

Policyweekly

Transforming Juvenile Justice in Nigeria: Strategies for Comprehensive Reforms



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Policy Recommendations

- 1 There is a need to improve the efficiency of legal processes, increase investment in alternative sentencing and rehabilitation programs, and reduce reliance on pre-trial detention for juvenile offenders.
- 2 The Nigerian government must allocate increased funding towards improving the juvenile justice system.
- 3 The government needs to collaborate with Civil Society Organisations in the development and execution of effective juvenile justice policies.
- 4 The government should collaborate with relevant agencies and implement a standardised and comprehensive data collection and management system.
- 5 The Nigerian government and multilateral agencies must invest more in education, vocational training, and expanding social safety nets.
- 6 Parents and guardians should be responsible for monitoring their children's activities, ensuring they are engaged in positive and age-appropriate pursuits.

Introduction

The burgeoning youth population in Nigeria is a double-edged sword. On the one hand, young people representing over half of the nation's inhabitants and growing at an annual rate of 3.2% present hold the potential for the country's development prospects. They are the backbone of economic growth, innovation, and social progress, offering a substantial workforce that can drive economic growth and contribute significantly to the nation's social progress. However, on the other hand, this demographic reality also presents a set of challenges, particularly in juvenile justice. While most young Nigerians are law-abiding citizens, a noteworthy proportion are involved in criminal activities.

In recent years, Nigeria has earned a place on the global map for its high crime rates. According to the 2023 Global Organized Crime Index, [Nigeria ranks sixth in the world for organised crime](#), scoring 7.28 out of 10. The index ranks 193 countries and territories based on their vulnerability to organised

crime, resilience to organised crime, and the impact of organised crime on their societies. Nigeria's score of 7.28 indicates a high vulnerability to organised crime, low resilience, and a high impact on its society.

Though the exact number of juvenile offenders in Nigeria is unknown, a 2022 report [estimates that around 6000 children and adolescents in Nigeria were held within the criminal justice system](#). These are young lives caught in a cycle that threatens their future, as well as the future of the nation. Even more alarming is the fact that the majority of these children find themselves [detained in pre-trial detention facilities](#). This practice often goes against international standards of juvenile justice.

The juvenile justice landscape in Nigeria is a critical component of the country's legal system, aimed at addressing the unique needs and circumstances of young offenders, typically those under 18. Nigeria recognises the importance of distinguishing juvenile justice from adult criminal justice and has made some progress in developing guidelines to guide a just and effective juvenile justice system. However, there is still much work to be done to ensure that juvenile offenders are treated for their rights. This edition of the Policy Weekly highlights the complexities of the juvenile justice system in Nigeria, aiming to assess its effectiveness, identify challenges, and propose measures for improvement to better address the needs and rights of these young individuals.

The Juvenile Justice Landscape

In every society, the treatment and rehabilitation of juvenile offenders is a subject of great importance. The juvenile justice system impacts how children in conflict with the law grow up and the country's future. The juvenile justice system in Nigeria has undoubtedly been shaped and influenced by a combination of traditional customs, colonial legacies, and modern legislation, resulting in a complex and multi-faceted structure. It exists primarily to preserve the well-being of children and youths, securing basic rights.

Traditional societies [have their methods of dealing with juvenile offenders](#). These methods are based on the values and norms of the community. The focus is on correcting the offender's behaviour rather than punishing them. The primary goal is to ensure that the young offender can be integrated back into society and lead a productive life. For instance, under traditional customs, when a juvenile commits an offence, elders in the community often convene a meeting to discuss the matter. The juvenile would be allowed to explain their actions, and the elders would then decide on an appropriate course of action. This could range from counselling and admonition to restitution or community service.

However, the Legal framework for the juvenile justice system was established during the colonial era. The [Children and Young Persons Act \(1943\) is the first major legislation](#) in Nigeria that aims to provide for the welfare of children and young persons, as well as the treatment of young offenders. The law provides a range of non-custodial measures for dealing with juvenile offenders. The Children and Young Persons Act (CYPO) established juvenile courts and reformatory schools, and it also set out some principles for the treatment of juvenile offenders, including the principle of diversion, which is the

practice of diverting juvenile offenders away from the formal criminal justice system and into other programs and services.

After independence in 1960, the CYPO remained the law governing juvenile justice in Nigeria until 2003, [when it was replaced by the Child Rights Act \(CRA\)](#). The [CRA gives children a wide range of rights](#), such as the right to a fair trial, the right to rehabilitation and reintegration, and the right to be shielded from exploitation and violence. The CRA also [introduced several reforms to the juvenile justice system](#), including the establishment of specialised juvenile courts; the creation of a new system of diversion, which is now known as pre-trial diversion; the introduction of a range of non-custodial sanctions for juvenile offenders and the strengthening of the rights of juvenile offenders. In addition to these laws, other regulations and policies that guide the implementation of the juvenile justice system in Nigeria include the National Policy on Juvenile Justice, which was adopted in 2014, and the Rules of the Juvenile Court, which were promulgated in 2016. The Constitution, the Penal Code Law, and the Criminal Code also contain general principles relevant to the juvenile justice system.

Key Challenges and Issues

One challenge facing the juvenile justice system in Nigeria is the [lack of specialised juvenile courts](#). This means that juvenile offenders are often tried in the same courts as adults, which has a number of negative consequences for juvenile offenders. When juvenile offenders are tried in the same courts as adults, they are exposed to hardened criminals. This can increase their risk of victimisation and can make it more difficult for them to reintegrate into society after they have served their sentences. Moreover, adult judges and magistrates may not have the same understanding of the needs of juvenile offenders as specialised juvenile justice professionals. This can lead to unfair and inappropriate sentences for juvenile offenders.

The Nigerian criminal justice system is known to be slow. This can have serious implications that go beyond delayed justice and can negatively affect the well-being and prospects of juvenile offenders in several ways. Prolonged pre-trial detention can be particularly harmful to juveniles. It disrupts their normal lives, separates them from their families and communities, and can make them feel as if they have already been convicted, thus undermining their legal rights. The longer a juvenile stays in pre-trial detention, the more difficult it becomes to provide appropriate rehabilitation and support. Instead of addressing the root causes of delinquency, detention may reinforce negative behaviours and affiliations. Extended pre-trial detention of juveniles puts a strain on resources that could be used more effectively to support rehabilitation and prevention programs and also contributes to prison overcrowding. While justice's overall approach has often leaned more towards punitive measures than rehabilitative ones, there is an absence of proper rehabilitation and reintegration programs for juvenile offenders. Failure to address underlying issues such as mental health problems, substance abuse, lack of education, and vocational skills inevitably leads to a cycle of re-offending. This lack of rehabilitation programs increases the risk of juvenile offenders returning to a life of crime, putting additional strain on the already overburdened justice system.

Although there is a legal framework for the juvenile justice system in Nigeria, its effective [implementation varies across states](#). Some regions face challenges in enforcing juvenile offenders' rights, leading to inconsistencies in the treatment of young individuals within the system. This is particularly evident in the application of Sharia law in the northern states and customary law in the southern states. The lack of a uniform system often results in inconsistency and inequity in treating juvenile offenders. It is noteworthy that while 24 out of the 36 states in Nigeria have adopted the Child Rights Act (CRA) as a state law, [12 states have yet to implement the Act](#).

The main institutions responsible for handling juvenile delinquency cases are the Police, the Court, and the Prisons. The Police are responsible for arresting, investigating, and prosecuting juvenile offenders. At the same time, the Court is responsible for determining the offender's guilt, deciding on the appropriate punishment, and supervising their rehabilitation. The Prisons are responsible for detaining, rehabilitating, and releasing juvenile offenders. However, these institutions face several challenges that affect their effectiveness, including unprofessional conduct, lack of resources, inadequate training, lack of coordination, insufficient data, and non-compliance with international standards. Addressing these challenges is essential to ensure that the institutions function optimally and effectively to protect society from juvenile delinquency.

Nigeria has a large and fast-growing population of youth, many of whom experience poverty and lack access to education and employment opportunities. The country's high rate of juvenile offenders reflects the significant challenges that young people face, including limited education, unemployment, poverty, and exposure to violence. These factors, combined with inadequate legal representation, weak law enforcement, and corruption, make young people in Nigeria more susceptible to crime and victimisation.

The absence of a robust data collection and management system significantly impacts the ability to assess its effectiveness, implement evidence-based reforms, and make informed decisions. Without data, it is difficult to accurately measure the impact and outcomes of the juvenile justice system. This hinders the ability to determine what is working and what needs improvement. Data is essential for identifying systemic issues, such as disparities in the treatment of different groups of juveniles, the effectiveness of rehabilitation programs, and trends in recidivism.

The Way Forward

The following policy recommendations are aimed at addressing the challenges facing the juvenile justice system in Nigeria and creating a system that is more fair, effective, and rehabilitative:

- Addressing the challenges in the Nigerian criminal justice system, particularly in juvenile cases, requires comprehensive reform efforts. This includes improving the efficiency of legal processes, increasing investment in alternative sentencing and rehabilitation programs, and reducing reliance on pre-trial detention for juvenile offenders. Such reforms aim to protect the rights, well-being, and prospects of young individuals in the criminal justice system while also benefiting the larger community by fostering reintegration and reducing recidivism.
- To enhance the juvenile justice system, the government must allocate increased funding. This investment should be directed towards upgrading the quality of detention facilities, establishing dedicated specialised juvenile courts, intensifying training programs for law enforcement officers and prosecutors, and expanding the recruitment of highly qualified staff. These crucial steps will not only ensure a safer and more rehabilitative environment for young offenders but also contribute to the overall effectiveness of the juvenile justice system.
- Civil society organisations are pivotal in delivering essential services to juveniles and championing their rights. To bolster the juvenile justice system, the government needs to collaborate with these organisations in the development and execution of effective juvenile justice policies. Such partnerships will harness the expertise and resources of civil society, contributing to a more comprehensive and rights-oriented approach to juvenile justice.
- The lack of a robust data collection and management system within the juvenile justice system in Nigeria is a major challenge. To address this, the government should collaborate with relevant agencies and implement a standardised and comprehensive data collection and management system. This system should capture relevant information about juvenile offenders, their cases, and their experiences within the system. Additionally, personnel should receive training on modern technology and software solutions to streamline the data collection, reporting, and analysis processes.
- It is crucial to transform the juvenile justice system by shifting its focus from punitive measures to comprehensive rehabilitation. Children who find themselves in conflict with the law are often victims of poverty, violence, and abuse. They require specialised care and support to help them overcome their challenges and reintegrate into society. UNICEF collaborates with the Nigerian government and other partners to provide legal assistance, psychosocial support, education, vocational training, and other services to such children. However, the Nigerian government and multilateral agencies must

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invest more in education, vocational training, and expanding social safety nets to create more opportunities for young people to improve their livelihood and reduce their vulnerability to crime.

- Parents and guardians are vital in the lives of children in conflict with the law, both in preventing delinquent behaviour and supporting their rehabilitation and reintegration into society. Their active involvement and commitment can significantly influence a child's journey towards becoming a responsible and law-abiding citizen. They should be responsible for monitoring their children's activities, ensuring they are engaged in positive and age-appropriate pursuits. This helps prevent delinquent behaviour.

Conclusion

Nigeria's juvenile justice system is a crucial part of the country's legal framework. It recognises the unique needs and vulnerabilities of young

offenders, aiming to provide them with rehabilitation and reintegration opportunities while safeguarding their rights and best interests. However, the Nigerian criminal justice system, especially in juvenile cases, faces many challenges that require comprehensive reform efforts. These efforts may include improving the efficiency of legal procedures, investing more in alternative sentencing and rehabilitation programs, and reducing dependence on pre-trial detention for juvenile offenders. Strengthening the juvenile justice system is essential for protecting the rights, well-being, and prospects of young people in the criminal justice system while promoting reintegration and reducing recidivism for the benefit of the wider community.

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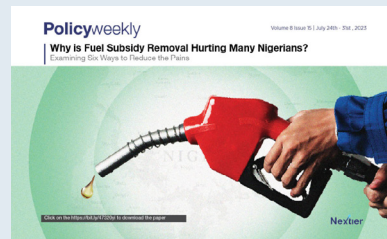
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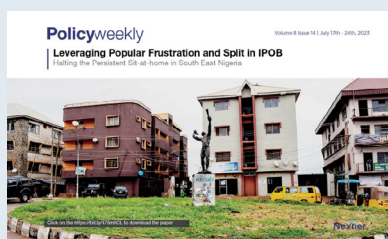
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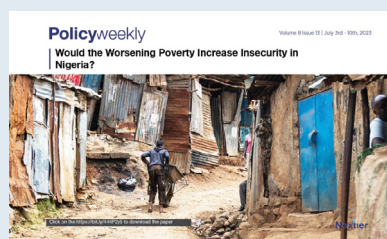
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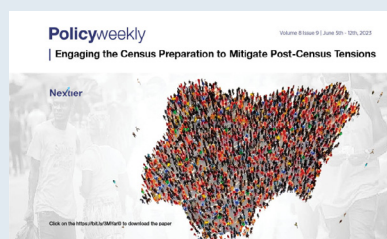
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