentally disordered or otherwise severely incapacitated;
- (e) is under the care of a parent or guardian who, by reason of criminal or drunken habits, is unfit to have the care of the child;
- (f) is the daughter of a father who has been convicted of the offence of defilement or indecent treatment of any of his daughters;
- (g) is found wandering or has no home or settled place of abode, is on the street or other public place, or has no visible means of subsistence;
- (h) is found begging or receiving alms, whether or not there is any pretence of singing, playing, performing, offering anything for sale or otherwise or is found in any street, premises or place for the purpose of so beginning or receiving alms;
- (i) accompanies any person when that person is begging or receiving alms, whether or not there is any pretence of singing, playing, performing, offering anything for sale, or otherwise;
- (j) frequents the company of a reputed thief or common or reputed prostitute;
- (k) is lodging or residing in a house or the part of a house used by a prostitute for the purpose of prostitution, or is otherwise

living in circumstances calculated to cause, encourage or favour the seduction or prostitution of the child;

- (l) is a child in relation to whom an offence against morality has been committed or attempted;
- (m) is otherwise exposed to moral or physical danger;
- (n) is otherwise in need of care, protection or control; or
- (o) is beyond the control of his parents or guardians.

The Children and Young Persons Act through its section 26 (1) provides that:

Any local authority or any local government council, any police officer or any authorized officer, having reasonable ground for believing that a child or young person comes within any of the descriptions hereinafter mentioned:-

- (a) who is an orphan or is deserted by his/her relatives; or
- (b) who has been neglected or ill-treated by the person having the care and custody of such child; or
- (c) who has a parent or guardian who does not exercise proper guardianship; or
- (d) who is found destitute, and has both parents or his surviving parent undergoing imprisonment; or



- (e) who is under the care of a parent or guardian who, by reason of criminal or drunken habits is unfit to have the care of the child; or
- (f) who is the daughter of a father who has been convicted of an offence under section 218 of the criminal code in respect of any of his daughters; or
- (g) who is found wandering and has no home or settled place of abode or visible means of subsistence; or
- (h) who is found begging or receiving alms, whether or not there is any pretence of singing, playing, performing, offering anything for sale or otherwise, or is found in any street, premises, or place for the purpose of so begging or receiving alms; or:
- (i) who accompanies any person when that person is begging or receiving alms, whether or not there is any pretence of singing, playing, performing, offering anything for sale, or otherwise; or
- (j) who frequents the company of any reputed thief or common or reputed prostitute; or
- (k) who is lodging or residing in a house or part of a house used by any prostitute for the purpose of prostitution, or is otherwise living in circumstances calculated to cause, encourage or favour the seduction or prostitution of a child, or

- (l) in relation to when the offence under chapter xxi of the criminal code has been committed or attempted; or
- (m) who having been born or brought within a protectorate would, but for the provisions of the law relating to the legal status of slavery be a slave; or
- (n) who is otherwise exposed to moral danger, may bring that child or young person before a juvenile court.

It is important to observe that the provisions of the Child Rights Act and the provisions of the Children and Young Person Act are very similar with little to no difference in relation to children in need of care and protection.

It is important to further note that this category of children under the juvenile system is also protected. Two international instruments make specific special provisions on the Rights of the Child in this category. These are the United Nations Convention on the Rights of the Child and the African Charter on the Rights and Welfare of the Child. They provide that States shall protect children from physical or mental harm and neglect, including sexual abuse or exploitation and States shall provide parentless children with suitable alternative care. The international instruments also provide that children who have suffered mistreatment, neglect or exploitation shall receive appropriate treatment or training for recovery and rehabilitation.

Based on the parameters above, numerous children in Nigeria will qualify for protection as juveniles under this category as there is a wide spectrum

of children who are covered by the juvenile justice system as a result of needing protection or are beyond the control of the parents.

In respect of those in need of care and protection, the Child Rights Act provides that a person may bring a child whom he views is in need of care and protection to the Court. The court may compel the parent to take recognizance of taking care of the child or make a corrective order which may involve giving the child to a close relative or sending such child to an approved institution where a non-institutional measure is impracticable. Other options also remain open to the Court to consider in the best interest of the child according to section 50 of the Child Rights Act.

In respect of where the parent is unable to exercise control of the child, the Act makes provision in section 51 that the court:

“...make a corrective order in respect of the child or order the child to be placed for a specified period, not exceeding three years, under the supervision of an appropriate supervisory child development officer or of some other person appointed for the purpose by the Court.”

In respect to this category, the Children and Young Persons Law provides that:

“Where the parent or guardian of a child or young person proves to a juvenile court that he is unable to control the child or young person, the court, if satisfied that:-

(a) it is expedient so to deal with the child or young person, and

- (b) the parent or guardian understands the results which will follow from and consents to the making of the order may make a corrective order in respect of such child or young person or may order him to be placed for a specified period, not exceeding three years, under the supervision of a probation officer or some other person appointed for the purpose by the court.”^[17]

4.0. CHALLENGES AND PROBLEMS WITHIN THE JUVENILE JUSTICE SYSTEM

The juvenile system is designed for the reformation and rehabilitation of the juvenile offender.^[18] The first juvenile justice custodial institution in 1937 was created by the colonial government as a wing of the Enugu Prison.^[19] According to section 15 of the Children and Young Persons Act, native or local authority and local government council are empowered to establish remand homes and state governments can also create approved institutions according to section 18 of the Act.

In a different law, the Borstal Institutions and Remand Centre Act (No 32 of 1960), the Borstal and Remand Centre are established as federal juvenile correctional institutions. According to that law, the objective of creating the institution is to:

“Bring to bear upon the inmates every good influence which may establish in them the will to lead a good and useful life on release, and to fit him to do so by fullest development of his character, capacities, and sense of personal responsibilities”.

Towards the realization of the objectives or goals of reformation of juveniles, a few borstal homes have been set up in some parts of the country with provisions for vocational training of the children in tailoring, photography, welding, building (masonry or bricklaying), electrical installation, etc, as well as formal educational instruction, up to General Certificate of Education (ordinary level).^[20] According to Alemika, these facilities were fairly well managed in the 1970s. However, by the 1980s the facilities and training had deteriorated and were almost non-existent by the 1990s.^[21]

A persisting problem encountered in the juvenile system is the overcrowding of Borstal Institutions. During a study in 1978 when the Borstal Institution established in Kaduna had a capacity of 120 inmates, population of inmates was 145. In 1987, while the capacity remained the same (120), it was discovered that there were 509 inmates.^[22] This figure clearly shows that there is excessive overcrowding. As at January 2000, the capacity of the Borstal Institution, remains 120 but the population of inmates relatively reduced to 221.^[23] Another study conducted in the North Central Zone showed that the Kaduna Borstal training institute with a capacity of 280 holds a population of 482 juveniles.^[24]

The enabling laws of borstal institution requires that the borstal institutions should provide for vocational and educational training and the reformation of the juvenile offenders. The law provides that a Borstal institution, will be a place where "offenders who were not less than sixteen but under twenty one years of age on the day of conviction may be detained and given such training and instruction as will conduce to their reformation and the

prevention of crime". The law also declared Borstal Remand Center as a place for the detention of persons not less than sixteen but under twenty one years of age who are remanded or committed in custody for trial or sentence".^[23]

Furthermore, the Borstal Institution and Remand Center Act specifies a maximum of three years institutionalization in the Borstal Institution, and with a possible additional one year of after-care supervision. However, the laudable goals of the institution are not realized due to lack of proper policy, legal and institutional framework for juvenile offender correction and juvenile delinquency prevention.

Additionally, the objectives or goals of the institution are also compromised by lack of proper planning and implementation, gross under funding; inadequate staff - in qualitative and quantitative terms, and lack of necessary training facilities in the workshops and educational programmes.^[24]

In addition to the challenges being faced by the juvenile justice system, it has been observed that:

"separation of inmates is a mere policy which is not observed, juveniles are housed with hardened adult offenders with no facilities suitable to their treatment. Borstal Training Institutes are few in the country and remote from the location where the juvenile is found. Juveniles are consequently confined with adults. For example, the Ikoyi Prison is reported to have 8 juveniles, Onitsha prison has 21, and Oke Prison as of 2007 had 8 juveniles."^[25]



5.0. CONCLUSION AND RECOMMENDATIONS

This paper has examined the legal framework for the treatment of juvenile offenders in Nigeria. The paper considered the various laws that have been enacted by the Nigerian National Assembly to regulate the remand and rehabilitation of juvenile offenders in the country. International and regional treaties were also analyzed especially those that apply to Nigerian juveniles.

The paper discovered that Nigeria have few Borstal institutions and remand centers that can adequately accommodate the juveniles offenders in the country. More so, the few remand centers are not sufficiently equipped as they lack educational and recreational facilities that are required to properly train the juveniles and rehabilitate them in order to become better individuals that can be reintegrated into society.

It is recommended that the government should provide better facilities and amenities in these juvenile homes, staff them with qualified officers that will be able to attend to the Juveniles and provide qualitative services to them. All officers in the child justice sector must be qualified and knowledgeable about child rights. It is advocated that there should be regular capacity building workshops for these workers in order to upgrade their knowledge and keep in tune with international best practices. The government should also carry out regular audits of the remand homes to ascertain their status and compliance with the enabling laws regulating their operation. Furthermore, more remand homes should be created in order to avoid the overcrowding that is currently experienced in these homes.