



MINISTRY OF INTERIOR

AN ASSESSMENT OF THE SITUATION OF CHILDREN AND YOUNG ADULTS DEPRIVED OF LIBERTY IN NIGERIA



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YOUNG ADULTS DEPRIVED OF LIBERTY IN NIGERIA

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MINISTRY OF INTERIOR

An Assessment of the Situation of Children and Young Adults Deprived of Liberty In Nigeria



FOREWORD

Ensuring the rights and well-being of children and young adults is fundamental to building a just and equitable society. This report on the National Assessment of the Situation of Children and Young Adults Deprived of their Liberty in Nigeria represents a critical step in our collective endeavour to safeguard the rights of these young individuals in conflict with the law.

The findings within this report illuminate the conditions, treatment, and experiences of children and young adults who have been deprived of their liberty. Through comprehensive data collection and analysis, this assessment reveals the systemic issues that perpetuate their marginalization and the urgent need for reform.

Key statistics from the Findings highlight the breadth of the issue, with a substantial number of children and young adults detained across various facilities in Nigeria. These statistics call for immediate action to address the root causes of their incarceration and to uphold their fundamental rights.

One of the pivotal insights from this assessment is the correlation between poverty and the likelihood of children and young adults coming into conflict with the law. Addressing socio-economic disparities and providing robust support systems for vulnerable families are essential measures to prevent children from engaging in criminal activities.

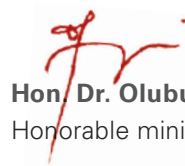
Furthermore, the report underscores significant challenges within the justice system, including limited access to legal representation, prolonged judicial processes, and substandard detention conditions. These findings

underscore the necessity for comprehensive reforms to enhance the child justice system, ensuring it protects the rights and dignity of all children.

The successful completion of this assessment is a testament to the dedication and collaboration of numerous institutions, including Prisoners' Rehabilitation and Welfare Action (PRAWA), the Nigerian Correctional Service, the Nigeria Bureau of Statistics (NBS), the Federal Ministry of Humanitarian Affairs, the Ministry of Women Affairs, the National Human Rights Commission, the Legal Aid Council of Nigeria, and the funding partner UNICEF. Your combined expertise and unwavering commitment have been instrumental in bringing this project to fruition.

As we move forward, it is imperative that we remain steadfast in our commitment to protecting the rights and well-being of all children and young adults in Nigeria. By implementing the recommendations outlined in this report, we can work towards creating a society where every child is afforded the opportunity to thrive and reach their full potential.

Signed,



Hon. Dr. Olubunmi Tunji-Ojo
Honorable minister of interior

ACKNOWLEDGEMENTS

The Nigerian Correctional Service is deeply grateful for the invaluable contributions of numerous stakeholders whose support and collaboration were instrumental in the successful completion of the National Assessment of the Situation of Children and Young Adults Deprived of their Liberty in Nigeria.

We extend our sincere appreciation to UNICEF for their generous funding of this research initiative, demonstrating their commitment to improving the lives of vulnerable populations in Nigeria.

We also acknowledge the exceptional dedication and technical expertise of Prisoners' Rehabilitation and Welfare Action (PRAWA) in implementing, coordinating, and providing technical support throughout the assessment process.

Furthermore, we express our gratitude to the National Human Rights Commission, Legal Aid Council, Ministries of Women Affairs and Social Welfare Development, and the

National Bureau of Statistics for their unwavering support, collaboration, and technical expertise.

Lastly, we appreciate the collective efforts of all stakeholders, including government agencies, civil society organizations, international partners, for their commitment to addressing the challenges faced by children and young adults in conflict with the law.

We look forward to implementing the recommendations outlined in this report to effect positive change and ensure protection of their rights and well-being.



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CONTENTS

FOREWORD	4	2.6 Study limitations	18
ACKNOWLEDGEMENTS	5	2.7 Instrument development and validation	18
KEY ABBREVIATIONS	7	2.8 Training of data collectors	19
Executive Summary	8		
Highlights of Key Findings From the National Assessment	10	The Context of Children in Conflict With the Law	20
The demographics of children and young adults in detention	10	3.1 Children in conflict with the law: Push and pull factors	24
Approaches to juvenile justice in Nigeria	11	3.2 Existing legal framework guiding child justice in Nigeria	26
Conditions and treatment of children and young adults from arrest to detention	11	3.3 An applicable international and regional legal framework	28
Law enforcement	12	Thematic Findings	32
Legal representation for children and young adults in conflict with the law	12	4.1 Demographics of the children and young adults in detention	32
The courts and judiciary	13	4.2 Common offences involving children and young adults in detention	35
Oversight and roles of the Administration of Criminal Justice Monitoring Committee and National Human Rights Commission	13	4.3 Conditions at detention facilities	39
Introduction	14	4.4 Pre-trial (remand) detention	39
Methodology	16	4.5 Conditions of – and treatment in – detention facilities	41
2.1 The research design	16	4.6 Law enforcement and the police officials’ response to children in conflict with the law	43
2.2 The study participants	17	4.7 Legal representation for children in conflict with the law	47
2.3 Sample sizes (borstal institutions/remand homes)	17	4.8 Courts and the judiciary’s role	49
2.4 Inclusion criteria	17	4.9 Oversight of places of detention for children and the role of NHRC	54
2.5 Instruments for data collection	17	Conclusion	56

Recommendations.....	58	References.....	61
6.1 The administration of justice	58	Appendix: State Profiles.....	62
6.2 Expedition of cases relating to children and young adults	59	1. Distribution of participants by gender and state.....	62
6.3 Improvement of detention facilities.....	59	2. Distribution of participants	63
6.4 Classification of offenders	59	3. Participants' educational backgrounds.....	64
6.5 Rehabilitation through education, social and recreational services.....	59	4. Delays in the administration of justice.....	65
6.6 Referral protocols, safe zones and complaints procedures	59	5. Access to legal representation	66
6.7 Standardisation and consistency in handling children in contact and conflict with the law	60	6. The status of the participants' cases	67
6.8 Capacity building in investigations, prosecution and adjudication.....	60	7. Lengths of stays in custody.....	68
6.9 Effective information management system....	60	8. Torture and other inhumane treatment.....	69
6.10. Prioritization of public financing for social services.....	60	9. Access to education while in detention.....	71
		10. Access to health care services.....	73
		11. The sources of sustenance during detention	74
		12. Remand homes.....	75
		LIST OF CONTRIBUTORS.....	86

KEY ABBREVIATIONS

ACJMC	Administration of Criminal Justice Monitoring Committee
CRA	Child Rights Act
CRC	Convention on the Rights of the Child
FCT	Federal Capital Territory
FGD	Focus Group Discussion
GAF	Global Assessment Functioning (Scale)
LACON	Legal Aid Council of Nigeria
NBS	National Bureau of Statistics

NCS	Nigerian Correctional Service
NDLEA	National Drug Law Enforcement Agency
NGO	Non-Governmental Organization
NHRC	National Human Rights Commission
NPF	Nigeria Police Force
NSCDC	Nigeria Security and Civil Defence Corps
PRAWA	Prisoners' Rehabilitation and Welfare Action
UNICEF	United Nations Children's Fund



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Executive Summary

This report provides a comprehensive analysis of the conditions, treatment and experience of children and young adults who are in conflict with the law and deprived of their liberty in Nigeria. The assessment was based on physical data collected from 87 adult 'custodial centres' and 3 borstal institutions, primary data collected from 22 remand homes, interviews of 1,279 children and young adults in custodial/ detention facilities, and interviews with respondents from law enforcement agencies and judicial authorities. It analysed the condition of places of detention; the number of children and young adults deprived of their liberty; the situations of the detained children and young adults, including their mental health; and the crime trend over a five-year period, 2018–2022. The report also contains inputs from relevant actors – the child and young adult detainees, judicial officers,

police officials, and various organizations (e.g., Legal Aid Council of Nigeria, Administration of Criminal Justice Monitoring Committee) – regarding the problems of the of the child justice system, as well as their recommendations for improvement.

The assessment found that during 2018–2022 a total of 133,906 children and young adults were in custody, including 127,526 males and 6,380 females. These children and young adults were distributed as follows: 122,564 in adult 'custodial centres' (92 per cent of the total), including 117,410 males and 5,154 females; 7,375 children in remand homes, including 6,149 males and 1,226 females; and 3,967 boys in borstal institutions. The assessment revealed that 95 per cent of the detained children and

young adults were kept in facilities managed by the Nigerian Correctional Service (NCS), while the remaining 5 per cent were in facilities managed by states' ministries of social welfare and development. Age disaggregation of the children and young adults in the custodial centres showed that 2,120 of them (1.7 per cent), including 2,013 males and 107 females, were under 16 years of age, while 120,444 (98.3 per cent) were aged 16–20 years. Gender disaggregation showed that 95 per cent of the custodial centre population of children and young adults were male, while 5 per cent were female. Of the children and young adults in remand homes, 15 per cent were female, while 85 per cent were male. Age disaggregation of the remand population showed that 88 per cent were aged 11–17 years, 3.5 per cent were under 11 years of age and 4.2 per cent were aged 18–21 years; the ages of 3.5 per cent were not stated.

The five-year summary data obtained from the remand homes were analysed for the patterns and nature of the crimes committed by the children and young adults detained there. The data showed that stealing and theft were the most common offences. In 17 states, a total of 2,165 children, representing 47 per cent of the remand population in those states, were accused of stealing or theft. Other offences included (but were not limited to): rape, at 2.8 per cent; and murder, with 4.5 per cent accused of cultism and homicide. There were also children in custody for child protection purposes, or because they were accused of wandering, trespassing or being beyond parental control.

The study revealed that 74 per cent of the children and young adults in borstal institutions were awaiting trial or awaiting a report, while only 26 per cent of them were convicted. Lack of access to legal representation was highlighted by respondents as one of the major reasons for the high number of children and young adults awaiting trial or awaiting a report during the period covered by the research. Their answers regarding access to legal representation revealed that, on average, 68.2 per cent did not have access to legal representation. And there was a clear correlation between the lack of legal representation and the slow dispensation of justice. The analysis also showed that 64.8 per cent of the respondents complained about the slow dispensation of justice. Challenges facing the children and young adults in conflict with the law included: poor living conditions; sodomy, torture and other cruel, inhumane and degrading treatment; bullying; poor investigation of cases by security agents, especially the police; the arrest and detention of children and young adults for frivolous reasons; lack of clinical psychologists or professionals who could provide psychosocial support to the children and young adults in detention; poverty, as epitomised by the inability to meet simple bail conditions;

PHYSICAL DATA COLLECTION



87 custodial centres



3 borstal institutions



22 remand home



interviews of 1279
children and young adults

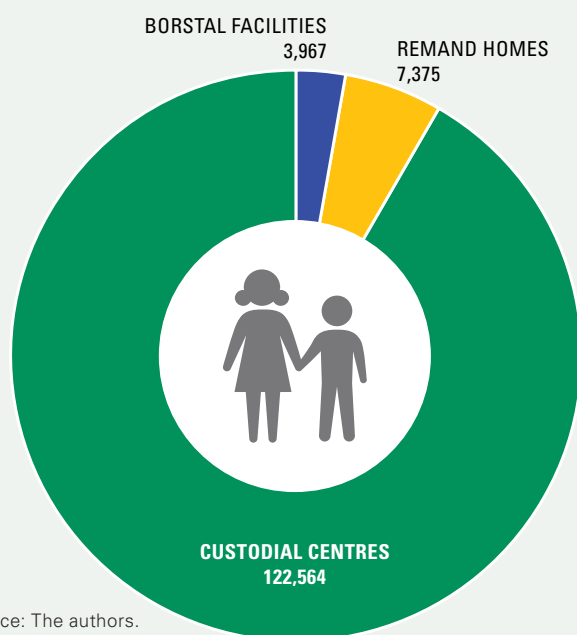
abandonment of cases by families; inadequate access to health care and education; poorly ventilated and overcrowded cells; and poor water and sanitary conditions.

This report highlights the urgent need to address the identified issues and to ensure that the rights and well-being of children and young adults are protected. Further, a number of recommendations, including the need to ensure the existence of appropriate correctional institutions for male and female children (as stipulated in the Child Rights Act (CRA) 2003 and states' equivalent laws and in the Nigerian Correctional Service Act 2019; the proper classification of children and young adults according to offences and age; a comprehensive database of children and young adults in conflict with the law; specialized handling and processing of children in conflict with the law at police stations and other law enforcement agencies; alternative measures to imprisonment, such as diversion programmes; the engagement of clinical psychologists to address the mental health challenges, particularly depression, anxiety and loss of hope among the children and young adults in detention facilities; an improvement of the conditions (physical, mental, dietary and hygienic) in detention centres and correctional facilities; the provision of access to health care, education and vocational training; and the strengthening of legal protections for children and young adults. The report emphasizes the view that the well-being and protection of children and young adults must be a top priority for all stakeholders, including government authorities, civil society organizations and the general public. The findings of the assessment should serve as a wake-up call to all stakeholders, encouraging them to build a society in which all children and young adults are treated with dignity and respect.

Highlights of Key Findings From the National Assessment

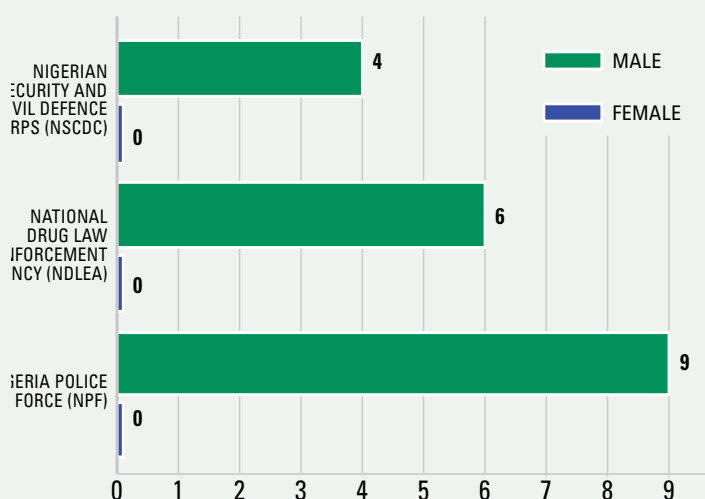
At the time the study was undertaken, during the five-year period of 2018–2022, a total of 133,906 children and young adults were in custody in Nigeria. The distribution of these children and young adults, according to the places where they were kept, was as follows:

DISTRIBUTION OF CHILDREN AND YOUNG ADULTS ACCORDING TO PLACES WHERE THEY WERE KEPT IN NIGERIA



Source: The authors.

DETENTION CENTERS



Source: The authors.

Additionally, the number of respondents from law enforcement agencies included the following:

LAW ENFORCEMENT OFFICIALS INTERVIEWED, BASED ON AGENCY

S/N	LAW ENFORCEMENT AGENCY	NUMBER OF MALE RESPONDENTS	NUMBER OF FEMALE RESPONDENTS
1.	Nigerian Security and Civil Defence Corps (NSCDC)	4	0
2.	National Drug Law Enforcement Agency (NDLEA)	6	0
3.	Nigeria Police Force (NPF)	9	0
TOTAL		19	0

Source: Gender Disaggregation of the respondents from Detention Centres.

The key findings regarding the factors leading children and young adults to commit offences, the response of the justice system and the systemic challenges revealed by the study are discussed below.

THE DEMOGRAPHICS OF CHILDREN AND YOUNG ADULTS IN DETENTION

The families and socioeconomic characteristics of children and young adults in conflict with the law were profiled, and the following points are particularly noteworthy:

Of the child and young-adult participants in the study, 54.9 per cent indicated that they were from monogamous homes, while 45.1 per cent indicated that they were from polygamous homes. The average number of children in their families was six. The participants' families with up to four children constituted 45.3 per cent of the total, those with five to eight children were 37.6 per cent, and those with more than eight children were 17.1 per cent.

The analysis found that a relationship exists between polygamy and the number of children in a household. For instance, Katsina state, where 86.7 per cent of the households were

polygamous, recorded the highest average number of children per family: 16.

The analysis revealed that most of the participating children and young adults came from families with parents who had low levels of education. Only 15.2 per cent had parents who were schooled up to a degree level, while 21 per cent indicated that the secondary school certificate was the highest educational qualification their parents had earned, and 38.2 per cent had parents with no educational qualifications at all.

The five-year summary data obtained from the remand homes was analysed for the patterns and nature of the crimes committed by the children and young adults detained in these facilities. The data show that stealing and theft were, again, the most common offences that the children/young adults were accused of committing.

- In 17 states, a total of 2,165 children, representing 47 per cent of the remand population in those states, were accused of stealing or theft.
- Other offences that the children/young adults were accused of committing included rape, murder, cultism and homicide.
- There were also children in custody for child protection purposes, or because they were accused of wandering, trespassing or being beyond parental control.

Most of the respondents interviewed during focus group discussions (FGDs) confirmed that the most common reason for the detention of children and young adults was theft. However, many other respondents indicated that rape, kidnapping, murder, fighting, robbery, involvement with drugs, cultism, cybercrime, criminal breach of trust or cheating and homicide were also common reasons for detention. The less frequent reasons were child trafficking, murder, disobedience, being beyond parental control and defilement.

APPROACHES TO JUVENILE JUSTICE IN NIGERIA

The research attempted to assess issues relating to the administration of child justice in Nigeria and some of the main responses by children in conflict with the law on how they are treated. Those interviewed revealed the following:

- When asked if they had received a quick dispensation of justice, 64.8 per cent said “no”, while 36.2 per cent indicated that they had received a quick dispensation of justice.
- Of the children and young adults who were interviewed, 74 per cent (946 respondents) revealed that they were awaiting trial, while 26 per cent had already been convicted.

- Of the children and young adults interviewed, 46 per cent said that their cases were stalled and that they no longer had any court hearings scheduled, while 54 per cent said that they were still appearing in court.

When asked if they faced any challenges with their cases, 64 per cent of the respondents indicated that they had challenges. Some of the challenges they identified included:

- slow pace of the trial (43.4 per cent),
- lack of legal representation (26.6 per cent),
- inability to pay the lawyer (3.7 per cent),
- missing case file (0.5 per cent),
- no witnesses to justify the continuation of the case (4.6 per cent) and
- the inability to pay bail (6.4 per cent).

The detained children and young adults participating in the study were asked how long they had been in custody. More than half (55.6 per cent) said that they had been in custody for up to 6 months, 18.2 per cent said that they had been in custody for 7–12 months, 21.8 per cent for 1–3 years and 4.3 per cent for over 3 years.

CONDITIONS AND TREATMENT OF CHILDREN AND YOUNG ADULTS FROM ARREST TO DETENTION

Most of the facilities for children and young adults in conflict with the law and deprived of liberty are old and overstretched due to overcrowding, especially the adult correctional centres. There was poor water and sanitary hygiene (WASH) in nearly all the facilities visited. The toilets were inadequate and most inmates provided their own bedding and toiletries.

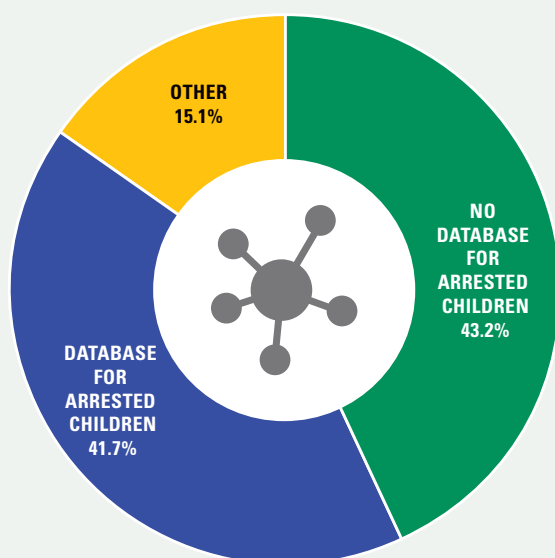
Although 76 per cent of the respondents said that the cost of their stay in custody was paid for by the government, 27 per cent indicated that either they or their families were responsible for their welfare while in custody. Some of the major issues are as follows:

- There is no proper classification for children and young adults in conflict with the law, so children, young adults and older adults are mostly kept in the same facility, especially in the custodial facilities of the Nigerian Correctional Service (NCS).
- There were health professionals at the places of detention visited, and 80 per cent of the respondents indicated that they had access to medical personnel, but 62 per cent of the 82 per cent also said that the health services were not adequate.
- When asked if they had experienced corporal

punishment while in custody, 76 per cent of the respondents said they had not.

- However, 50.3 per cent of the respondents indicated that they had experienced torture while in detention and gave examples of the kind of torture they had been subjected to.
- A total of 83.7 per cent said that they had experienced physical abuse such as beating, slapping and punching; 3 per cent said that they had experienced psychological abuse, 2.2 per cent complained of food deprivation, 1.9 per cent complained about visit deprivation, 1.3 per cent said that they had been threatened with violence and 0.2 per cent said that they had been molested sexually.
- Only 11 per cent of the victims of torture reported their incidents, and nearly all of these victims said that the perpetrators had not been punished. This may be due to the absence of clear complaints procedures. Most of the respondents said that they did not know whom to speak to, and others were afraid of reprisals and thus preferred not to say anything about being tortured.

SURVEY DATABASE OF ARRESTED CHILDREN



LAW ENFORCEMENT

The findings of the assessment regarding police officers highlight the challenges of managing children and young adults in conflict with the law, especially the challenges concerning infrastructure, training and procedure. Additionally, variations in the responses suggested a need for standardized protocols and improved data management. The analysis showed the following:

- The majority of law enforcement respondents (75.7 per cent) did not specify the number of children being held in custody at their police stations, but most noted that the frequency of children being brought in was at least once a week.

- Regarding frivolous allegations, 60.2 per cent of police officers reported no experience, but 23.8 per cent did experience frivolous allegations.
- The survey uncovered challenges in managing children and young adults at police stations, with 36.4 per cent of stations lacking proper facilities for handling them. Most respondents (57.8 per cent) transferred children within 24 hours to the next stage, and 41.8 per cent had separate cells for minors.
- Additionally, 63.1 per cent of the law enforcement respondents reported that children and young adults did not share cells with adult inmates.
- In terms of feeding and care, 41.3 per cent of the respondents mentioned that parents or relatives provided food and care, 21.8 per cent cited the federal government, and 8.3 per cent reported that care was provided by Investigating Police Officers.
- Regarding the management and treatment of children, 71.4 per cent of the law enforcement respondents indicated that children's cases were handled differently from others. However, 46.6 per cent stated that the question did not apply to them. Various methods were reported, including counselling, rehabilitation, and the involvement of parents. Concerning the bail process for children, 39.8 per cent of the respondents stated that it differed from the process for adults, but 62.6 per cent did not explain what the differences were, though 24.8 per cent did mention the possibility of release under supervision or surveillance.
- In terms of specialized children's units, 49 per cent of the law enforcement respondents reported having them, and 34.5 per cent stated that all personnel had been trained to deal with children. Regarding the detention of persons under 18 years of age, 53.9 per cent said that they did not detain them, and the responses varied regarding the actions taken when children were arrested.
- The study also showed that 43.2 per cent of the law enforcement agencies did not maintain a database on arrested children, while 41.7 per cent reported having one, indicating a lack of uniformity in the procedures for recording information about detained minors.

LEGAL REPRESENTATION FOR CHILDREN AND YOUNG ADULTS IN CONFLICT WITH THE LAW

Legal service provision and providers are important for access to justice. The lack of access to legal services was one of the major issues identified by the various participants in the study. Regarding access to legal representation in Nigeria, this assessment found that, on average, 68.2 per cent of the child and young-adult participants did not have access to legal representation. There is a clear connection between the lack

of access to legal representation and the slow dispensation of justice, with 68.2 per cent of the child and young-adult participants lacking legal representation, and 64.8 per cent of these participants complaining about the slow dispensation of justice. An analysis of legal service providers revealed that more than half of the child and young-adult participants engaged the services of private lawyers. Of the children and young adults participating in this study, 11.8 per cent indicated that their legal services were being provided by the Legal Aid Council of Nigeria (LACON), and another 11.6 per cent indicated that their cases were being handled by lawyers from the Ministry of Justice. Only 0.7 per cent of the child and young-adult participants said that their legal representation came from non-governmental organizations (NGOs), and 10.1% indicated that they do not know the organization responsible for their legal aid.

It is important to note that most of the LACON state coordinators participating in the study complained that they were understaffed and had to partner with the Human Rights Committee of the Nigerian Bar Association. They also indicated that they received support from NGOs. Officials from law enforcement agencies such as the Nigeria Police Force (NPF), Nigeria Security and Civil Defence Corps (NSCDC) and the National Drug Law Enforcement Agency (NDLEA) were interviewed to ascertain which groups provide legal aid to children in conflict with the law. In their responses, they mentioned:

- civil society organizations (CSOs), human right groups and the Nigerian Bar Association;
- International Federation of Female Lawyers;
- Federal Ministry of Women Affairs and Social Development;
- Justice Development and Peace Centre;
- traditional authorities such as local chiefs and kings;
- United Nations Children's Fund (UNICEF);
- Girls' Power Initiative;
- LACON; and
- the Public Defender's Office.

THE COURTS AND JUDICIARY

Most of the participants admitted that trials for children and young adults generally take place in the magistrate court. Some state judiciaries designate certain magistrate and high courts as family courts. Other respondents reported that the high court, family court, area court and juvenile court are among the major trial courts for children and young adults who are in conflict with the law. They noted

“THERE IS A CLEAR CONNECTION BETWEEN THE LACK OF ACCESS TO LEGAL REPRESENTATION AND THE SLOW DISPENSATION OF JUSTICE”

that if an offence involves drugs, the trial court serves as the high court. Furthermore, some respondents identified other trial courts, such as the chief magistrate court, upper area court, customary court, sharia court, federal high court and regular court, if the offence is committed with an adult. One respondent put it thus: “The main court that children and young adults in conflict with the law are tried is always magistrate court. This is because most family and juvenile courts are not functional.” Another respondent added: “Most of the children and young adults, especially from the northern part of the country, are often tried in the sharia court.”

OVERSIGHT AND ROLES OF THE ADMINISTRATION OF CRIMINAL JUSTICE MONITORING COMMITTEE AND NATIONAL HUMAN RIGHTS COMMISSION

The study included a survey of 64 employees of the Administration of Criminal Justice Monitoring Committee (ACJMC) and the National Human Rights Commission (NHRC) to assess their understanding of their organizations' roles and responsibilities. Regarding visits to places of detention, 50 per cent of the respondents had conducted visits to borstal institutions, 64.1 per cent to remand homes, and 89.1 per cent to correctional centres. 45.8 per cent mentioned visiting these places “when the need arises”. In evaluating the conditions of children in conflict with the law, 70.3 per cent found them “inadequate”, while only 15.6 per cent considered them “adequate”. Similarly, 59.4 per cent of the participants expressed dissatisfaction with their experiences concerning children in detention.

These findings underscore the urgency of enabling ACJMC/NHRC to conduct more frequent and comprehensive visits to all places of detention, addressing inadequate conditions promptly and of establishing systems to ensure that detained children can access services provided by ACJMC/NHRC.



SECTION 1

Introduction

In 2022, the Government of Nigeria, with support from the United Nations Children’s Fund (UNICEF), initiated a study to understand the situation of children and young adults in conflict with the law and in custody in Nigeria. The Prisoners’ Rehabilitation and Welfare Action (PRAWA) was engaged as a national consultant to undertake a comprehensive national research project. The research focused on the juvenile justice system in all its aspects, including the perceptions of those processed under it.

The assessment exercise, as outlined in this report, represents the first comprehensive, countrywide situation analysis of children and young persons in custodial facilities in Nigeria. The data provided by this assessment remain the most current regarding the full, partial or complete lack of appropriate implementation of all statutory and other enforceable regulatory instruments for the protection of children’s rights in Nigeria. The results of the national assessment therefore reflect baseline data for a real-time understanding of the situation of children and young adults currently in custody in Nigeria. The report can also serve as a tool for policy advocacy in Nigeria to promote relevant

justice system reforms and as a road map to improved administration of the juvenile justice system in law and practice in Nigeria.

PRAWA is a not-for-profit, non-governmental organization registered in Nigeria that has outstanding experience and accomplishments in the criminal justice field, especially in Nigeria; it promotes the rights of prisoners, torture victims and similar marginalised populations. The organization is also committed to institutional reform in order to create a better society. PRAWA desires “the emergence of a humane and secure society that corrects and empowers to prevent crime, violence and torture”, according to its vision statement. The organization’s mission is to “promote institutional reforms in formal and informal sector for access to justice, rehabilitation, and social development of prisoners, ex-prisoners, torture victims and youth at risk.”

With the award of the project, PRAWA proceeded with the structural mobilization and with the development of the inception report, which was submitted to stakeholders for necessary evaluation and authorization. That report

“WHEN DEPRIVED OF THEIR LIBERTY, CHILDREN AND YOUNG ADULTS OFTEN BECOME AN INVISIBLE AND FORGOTTEN GROUP...”

served as the basis for a common understanding of the processes and methods that guided the research project from the onset of implementation to the production of the final assessment report. The inception report also contained information on the Terms of Reference; background desk research; project documents; and on the inception meetings with the project consultants, collaborators, staff and other relevant stakeholders. In other words, it contained the study introduction; review of related literature; methods, including details on the research instruments for data collection and analysis; and the implementation profile, which included details on the time frame for the various activities.

Consultations with the Nigerian Correctional Service (NCS) and the National Bureau of Statistics (NBS) were essential in refining the inception report, which served as both a benchmark and a protocol reference document.

Following some harmonisation meetings that centred on the assessment of the draft instruments vis-a-vis the terms of reference of the project, the inception report was approved. This gave impetus to the full implementation of the project plan, beginning with the pilot testing of the developed study instruments; an instrument validation meeting; and the recruitment and training of data collectors for the 36 states of the Federation of Nigeria and the Federal Capital Territory (FCT), Abuja. Next came the actual data collection, which started on 28 December 2022 and ended officially on 23 January 2023. Data analysis, data interpretation and report production then followed.

The successful completion of this research was made possible through the collective efforts of our dedicated team. Special thanks go to the UNICEF team—Ibrahim Sesay [Chief Child Protection], Mona Aika [Child Protection Programme Manager] and Nkiru Maduechesi [Child Protection Specialist]—for their relentless pursuit of excellence and their insightful contributions towards the development of this research report. We also extend our gratitude to Mrs. Eva Omotese, Director of Legal at the Ministry of Interior, and Mr. John Otuka for their invaluable support and assistance.

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Special thanks go to the UNICEF team—Ibrahim Sesay [Chief Child Protection], Mona Aika [Child Protection Programme Manager] and Nkiru Maduechesi [Child Protection Specialist]—for their relentless pursuit of excellence and their insightful contributions towards the development of this research report. We also extend our gratitude to Mrs. Eva Omotese, Director of Legal at the Ministry of Interior, and Mr. John Otuka for their invaluable support and assistance.

UNICEF provides support by working with governments (at the federal and state levels), local communities, civil society organizations (CSOs) and with the children and young adults themselves to ensure that every child or young adult in contact with the law can access a justice system that is child friendly, gender sensitive and well-equipped to secure their rights and, consequently, their future. UNICEF does this by encouraging child-friendly investigations and court procedures; keeping children out of formal criminal proceedings; promoting and supporting restorative justice approaches; advancing alternatives to pretrial and post-trial detention; providing recovery and reintegration services; empowering children to claim their rights through legal and other services; and by working to preventing abuse, violence and exploitation.

When deprived of their liberty, children and young adults often become an invisible and forgotten group in society; moreover, there is increasing evidence that they often become victims of further human rights violations. Countless children and young adults are placed in inhuman conditions and in adult facilities, in clear violation of their human rights, where they are at a high risk for violence, rape and sexual assault, acts of torture and cruelty, and for inhuman or degrading treatment or punishment. Most of the children and young adults in custody are unable to access, or to understand how to seek, legal representation; consequently, they end up spending an extended amount of time awaiting trial in adult facilities. This is so because the lack of legal representation usually means that no one is following up, keeping track and prompting court officials, when the need arises, to facilitate the progress of their cases through the criminal justice process. This leaves such persons in a very hopeless situation that can provoke severe depression or other mental health conditions, apart from contributing to avoidable custodial congestion.

The personal cost to children and young adults when they are held for long periods are immeasurable in terms of their physical and mental development, their independence, and their ability to lead healthy and constructive lives. Also, the stigma of a criminal record damages the long-term prospects, self-identity and self-esteem of these children and young adults.



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SECTION 2

Methodology

The purpose of this assessment, in line with the Terms of Reference, is to conduct a national assessment of the situation of children and young adults who are deprived of their liberty by the criminal justice system in Nigeria. The assessment covers the magnitude of the problem; current trends, major driving factors, the experiences of children/young adults within the system, their access to timely legal aid, and the reintegration services. The ultimate objective is to generate evidence for the need to reform the criminal justice system to provide child-friendly services in Nigeria.

2.1 THE RESEARCH DESIGN

The study used a survey format that involved a mixed method of data collection. This means that both quantitative (use of survey instruments) and qualitative (use of focus group discussions and in-depth interviews) methods were used for data collection. The data analysis also used combined quantitative and qualitative approaches in tandem with the nature of the data sets generated. The advantage of this

mixed method was that data were collected from different perspectives in a way that greatly improved the reliability and validity of findings, an approach often referred to as 'triangulation'. This combined method in research often presents the additional advantage of reducing the potential biases that are usually associated with single approaches to research problems.

In addition, a participant-driven approach to data collection was predominantly used, except in cases where it was quite obvious that a respondent-driven approach was preferable or inevitable. For instance, despite previous arrangements/schedules for data collection, there were cases when some NCS officers, judicial officers or police officers had to ask to respond directly into the research instruments due to unforeseen changes in duty schedules. This participant-driven option was also welcomed by the research team, as it additionally conveyed some form of validity (direct response was more dependable than moderation) to the study protocol.

2.2 THE STUDY PARTICIPANTS

Five groups of people constituted the participants in this study. These were drawn from:

- children and young adults in places of detention in different parts of Nigeria;
- officers from the NCS, National Drug Law Enforcement Agency (NDLEA), Immigration Service, Nigeria Police Force (NPF) and the Nigeria Security and Civil Defence Corps (NSCDC);
- judicial officers, especially those involved in family courts and other aspects of Nigeria's child justice system, as well as members of Administration of Criminal Justice Monitoring Committee (ACJMC);
- members of the Legal Aid Council of Nigeria (LACON) and other persons that provided pro bono legal services to children and young adults in conflict with the law in Nigeria; and
- administrative heads of remand homes, borstal institutions and similar places of detention in Nigeria.

Given the exploratory nature and other special characteristics of the study, the participants were recruited based on sampling methods that were convenient and stratified (i.e., with a good representative sampling technique). The first stage of participant selection was stratification. The existing state structure in Nigeria was used to stratify the population, and each state of the federation was included, as well as the Federal Capital Territory.

2.3 SAMPLE SIZES (BORSTAL INSTITUTIONS/ REMAND HOMES)

- All three functional borstal facilities in the country were visited.
- Data were collected from 22 remand homes, out of a total 28 functional remand homes in Nigeria.
- Out of the total 244 adult correctional centres in the country, 87 were visited for the study across 35 states, including the FCT.
- The research included interviews with 1,279 participants.
- Persons who participated in the focus group discussions (FGDs) did not participate in the survey instruments. This was to ensure that as many participants as possible were included in the study while avoiding double counting.
- The administrators of each remand home and borstal institution participated in FGDs guided by the research team.

2.4 INCLUSION CRITERIA

The inclusion criteria for participants were:

- voluntary participation;
- the absence of any obvious health conditions significant enough to interfere with the ability of the participants to complete the questionnaires;
- the absence of any time constraints that could limit the participants' ability to complete the questionnaires, though the survey was executed in a manner such that all data entry was completed on the same day the questionnaires were given out; and
- the capacity to read and write in English or in any Nigerian language that both the participant and the interviewer could fluently use.

Each data collector was expected to ensure that no item of the questionnaire was omitted, except when such the omission was deliberate on the part of the respondent in line with the spirit of the consent form. The participants completed the questionnaires, or assisted with their completion in the case of structured interviews. Voice-recording devices, where applicable, were used to capture the FGD discussion protocol. In cases where it was impossible to record the FGD using a voice-operated recorder, a verbatim recording of the responses was used to guarantee accurate data collection.

2.5 INSTRUMENTS FOR DATA COLLECTION

Different data-collection instruments were designed to collect different sets of data from the different research participants. They included:

- Children and Young Persons in Custody Questionnaire;
- Borstal Institution/Remand Home/Nigerian Correctional Centre Managers' Interview Guide;
- Judicial Officers' Interview Guide;
- Interview Guide for Law Enforcement Officers, administered to police officers;
- Borstal/remand-home/correctional-centre location information instrument;
- Interview guide for LACON;
- Interview guide for ACJMC;
- Focus Group Discussion Guide for the Administrators of Borstal/Juvenile/Remand Homes;
- Focus Group Discussion Guide for Children and Young Adults in Conflict with the Law and Deprived of Liberty;

- Revised symptom check list; and
- the Global Assessment of Functioning Scale.

2.6 STUDY LIMITATIONS

While the study provides comprehensive data on the detention of children and young adults in Nigeria, there are several limitations that should be noted. These are listed below:

- **Sample representation:** Although a significant number of remand homes, borstal institutions, correctional centres and law enforcement agencies were included, some facilities were not covered, and this may compromise the generalizability of the findings.
- **Data collection challenges:** There were logistical problems in accessing some detention centres, especially police detention facilities in 29 states and the FCT, and this may have led to incomplete data collection in certain areas.
- **Temporal limitations:** The data cover a five-year period (2018–2022), so the observed trends may not fully capture longer-term patterns or more recent changes in detention practices.
- **Geographical constraints:** Due to security concerns, some areas were underrepresented in the study, which may affect the comprehensiveness of the findings. One notable limitation of the study in this regard is the absence of data from Borno state, which presents a unique context. Several significant issues were encountered during the visit to Borno state:
 - No data were collected from children and young adults who were in conflict with the law and deprived of their liberty.
 - The two correctional facilities visited in Borno asserted that they had no such children or young adults in their care.
 - The research team could visit only two out of 15 correctional facilities due to insecurity and insurgency activities.
 - No functional remand homes were identified in the state.
 - One facility that was previously used as a remand home was found to be a detention centre for drug users at the time of the visit, with no children or young adults present. (However, numerous writings on the wall suggested that several young persons had been detained at the facility before the team visited.)
 - Interviews with the police officers revealed that

they often resolved cases involving children through alternative dispute-resolution methods.

In addition, the data collectors were sometimes informed that a facility they wanted to visit in Borno had accommodated children and young adults in the past who were remanded there for insurgency-related offences, but that all of them had been transferred either to military detention facilities or to the custody of the Department of State Services.

These issues significantly limited the data from Borno, resulting in an absence of information on the conditions and experiences of children and young adults in conflict with the law in that state. The unique sociopolitical context of Borno, especially its security challenges, means that the findings of this study may not fully capture the realities in such high-risk areas.

By pointing out these limitations, the study aims to provide a transparent account of its methodology and findings, acknowledging areas where future research and improvements in data collection can be made.

2.7 INSTRUMENT DEVELOPMENT AND VALIDATION

The study's set of instruments was developed in phases, beginning with item generation, certification, pilot testing and, finally, validation.

2.7.1 Item generation

Given the nature and scope of the study, the lead research team, constituted by PRAWA, did extensive literature research guided by the study's Terms of Reference, as contained in the open call document released by UNICEF. This document guided the generation of the first set of raw items of the research instruments. These items were later thematised into different instruments such that each instrument focused almost entirely on a particular group of participants and had the types of questions that would elicit the needed responses from that group. The item-generation exercise was followed by online review meetings, redrafting and the repositioning of some items until the final drafts of the questionnaire instruments were achieved. The drafts were then submitted to UNICEF for the attention of a research technical committee, which subjected the set of instruments to a further review that resulted in the removal of questions that were designed to assess the number of homeless children in the streets. Following the input by UNICEF regarding the instruments, and the resulting corrections, the drafts were considered ready for field (pilot) test.

However, the instruments needed to be additionally certified by one of the government's relevant agencies, NBS. After reviewing the instruments, NBS approved them as adequate for the study, though it adjusted the numbering system for the individual items and added some codes that were to be filled in during the fieldwork. Such required codes included the GPS location of the study area, which provided the exact latitudinal and longitudinal positions. This requirement was considered a good addition, as it provided the means of ensuring that the data collectors actually conducted the data collection in the appropriate data-collection places. NBS also introduced identification codes for each of the states as a means of recognizing what data came from which location. With those amendments, NBS gave its final approval for the instruments to be used in the pilot test.

2.7.2 Pre-testing of the data collection instrument (pilot testing)

The pilot testing of the instruments was conducted in two cities, Aba and Kano. The research team also made sure that the field officers participating in the pilot project were very versed in both English and the appropriate local language. Two psychological tests used in the study, although already in use in Nigeria, still had to be pilot-tested to ensure clear understanding during the main study. These were the Global Assessment of Functioning Scale and the Symptom Checklist-90-Revised. The two tests were used to assess the psychological state of the inmates. The pilot study lasted one week, with 14–17 November 2022 as the active days, and took place in the two locations simultaneously.

2.7.3 Validation workshops

A widely attended stakeholder validation workshop was organized in May 2024 to present the field report resulting from the above-mentioned pilot test. It also provided the opportunity for the research team to interface with UNICEF and other stakeholders and to seek their cooperation with the effective implementation of the research protocol. Some of the collaborating agencies, such as NBS, NCS, the National Human Rights Commission (NHRC), NPF, Federal Ministry of Justice, Legal Aid Council of Nigeria and the Federal Ministry of Youth Development, among others, participated in the research tools validation workshop.

2.7.4 Approvals for access to the data-collection locations

In addition to the development of the consent form, permission was sought from the various authorities that have jurisdiction over the places where data collection would occur. These authorities included: NCS; the various supervising ministries for remand homes in different states;

the Nigeria Immigration Service; NDLEA; NPF; the chief judge, commissioner for justice or other judicial officers responsible for guaranteeing access to family courts or their equivalents; LACON; and ACJMC; among others.

2.7.5 Ethical clearance

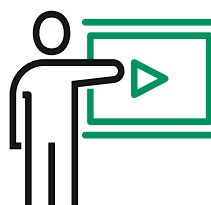
A detailed application for ethical clearance for the study was sent to the Nnamdi Azikiwe University Human Research Ethics Committee. The template for the application and all necessary conditions were fulfilled by the research team. In consequence, the ethical clearance request was accepted with a written approval letter to the executive director of PRAWA and to the research team lead.

2.8 TRAINING OF DATA COLLECTORS

With the approval of the instruments for data collection by a broad-based validation workshop attended by all the relevant stakeholders, the stage was set to recruit and train field staff that would collect the relevant data for the study. Each state of the federation and the FCT had a team of three to four persons, including:

- a representative from NHRC,
- a representative of LACON,
- a representative of the Child Protection Network, and
- a clinical psychologist (except when unavailable).

Several online meetings were subsequently held to train the data-collection team in the research protocol, beginning with the establishment of rapport, and in the use of the consent form, before proceeding to the main study instruments. There was also a question-and-answer session during the training. These training activities were recorded and made available to the data collectors to replay as often as needed to internalize the research processes.



These training activities were recorded and made available to the data collectors to replay as often as needed to internalize the research processes.



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SECTION

3

The Context of Children in Conflict With the Law

Children and young adults in Nigeria face a very difficult future navigating their way to adulthood. Despite constituting approximately 45 per cent of the population in one of Africa's most populous countries,¹ children in Nigeria frequently live in poverty and exclusion, while suffering human rights violations. In December 2022, Plan International stated that the "majority of the poor in Nigeria

[are children], as 67.5% of children under the age of 18 are poor and 70.1% of children under 5 are poor".² The ambiguity of Nigeria's legal system and its poor handling of the challenges that vulnerable children and young people face are factors that foster this grim environment. Whereas the Child Rights Act (CRA) 2003 and the states' equivalent laws seek to provide for the "welfare of the children, and

1 Statista, 'Nigeria: Age structure from 2012 to 2022', <<https://www.statista.com/statistics/382296/age-structure-in-nigeria>>, accessed 30 October 2023.

2 Plan International, 'Plan International decries rising poverty in Nigeria', Press release, Plan International, Abuja, 1 December 2022, <<https://reliefweb.int/report/nigeria/plan-international-decries-rising-poverty-nigeria>>, accessed 4 November 2023.

the treatment of the children and young offenders and for the establishment of family courts”, inconsistencies in the application of the law across the country and institutional failures leave much to be desired when it comes to looking after the justice-related needs of children and young adults in Nigeria.

What constitutes a child in Nigeria in terms of age, gender and delinquency remains contentious and, thus, often affects how the state engages with children and youth.

Section 30 of the Criminal Code in Southern Nigeria, and Section 50 of the Penal Code in Northern Nigeria, established that a child under the age of seven years does not have criminal responsibility.³ According to Abhulimhen-Iyoha and Oseghale (2020, 128):

It is not every juvenile who commits an offence that is liable to punishment under the law. In Nigeria, there are differences in the age and criminal responsibility of juveniles. The provisions of the Criminal Code Act and the Penal Code Law establish that a child under the age of seven (7) years does not have criminal responsibility. These substantive Criminal laws also provide that from 7 – 12 years, a child can only be found responsible if it can be proved that he/she had the capacity to know that the act or omission should not have been carried out. In addition, both the Criminal Code Act and the Penal Code Laws provide that above the age of 12, the person is deemed to be fully responsible for an act or omission.⁴

When it comes to the administration of child justice, special provisions for the children are made; family courts have been established in each of the magisterial districts in the 36 states and the FCT, and they have the authority to try all offences committed by persons under 18 years of age. A magistrate chairs a deliberating panel with assessors who are deemed to be credible and respected in society and are appointed by the chief judge of the state. The Nigerian constitution provides that young offenders should not be deprived of their liberty except on special grounds.

The official state-sanctioned places of confinement for children in conflict with the law in Nigeria are:



remand homes owned, financed and managed by the relevant state government;



schools that are also managed by the relevant state government;



and borstal institutions owned and managed by the federal government through the NCS, under the supervision of the Ministry of Interior (currently maintaining three such institutions, one each in Kaduna, Ilorin and Abeokuta).

The CRA defines seven places of detention for children, and they are presented in the table just below.

SEVEN PLACES OF DETENTION FOR CHILDREN IN NIGERIA

1	Child attendance centre	A non-residential place attended by children on a daily basis, as may be prescribed by the court.
2	Children centre	A place for the detention of children remanded or committed to custody during a trial, during the making of a disposition order after a trial or while awaiting adoption or fostering.
3	Children residential centre	A place designated for the detention of child offenders where they are given regular schooling and such other training and instruction as may be conducive to their reformation and re-socialization and to the removal or reduction of their tendency to commit antisocial acts and such other acts that violate criminal laws.
4	Children correctional centre	A place for the detention of child offenders where they are given such training and instruction as will be conducive to their reformation and re-socialization and to the removal or reduction of their tendency to commit antisocial acts and such other acts that violate criminal laws.
5	Emergency protection centre	A place where a child is taken into police protection after an emergency protection order has been made, and where the child is accommodated until the expiration of the order.
6	Special children correction centre	A place where children who are found to be incorrigible or to be exercising a bad influence on other children are detained.
7	Special mothers centre	A place where expectant and nursing mothers are held for the purpose of remand, re-socialisation and rehabilitation, in an atmosphere devoid of the regime of institutional confinement, which may be damaging for the proper development of their children.

Source: National Human Rights Commission, 'Child Rights', <[https://www.nigeriarights.gov.ng/focus-areas/child-rights.html#:~:text=Child's%20Right%20Act%20\(2003\)%20is,36%20states%20of%20the%20federation](https://www.nigeriarights.gov.ng/focus-areas/child-rights.html#:~:text=Child's%20Right%20Act%20(2003)%20is,36%20states%20of%20the%20federation)>, accessed 1 November 2023.

3 Jurist.ng, 'Section 30 of the Criminal Code Act in Nigeria. Immature age', <https://jurist.ng/criminal_code_act/sec-30#:~:text=Act%20in%20Nigeria.-,Immature%20age,for%20any%20act%20or%20omission>, accessed 30 October 2023; Policy and Legal Advocacy Centre, 'Penal Code (Northern States) Federal Provisions Act', <<http://lawsofnigeria.placng.org/view2.php?sn=432>>, accessed 2 November 2023.

4 Abhulimhen-Iyoha, Alfred, and M. O. Oseghale, 'Juvenile Justice Administration in Nigeria and Contemporary International Standards', *Journal of Law and Criminal Justice*, vol. 8, no. 1, 2020, pp. 126–137.

Going beyond the seven facilities indicated in the Child Rights Act 2003, the Child Rights Law of Lagos State 2015 made provisions for the establishment of approved youth institutions, and defined youths as persons between the ages of 18 and 21.⁵ The youth institutions that were established through this legislation include the following:⁶

Youth attendance centre

A non-residential place that youths attend on the orders of the court, where they are given such training and instruction as shall be conducive to their reformation and re-socialization and the removal or reduction of their tendency to commit antisocial acts and such other acts that violate criminal laws.

Youth remand centre

A facility for the detention of youth who are remanded or committed to custody there, or are placed there during a trial or during the making of a disposition order after a trial.

Youth correctional centre

A place where youths are detained and given such training and instruction that will be conducive to their reformation and re-socialization and to the removal or reduction of their tendency to commit antisocial acts and such other acts that violate criminal laws. Youths who had previously been in a Children Centre, Children Residential Centre or a Children Correctional Centre, once they are 18 years of age and before they are 21, may be transferred to the Youth Correctional Centre, with a view to continuing the training and instruction given to them in their previous facility, so as to continue their reformation and rehabilitation.

Special youth correctional centre

A place in which youths who are found to be incorrigible or to be exercising a bad influence on other youths held in a Youth Correctional Centre, may be detained.

It is important to note that there are instances of children being detained in some locations/facilities outside the ones listed above. These include children in other correctional/custodial centres managed by NCS that are not borstal institutions, and children in some detention facilities

managed by law enforcement/security agencies, or in facilities managed by non-state actors. The focus of this assessment was on facilities managed by government agencies – at the federal and state levels.

There are currently an estimated 6,000 children in these detention facilities across Nigeria.⁷ The child justice system addresses three categories of children – those in need of care, those beyond parental control and those in conflict with the law. Despite the high number of children in detention, researchers have noted the systemic challenges that have undermined their rights, welfare and dignity. Atilola, Abiri and Ola (2018, 19) wrote:

Despite an estimated youth population of about 50 million, there are only three federal-run youth correctional institutions established by statute in Nigeria, with a combined capacity of about 600 beds. As expected, these institutions are overcrowded, overstretched and unable to accommodate a significant proportion of offending youth. As a stopgap, social welfare institutions in the states of the federation often serve as makeshift youth correctional facilities for young offenders, in addition to their primary function as a place of refuge for abused and neglected youth. This situation has deepened the crisis in the Nigerian juvenile justice system, owing to offenders and victims having to share the same facilities and administrative procedures, with attendant grave ethical and human rights concerns.⁸

As in the account above, a study undertaken for UNICEF by Isabella Okagbue on children in conflict with the law in Nigeria noted that the criminal justice system has not succeeded over the years in creating systems, structures, laws and pathways that protect and promote the rights and welfare of children. She wrote:

It is evident from the study that, in almost every aspect of the juvenile justice system dealing with children in conflict with the law, from arrest until final disposition, the well-being, welfare and best interests of young offenders are not adequately preserved and protected. The reasons range from outdated legislation to poorly trained and insufficient personnel, inadequate facilities and lack of resources.

While the important first step of legislative reform has been embarked upon, the other problems still loom large

5 Lagos state, Nigeria, Child's Right Law, chap. C7 (2015), <<https://sabilaw.org/wp-content/uploads/2022/04/Childs-Right-Law-of-Lagos-State-2007-1.pdf>>, accessed 31 October 2023.

6 Ibid.

7 '6,000 Nigerian living in detention centres – NGO', *Daily Nigerian*, 8 December 2022, <<https://dailynigerian.com/nigerian-children-living/#:~:text=The%20Save%20the%20Future%20of,on%20Child%20Protection%20Reintegration%20Project>>.

8 Atilola O., G. Abiri and B. Ola 2019. 'The Nigerian juvenile justice system: from warehouse to uncertain quest for appropriate youth mental health service model', *British Journal of Psychiatry International*, vol. 16, no. 1, February 2019, pp. 19–21, <<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6357525/pdf/S205647401700037Xa.pdf>>.

and need to be addressed if the reforms are to achieve a measure of success.⁹

She further stated that:

The allocation of resources to fund the infrastructural development and operations of the system is fundamental, but in a depressed economy cannot be adequately addressed solely by a government which is faced with a multitude of competing priorities. The Nigerian government, which was once adverse, to any external involvement in the operation of the juvenile justice system, has now recognised that it cannot cope effectively and welcomes such interventions, thus creating the space for the formation of new partnerships.¹⁰

A visit by the chief judge of Lagos state to Badagry Prison in 2017 uncovered the fact that over 100 children were detained in prison cells that also housed adults convicted of murder, armed robbery and other violent crimes.¹¹ Reports on the visit noted that the children incarcerated there were between the ages of 12 and 17 years. They were mainly arrested by the Lagos State Task Force on Environmental Sanitation and Special Offences, charged for offences ranging from breaching the public peace to street hawking and convicted by the special courts.¹² Apart from the fact that it is against international human rights standards to keep children with adults in correctional facilities,¹³ there are immediate consequences for the children, including their abuse by the adults, the risk of their being influenced by criminals, and the risk of contracting diseases in the poorly kept facilities. A total of 80 children were released from the prison after the visit,¹⁴ on the grounds that they had been wrongfully detained in the prisons and should never have been there in the first place. This shows that very little had changed over the years. A study dating as far back as 2009 concluded that approximately 200 children were incarcerated among adults in the Port Harcourt Prison. These children were placed among 2,400 adult inmates.¹⁵ If the same conclusions were arrived at in 2017, it shows that there have been continued violations of the rights of children in conflict with the law in Nigeria over the years.

Remand homes in Nigeria have been contending with multiple challenges, including the limited funding for their upkeep, so the expected operational standards have remained unfulfilled.¹⁶ A 2019 report by Ameh Ejekwonyilo stated that “inside the dormitory of the Minna Remand Home in Niger state, not up to the size of a normal room, without mattresses and fans to reduce the effect of the scorching heat in the month of March, about 30 children are held in chains for various offences. An overpowering stench from the crowded dormitory welcomes any first time visitor.”¹⁷

These reports raise major concerns, one of which pertains to the treatment of children deprived of their liberty. They bring to the fore questions about what the aims of the government should be in relation to children in conflict with the law. Other questions include whether the aim of the child justice system is to promote the rehabilitation and reformation of the children that pass through it, or if it is to continue to criminalise and punish them, despite its commitment to a policy based on a correctional approach. The child justice component appears to be the most neglected aspect of the criminal justice system in Nigeria. This is evidenced by the lack of facilities in some jurisdictions for child offenders; in jurisdictions where facilities for child offenders do not exist, children are detained in adult facilities, and are deliberately listed as adults to justify their detention, the lack of personnel specialized in child justice matters, and the inadequate utilization of non-custodial measures.

It is important to note that the actions of the correctional service officials go against section 35 of the Nigerian Correctional Service Act, which provides that young offenders shall not be kept in adult facilities. Despite this provision, however, children are frequently found in adult correctional centres because of the inadequate facilities for children and the lack of resources for the institutional treatment of child and young-adult offenders. This highlights the lack of political will on the part of stakeholders to prioritize the challenges and needs of children and young adults in conflict with the law.

9 Okagbue, Isabella, <https://www.unicef-irc.org/portfolios/documents/487_nigeria.htm> (Accessed on 23 October, 2023).

10 Ibid.

11 ‘Badagry Prison where children are dumped for minor offences’, *The Nation*, 8 August 2017, <<https://thenationonline.net/badagry-prisonchildren-dumped-minor-offences/>> (Accessed on 22 October, 2023).

12 Ibid.

13 Abhulimhen-Iyoha and Oseghale, ‘Juvenile Justice Administration in Nigeria’.

14 Akinseye-George, Yemi, *Juvenile Justice Administration in Nigeria*, Center for Socio-Legal Studies, Abuja, 2009.

15 Ibid.

16 Bella, T.T., O. Atilola and O.O. Omigbodun, ‘Children within the juvenile justice system in Nigeria: psychopathology and psychosocial needs’, *Annals of Ibadan Postgraduate Medicine*, vol. 8, no. 1, June 2010, pp. 34–39.

17 Ejekwonyilo, Ameh, ‘INVESTIGATION: The sad tale of Nigeria’s child prisoners’, *International Centre for Investigative Reporting*, 14 September 2019, <<https://www.icirnigeria.org/investigationthe-sad-tale-of-nigerias-child-prisoners/>>, accessed 22 October 2023.

Most children and young adults in custody are unable to access legal representation and, consequently, they spend extended period awaiting trial in adult facilities. Not having legal representation usually means that no one is following up, keeping track and prompting officials, when the need arises, to facilitate the progress of their cases through the criminal justice process. This leaves these children and young adults in hopeless situations that can provoke severe depression or other mental health conditions, apart from contributing to avoidable custodial congestion.



The majority of children and young adults in custody are unable to access legal representation and, consequently, they spend extended periods awaiting trial in adult facilities.

3.1 CHILDREN IN CONFLICT WITH THE LAW: PUSH AND PULL FACTORS

This section presents factors that contribute to the involvement of children in acts that place them in conflict with the law. These factors are broadly categorized into systemic factors, which are caused by failures on the part of the state, and contextual challenges, which encompass family and other personal circumstances. According to Bella, Atilola and Omigbodun, “[m]any children in Nigeria face a life of poverty, family instability, inadequate educational opportunities, and poor physical and mental health, which hinder their ability to develop into healthy adults, live an improved quality of life, or fulfil their life aspirations. These factors have also been associated with juvenile delinquency and need for institutional care.”¹⁸ The levels of poverty in the country, and the lack of socioeconomic opportunity, poor parenting or the lack of parenting or guardianship, peer pressure, and the conflicts that have permeated several communities have all rendered children vulnerable to being drawn into both petty and major crimes.

As far back as 2010, in a paper titled ‘Children, Status and the Law in Nigeria’, Onyemachi (2010, 286) opined that

“in the past, children were known to be involved in minor offences ranging from stealing some pieces of meat from the cooking pot to robbing their peers and playmates of their food or toys. But, nowadays, a lot of children have been found to have graduated from such minor offences to more serious crimes, such as rape, ... drug trafficking, armed robbery, arson and vandalism; child-soldiering, suicide bombing and other acts of terrorism.”¹⁹ This trend appears to be on the rise, as the vulnerability of children is consistently exploited by criminal networks and armed groups, who recruit and use them. This trend is on the rise partly because of the child justice system in Nigeria, which punishes child offenders rather than rehabilitating them. The children are then mostly thrown back into society, where they continue with their criminal activities because of their record and experiences, and where they recruit more children into gangs.

The correct statistics regarding vulnerable children in Nigeria are unknown; however, children are characterized as vulnerable, depending on their contextual or physical reality. According to Nnama-Okechukwu and Erhumwunse, the factors determining vulnerability include: having no parents or guardians; having parents or guardians that are aged, ill or abusive; living in conflict-affected settings; heading a household; or being trapped in poverty and destitution.²⁰ These factors are usually tied to communities that are plagued with economic instability, food insecurity, conflict and climate change and other environmental issues. Compounding this, Nigeria has been dealing with violent extremism since 2010, alongside other conflicts and sources of insecurity and instability, including those related to climate change and pastoralism. Furthermore, there are criminal networks in many states in Nigeria that have intensified their activities over the years. These challenges have gradually contributed to the increased vulnerability of children, as the culture they grow up in normalizes violence for them. Furthermore, the need to survive, with limited avenues and opportunities to do so, makes criminal networks and groups attractive to children, as well as to young adults. As noted by Paul Nyulaku, a conflict analyst in Nigeria:

The increasing poverty and the lack of hope in the Nigerian society expose children to a real sense of making hard decisions, at tender ages, on how they could best survive. This exposure places them in a difficult position, and while some may start with minor offences, they eventually graduate to major ones, as their needs increase, and the context continues to remain the same. The older children

18 Bella, Atilola and Omigbodun, ‘Children within the juvenile justice system in Nigeria’, p. 34.

19 Onyemachi, Thomas Uche, ‘Children, Status and the Law in Nigeria’, *African Research Review*, vol. 4, no. 3a, July 2010 pp. 378–398.

20 Nnama-Okechukwu, Chinwe. U., and Eghosa. A. Erhumwunse, ‘Factors responsible for child vulnerability in Nigeria: Suggestion for programme development’, *Journal of Social Work in Developing Societies*, vol. 3, no. 1, 28 April 2021, pp. 1–17.

and younger youth play a leading role in recruiting children into their fold.²¹

In the last decade, Nigeria has experienced increased activities by gangs and cliques, which replace the inactive state and parents in the lives of children and young adults. Peer pressure also contributes to the tendency of children to join armed groups and gangs, and this is usually coupled with the lack of more beneficial social and economic activities that could have otherwise attracted the time, energy and attention of youth. Adolescence is a stage in which children have a lot of energy, and they need constructive avenues for channelling those energies. It is usually a “problematic period for younger people, because of its physical and emotional implications, which often lead to deleterious outcomes if conflicts are not properly resolved. ... In many cultures, there are important rituals to mark this entry into adulthood. Modern adolescents are role-less for the most part. They often seek their group identification and self-worth in teams, cliques, and gangs.”²²

A factor that contributes to the involvement of children in acts of violence is trauma and other psychosocial and mental health conditions. According to Cantürk, Faraji and Tezcan (2021, 59), “children with childhood trauma exhibit many problems such as psychiatric conditions, anger, susceptibility to crime, and antisocial orientation”. In addition, “childhood traumas can sustain their negative effects on individuals who experience trauma throughout life and cause psychiatric conditions in adulthood.”²³ While there are established connections between childhood trauma and later acts of violence, only a limited number of studies have been undertaken, though they support policies that were designed to be responsive and supportive of children in conflict with the law, especially those with identified childhood trauma. Tied to the above, researchers have established that the mental health of children in conflict with the law, and their delinquent behaviours, are interrelated.²⁴ This could be attributed to their shared biopsychosocial vulnerabilities, perhaps with one condition exacerbating the other. Failure to address these interrelated factors leads to subsequent recidivism and poor functional outcomes.

The use of drugs is also a common pull factor that contributes to the involvement of juveniles in major or minor offences in Nigeria, such as physical and verbal attacks, mugging and even murder. Harmful drug intake has mental health implications for the users, and the users may progress to harder substances as they grow older.²⁵ The mental health implications, alongside the need to secure these drugs by their users, further exacerbates upheaval in communities. The resulting insecurity increases the mistrust between older community members and juvenile drug users. The harsh crackdown on drug users, focusing more on punishment than on treatment and rehabilitation, and viewing drug use purely as a crime rather than a health issue, usually leads to the long-term incarceration of juveniles, with some of them even chained in place, as they are perceived to be an immediate threat to society.

A particular category of juveniles that are frequently in conflict with the law in Nigeria are those who engage in street hawking to eke out a living for themselves and their families. They are trapped in the struggle for everyday survival, with parents or guardians pushing them into street to engage in hawking and other unstable and informal economic activities, thereby exposing them to a subculture in the street that is often characterized by violence and criminality. Furthermore, as stated by the *Daily Trust* in 2023:

Most people who engage in street hawking do not know the dangers their lives are exposed to and some of those who know those dangers tend to overlook it as it's their only means of survival. Street hawking poses a lot of danger to those engaging in it, especially to children. The effect is alarming, and it should be discouraged. Some of these effects include educational deprivation, physical and public health problems, child abuse and also exposure of children to crime or they become victims of crime.²⁶

Street hawking exposes children to crimes and criminals; it presents situations in which they are abused or their rights violated, as they are frequently arrested and incarcerated. Thus, rather than supporting the efforts of communities to end street trading by children, the state resorts to arresting them, which further criminalizes them and undermines their growth, development and mental and psychosocial

21 Interview conducted virtually on 21 October 2023.

22 Oyeleke, Ajiboye Isaac, and Pius Tangwe Tanga, ‘Perceived youth gangs and peers imitation as correlates of adolescent delinquent behaviour in Ibadan Metropolis, Nigeria’, *Journal of Sociology and Social Anthropology*, vol. 6, no. 2, 1 April 2015, pp. 247–255. Also see: Kerr, ...

23 Cantürk, Müge, Haydeh Faraji and Ahmet Ertan Tezcan, ‘The Relationship between Childhood Traumas and Crime in Male Prisoners’, *Alpha Psychiatry*, vol. 22, no. 1, 19 January 2021, pp. 56–60.

24 Snehil, Gupta, and Rajesh Sagar, ‘Juvenile Justice System, Juvenile Mental Health, and the Role of MHPs: Challenges and Opportunities’, *Indian Journal of Psychological Medicine*, vol. 42, no. 3, May–June 2020, pp. 304–310.

25 Oluwole, Ayodele Johnson, Adeleke Kazeem Habibat and Gandonu M. Babatunde, ‘Crime and adolescent drug use in Lagos, Nigeria’, *Sociology International Journal*, vol. 2, no. 2, 6 March 2018, pp. 64–73.

26 ‘Street Hawking and Its Effects on Children’, *Daily Trust*, 5 March 2023, <<https://dailytrust.com/street-hawking-and-its-effects-on-children>>.

health. What has remained common over time, in the case of Nigeria, is the criminalization of juveniles in conflict with the law, with limited use of alternative community-based methods that would enable these children to take ownership of their actions and go through a form of redress without being dehumanized, along with the further damage that this would entail.

3.2 EXISTING LEGAL FRAMEWORK GUIDING CHILD JUSTICE IN NIGERIA

Based on the federal system under which Nigerian law functions, most states in the federation have enacted their own 'Children and Young Persons Law', which were almost an exact reprint of the 1943 Children and Young Persons Act. Over time, through the adoption of international and regional human rights instruments and laws related to children, the federal government of Nigeria has sought to improve on its laws and policies. Thus, almost 12 years after it ratified the United Nations Convention on the Rights of the Child (CRC), and two years after it also ratified the African Charter on the Rights and Welfare of the Child (ACRWC), the federal government adopted the CRA in 2003. It is important to note that all existing laws and policies are based on the 1999 Federal Constitution of Nigeria. The specific existing legal frameworks related to juvenile justice in Nigeria are briefly examined in the subsections below.

3.2.1 The Child Rights Act 2003

The CRA 2003 was an attempt to compile all the laws and policies concerning children into one legal document. With regard to child justice, the Act contains definite provisions aimed at protecting children from the harsh process of the criminal justice administration. For instance, Section 204 of the CRA established that no child shall be subjected to the criminal justice process or to criminal sanctions.

Section 210 of the Act provides that the legal status and fundamental rights of the child shall be respected at all times. Hence, in the case of a child offender, his/her right to be presumed innocent, the right to be notified of the charges and the right to remain silent shall be upheld. With respect to initial contact with the child, the Act provides that on the apprehension of a child, the parents or guardian of the child shall be immediately notified, or where immediate notice cannot be given within the shortest time possible after the apprehension, the court or the police shall, without delay, consider the release of the child.

Contact between the police and the child shall be managed in such a way as to respect the legal status of the child, promote the child's best interest and well-being and avoid harm to the child. The word 'harm', according to the Act, includes the use of harsh language, physical violence, exposure to the environment and any consequential physical, psychological or emotional injury or hurt to the child. Section 212 provides that detention pending trial shall be used only as a measure of last resort, and for the shortest possible period of time. It is, however, vague on what the 'shortest period' means, so this is a loophole that can be used to the disadvantage of children. Where it is possible, detention should be replaced by alternative measures, including close supervision, care by and placement with a family, or placement in an educational setting or home. Accordingly, while in detention, a child shall be given care, protection and all necessary individual assistance, including social, educational, vocational, psychological, medical and physical assistance that she/he may require based on age, sex and personality.

The Act emphasises investment by the federal and state governments in relevant security and justice sector instruments and actors to improve their ability to carry out their responsibilities professionally. It also emphasises the need for awareness raising on the rights of the child, to mitigate the abuses and violations that children contend with, and to address the root causes to the child's involvement in minor and major offences.

3.2.2 The Nigerian Correctional Service Act 2019

In 2019, the Correctional Service Act was passed,²⁷ with the aim of effecting a correctional and transformative approach to dealing with people who are in remand, convicted or already serving time. Section 35 of the Act states that young offenders shall not be kept in adult custodial facilities and that the correctional service should establish separate male and female borstal training institutions for child offenders in all states, for their treatment and rehabilitation. The section specifically states:

- "Young offenders shall not be kept in adult custodial facilities."
- "The Correctional Service shall establish separate male and female borstal training institutions for juvenile offenders in all the States of the Federation and their treatment, including rehabilitation, shall be the underlying principles for the custody."

27 Nigeria, Nigerian Correctional Service Act, 2019, <<https://placng.org/i/wp-content/uploads/2019/12/Nigerian-Correctional-Service-Act-2019.pdf>>.

- “The facilities established under subsection (2) shall serve as rehabilitation and correctional centres for the purpose of processing, confinement and treatment of juveniles and young offenders.”²⁸

Section 13 (3) of the Act also states that any person who is underage should be refused admittance by the superintendent of a correctional facility.

3.2.3 Borstal Institutions and Remand Centres Act 2004

The Borstal Institutions and Remand Centres Act 2004 formed the basis upon which the existing borstal homes were established.²⁹ The provisions of the Act guide the daily running of borstal and remand homes in the country. Section 3 of the Act provides that a remand centre is a place for the detention of persons – not less than 16 years of age, but under 21 years of age – who are remanded or committed to custody during a trial or sentencing; while a borstal institution is a place where offenders who fell within that age range on the day of their conviction may be detained to receive training and instruction that will be conducive to their reformation and the prevention of further crimes. The Act specifies that the purpose of borstal training shall be to bring every good influence that may establish in the inmates the will to lead a good and useful life upon release, and to equip them to do so by the fullest possible development of their character, capacities and sense of personal responsibility. Part II of the Act states that the purpose of remand centres is detention for observation of persons who are thought to be not less than 16 years old, but under 21 years of age, and who were committed there by a court of competent jurisdiction, to assist that court in determining the suitability or otherwise of such persons for borstal training. The Act also states that, when no remand centre is available, such persons may be kept in borstal institutions, provided that they are segregated from the other borstal inmates.

Section 3(3) of the Act provides that a prison, or any part of a prison, shall not be deemed to be discontinued as a prison by the sole reason that it has been declared to be a remand centre or borstal institution under subsection (1). This provision is quite worrisome in view of what is stipulated in Rule 29 of the United Nations Rules for the Protection of Juveniles Deprived of their Liberty, that in

all detention facilities, juveniles should be separated from adults unless they are members of the same family.

In practice, inmates of borstal facilities are dressed in ‘school uniforms’ and are all made to attend normal school classes within the institution. The officers are referred to as ‘teachers’, while the controller is called ‘Principal’. The borstal and remand centre regulations stipulate that every inmate shall, as soon as possible after admission into a borstal institution, be examined by a medical officer who shall record the state of health of the inmate and such other particulars as may be directed, as well as any other observation that she/he may deem fit to make.

A worrisome provision in the Borstal Institutions and Remand Centres Act is Section 10 of the Act, which provides as follows:

If a person detained in a borstal institution is reported to the Minister by the Director to be incorrigible, or to be exercising a bad influence on the other inmates of the institution, the Minister may direct that the said person shall be detained in a prison for such term, not exceeding the unexpired portion of the term for which the said person is then liable to be detained in a borstal institution, as the Minister may determine; and for the purpose of this Act, the said person shall be treated as if he had been sentenced to imprisonment for that term:

Provided that no such report by the Director to the Minister shall be made earlier than six months following the date of the sentence of the person concerned to borstal training.³⁰

This provision provides a loophole that has been exploited for the purpose of admitting children (and young adults) to adult correctional institutions. It goes against the principle set out in Rule 8 (d) of the United Nations Standard Minimum Rules for the Treatment of Prisoners,³¹ and of Rule 29 of the United Nations Standard Minimum Rules for the Protection of Juveniles Deprived of their Liberty,³² that juveniles should be separated from adults. On the other hand, the CRA addressed this situation by creating a special children correctional centre to take care of such children instead of transferring them to prison. See section 256 of the Act. As indicated above, the Child Rights Law of Lagos State also provides for the establishment of a Special Youth Correctional Centre where such persons

28 Ibid.

29 Policy and Legal Advocacy Centre, ‘Borstal Institutions and Remand Centres Act’, <<https://placng.org/lawsfnigeria/view2.php?sn=53>>, accessed 2 November, 2023.

30 Ibid.

31 United Nations Office on Drugs and Crime, *The United Nations Standard Minimum Rules for the Treatment of Prisoners*, UNODOC, Vienna, 2015, <https://www.unodc.org/documents/justice-and-prison-reform/Nelson_Mandela_Rules-E-ebook.pdf>.

32 United Nations General Assembly, United Nations Rules for the Protection of Juveniles Deprived of Their Liberty, General Assembly resolution 45/113 of 14 December 1990, <https://www.ohchr.org/sites/default/files/res45_113.pdf>.

who are above 18 years of age but under 21 years of age can be detained. This also presents a loophole that has been used to subvert national laws and legal obligations that Nigeria is under, due to its ratification of regional and global child and human rights conventions.

3.3 AN APPLICABLE INTERNATIONAL AND REGIONAL LEGAL FRAMEWORK

The most relevant international instruments for this report are the CRC and the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (as well as the Optional Protocol to the Convention). These instruments have been ratified by Nigeria. Reference is also made to the United Nations Standard Minimum Rules for the Treatment of Prisoners, also known as the 'Nelson Mandela Rules'.

International law sets the benchmark for how children in institutional care, such as police cells, borstal facilities and correction centres, should be treated, cared for and provided for in such a way as to facilitate their rehabilitation and reintegration into their families, communities and society.

The preamble to the CRC stipulates that “for the full and harmonious development of [a child’s] personality [they] should grow up in a family environment, in an atmosphere of happiness, love and understanding”. The removal of the child from the family environment must, in terms of article 9 of the CRC, only occur when a competent authority determines that, subject to judicial review, such removal is in the child’s best interests and is in line with national laws and procedures. Article 9 goes on to state that the right of children to maintain personal relations and direct contact with their parents regularly should be respected, except when it is not in the child’s best interests.³³

- Article 3(1) of the CRC provides that in all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration. This, amongst other things, means that when a “decision is to be made that will affect a specific child, an identified group of children or children in general, the decision-making process must include an evaluation of the possible impact (positive or negative) of the decision on the child or children concerned ... the justification of a decision must show that the right has been explicitly taken into account

... States parties shall explain how the right has been respected in the decision”.³⁴

- Article 3(2) places the obligation on States (i.e., national governments) to ensure that children receive the protection and care that is necessary for their well-being. Article 3(3) further places an obligation on States to ensure that institutions, services and facilities that are responsible for the care or protection of children conform with the standards established by competent authorities, particularly in the areas of safety, health and personnel (the number and suitability of the staff, as well as the competency of supervision).
- Article 20 places the obligation on States to ensure alternative care for children who are deprived of their family environment or cannot remain in the family environment for their best interests. Such care includes, amongst others, suitable institutional care that is appropriate, necessary and constructive for the children concerned and in their best interests. The alternative care must affirm and implement each child’s right to safety, care, participation and development. There must also be suitable independent oversight, monitoring and complaints mechanisms.
- Article 40(3) of the CRC encourages States to establish a minimum age below which children are presumed not to have the capacity to infringe on the criminal law. Children under the age of criminal responsibility lack the capacity to commit a crime. This means they are immune from criminal prosecution and cannot be formally charged by the authorities with an offence, nor can they be subjected to any criminal law procedures or measures. The significance of the minimum age of criminal responsibility is that it recognizes that children must attain the emotional, mental and intellectual maturity to be held responsible for their actions.

Having the requisite capacity to be held responsible for offending behaviours does not mean that children and young adults over the age of criminal responsibility should be subjected to adult-oriented, formal criminal prosecution. However, the above notwithstanding, children above the age of criminal responsibility in Nigeria are arrested, detained and imprisoned. This means that children are drawn at an early age into criminal justice systems that can stigmatize them and damage their long-term prospects and opportunities.

States have obligations under the CRC towards all children under 18 years of age to urgently develop separate justice

33 Nigeria, Child Rights Act 2003, Act No. 26 of 2003, preamble and article 9.

34 United Nations Committee on the Rights of the Child, *General comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration (art. 3, para. 1)*, 29 May 2013, CRC /C/GC/14, <https://www2.ohchr.org/english/bodies/crc/docs/gc/crc_c_gc_14_eng.pdf>.



The child justice system should provide ample opportunities to apply social and educational measures, and to strictly limit the use of deprivation of liberty, from the moment of arrest, throughout the proceedings and during sentencing.

systems for them. The child justice system should not focus on punishment or retribution, but on rehabilitation and reintegration into society, and on promoting respect for the child's sense of dignity and worth. Child justice administration is important in any legal system. This is due to a general recognition of the vulnerability of children and the need for the specialized management of legal cases involving children and young adults, and for efforts to potentially manage their mental health following incarceration.

The Convention against Torture places the responsibility on the ratifying States (in article 16) to prevent acts of cruel, inhuman or degrading treatment or punishment, and to prevent torture.³⁵ The Optional Protocol to the Convention against Torture affirms the fact that strengthening the protection of people deprived of their liberty and the full respect for their human rights is a common responsibility shared by all. It establishes a system of regular visits undertaken by independent international and national bodies to places where people are deprived of their liberty, to prevent torture and other cruel, inhuman or degrading treatment or punishment, that is, the National Preventive Mechanism, which has the power to carry out monitoring and oversight of places of deprivation of liberty, including secure care centres. The National Preventive Mechanism, in terms of the Optional Protocol, has the power to carry out the following functions in relation to its oversight and monitoring roles in places of detention such as secure care centres:

- Regularly examine the treatment of the persons deprived of their liberty in places of detention, with a view to strengthening, if necessary, their protection against torture and other cruel, inhuman or degrading treatment or punishment.

- Make recommendations to the relevant authorities with the aim of improving the treatment and the conditions of the persons deprived of their liberty and to prevent torture and other cruel, inhuman or degrading treatment or punishment, taking into consideration the relevant norms of the United Nations.
- Submit proposals and observations concerning existing or draft legislation.

General comment 24 of the United Nations Committee on the Rights of the Child replaced general comment No. 10 (2007) on children's rights with regard to juvenile justice.³⁶ It reflects the developments that have occurred since 2007 as a result of the promulgation of international and regional standards; the Committee's jurisprudence; new knowledge about child and adolescent development; and evidence of effective practices, including those relating to restorative justice.

It also elaborates on the core elements of a comprehensive child justice policy, including the prevention of child offending through such practices early intervention to avoid resorting to judicial proceedings for children above the minimum age of criminal responsibility.

The child justice system should provide ample opportunities to apply social and educational measures, and to strictly limit the use of deprivation of liberty, from the moment of arrest, throughout the proceedings and during sentencing. Furthermore, child justice systems should extend protection to children who were under 18 years of age at the time of the commission of the offence, but had turned 18 during the trial or sentencing process.

35 The International Court of Justice in the Case Concerning the Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Serbia and Montenegro), 26 Feb. 2007, reiterated that: "States have the primary responsibility for implementing ... articles [2 and 16], that strengthening the protection of people deprived of their liberty and the full respect for their human rights is a common responsibility shared by all and that international implementing bodies complement and strengthen national measures".

36 United Nations Committee on the Rights of the Child, *General comment No. 24 (2019) on children's rights in the child justice system*, 18 September 2019, CRC/C/GC/24, <<https://www.ohchr.org/en/documents/general-comments-and-recommendations/general-comment-no-24-2019-childrens-rights-child>>.



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SECTION

4

Thematic Findings

The United Nations Committee on the Rights of the Child commends those States that have allowed the application of a child justice system to persons aged 18 years and older, whether as a general rule or by way of exception. This approach is in keeping with the developmental and neuroscience evidence that shows that brain development continues into the early twenties.

The United Nations Standard Minimum Rules for the Treatment of Prisoners applies to adult prisoners and to “young persons who come within the jurisdiction of the juvenile courts”. Preliminary observation 4 of the Rules states that although the rules do not seek to regulate the management of facilities for young offenders other than prisons, the general application aspects of the rules would

be “equally applicable in such institutions”. These rules are of particular relevance to the treatment of detained persons, and they set out prohibitions and requirements relevant to this study – specifically those regarding practices such as strip searching, body cavity searching and the use of isolation or solitary confinement.

4.1 DEMOGRAPHICS OF THE CHILDREN AND YOUNG ADULTS IN DETENTION

It was concluded from data collected and analysed during this study that, during 2018–2022, a total of 133,906 children and young adults were in state detention facilities around the country. These children and young adults were distributed as follows: 122,564 in adult correctional centres

(92 per cent of the total), 7,375 children in remand homes and 3,967 boys in borstal institutions. The assessment revealed that 95 per cent of the total number of these children and young adults were in facilities managed by NCS, while the remaining 5 per cent were in facilities managed by the states' ministries of social welfare and development. Age disaggregation showed that 2,120 inmates (1.7 per cent) were under 16 years of age, while 120,444 inmates (98.3 per cent) were aged 16–20 years. Gender disaggregation showed that 95 per cent of custodial population were male, while 5 per cent were female. Of the children and young adults in remand homes, 15 per cent were female, while 85 per cent were male. Age disaggregation of the remand population showed that 88 per cent were aged 11–17 years, 3.5 per cent were under 11 years of age and 4.2 per cent were aged 18–21 years; the ages of 3.5 per cent were not stated.

Geopolitical zonal analysis of the children in remand homes showed that the North West had the highest remand population, with about 33 per cent of the total, followed by the North East, with 29 per cent. The South West accounted for 16 per cent of the remand population, South-South for 13 per cent and North Central for 8.5 per cent.

4.1.1 Socioeconomic profile of the children and young adults in detention

The familial environment and socioeconomic factors that influenced children in conflict with the law were profiled. A total of 54.9 per cent of the children and young adults indicated that they were from monogamous homes while 45.1 per cent indicated that they are from polygamous homes. The average number of children in their families was six. The participants' families with up to four children constituted 45.3 per cent of the total, those with five to eight children were 37.6 per cent, and those with more than eight children were 17.1 per cent.

The analysis found that a relationship exists between polygamy and the number of children. For instance, Katsina state, where 86.7 of the households were polygamous, recorded the highest number of children per family: 16. The analysis revealed most of the participating children and young adults came from families with parents who had low levels of education. Only 15.2 per cent had parents who possessed college or university degrees, while 21 per cent indicated that the junior or senior secondary school certificate was the highest educational qualification their parents had earned, and 38.2 per cent had parents with no educational qualifications at all. In terms of the parents' employment, 25 per cent of the children and young adults participating in the study said that their mothers had no

known occupation, while 23.1 per cent of them said that their fathers had no occupation.

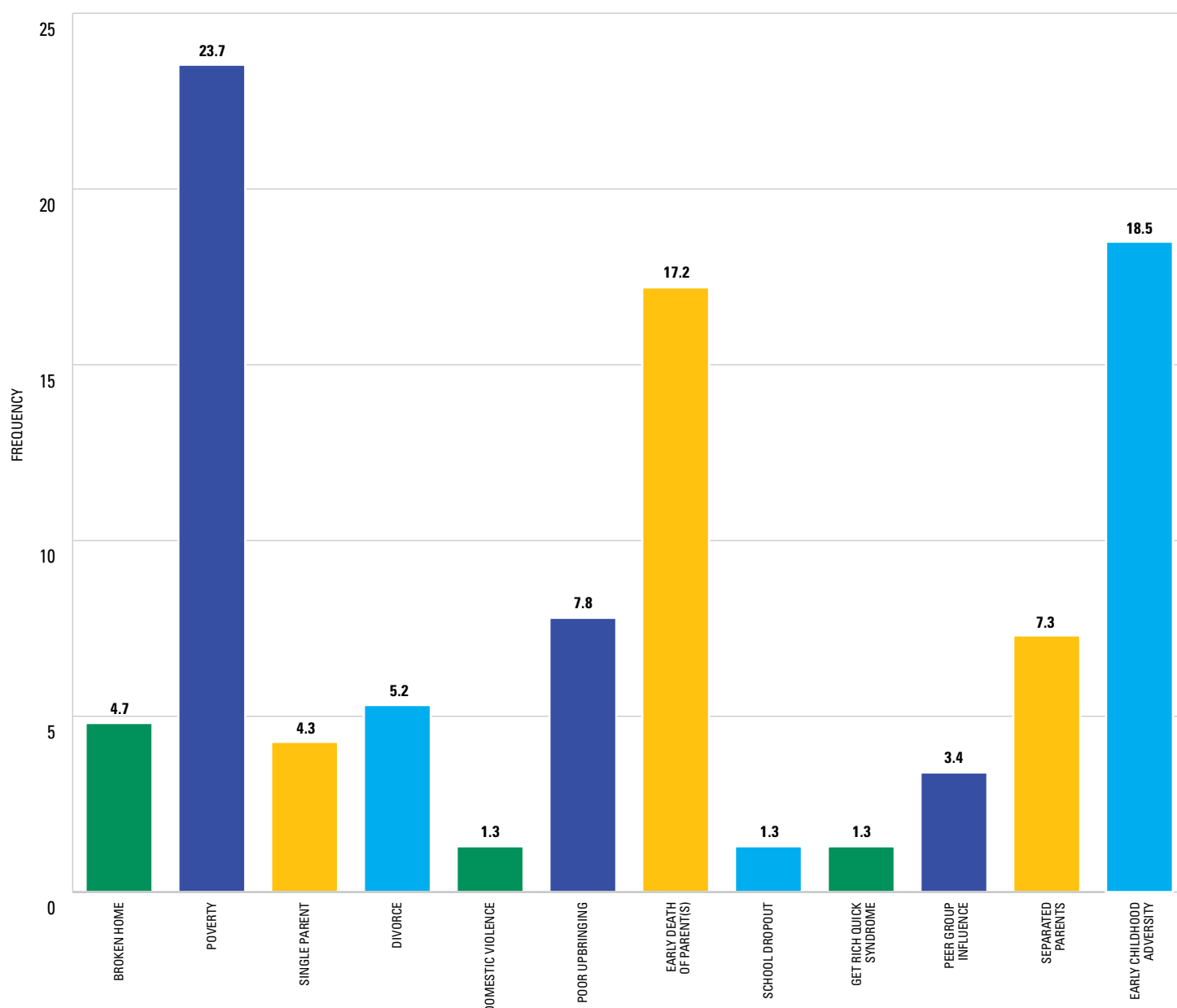
Most of the children and young adults interviewed indicated that their parents were subsistence farmers or petty traders, and that they came from poor homes. Poverty was reported by a majority of them as the highest risk factor for children and young adults whose liberty was deprived due to their being in conflict with the law. In other words, they turned to crime to escape poverty. During an FGD, a child stated, "We were living in poverty. My family was unable to provide for my needs because I lost my mother when I was three years old". Another child stated, "My parents could not provide for my needs, as they were poor. Even eating was a problem". Most of the children claimed that they took care of themselves because their parents could not afford to provide for them, and a great number of them believed that they could have turned out differently if not for the striking poverty that they faced. With regard to family incomes, 56 per cent of the children and young adults indicated that their parents were poor, 32 per cent stated that they came from average-income families, 11 per cent stated that their parents were rich, while only 1 per cent stated that they had very rich parents.

Another important finding worth mentioning is that during an FGD, several children and young-adult participants reported that the death of their parents was the main factor that pushed them into crime. Two of the study participants explained their experiences thus: "I have no father or mother and I am the one taking care of myself", and "I grew up without parents, it was not easy with me, and it is as a result of it that I found myself here". A total of 37 per cent of the children and young adults indicated that their parents had separated, while 32 per cent said that their parents had divorced. Alluding to the reasons why they got themselves in custody, some of the participants reported that their parents had separated when they were quite young. One of the children stated that, "I grew up with a single parent and I found it difficult in life, school was an issue, feeding and so on". Another participant observed, "My parents separated when I was small, and I grew up with my aunties". From the demographics of the children and young adults, it could be seen that the bulk of the children in detention were from disadvantaged socioeconomic backgrounds.

4.1.2 Identified risk factors that pushed children into conflict with the law

The key risk factors that were identified from the study include poverty, childhood adversity, the early death of a parent, poor upbringing, parental separation or divorce, broken home, single-parent family, peer group influence,

RISK FACTORS THAT PUT CHILDREN IN CONFLICT WITH THE LAW



being a school dropout, domestic violence and the 'get-rich-quick syndrome'. As illustrated in the chart below, most of the children and young adults admitted that poverty (23.7 per cent), with a frequency of 520, was the major risk factor for crime. This was followed by early childhood adversity (18.5 per cent), with a frequency of 455; the early death of one or both parents (17.2 per cent), with a frequency of 290; poor upbringing (7.8 per cent); separated parents (7.3 per cent); divorced parents (5.2 per cent); broken homes (4.7 per cent); single parent (4.3 per cent); and peer group influence (3.4%). By contrast, having dropped out of school (1.3 per cent), domestic violence (1.3 per cent) and the get-rich-quick syndrome (1.3 per cent) were the least frequently reported as potential factors leading to crime.

As noted by some of the children and young adults:

“ We were living in poverty. My family was unable to provide for my needs because I lost my mother when I was three years old. ”

“ ... My parents could not provide for my needs, as they were poor, even eating was a problem. ”

Most of the children and young adults alleged that they took care of themselves because their parents could not afford to provide for them. From the interviews, it was

evident that most of them believed that they could have turned out differently if not for the poverty that they had to deal with at a very early age. The bulk of the children noted that they had had horrific childhood experiences that pushed them into crime. For instance, one participant noted that growing up was an unpleasant, challenging experience for him, as he was mostly cared for by stepparents and caregivers:

“ ... I was maltreated by my father’s stepmother, who acted as my mother because I grow up without my mother around (sic). ”

“ ... Father disowned me while I was little, and I grew up with my grandmother. ”

“ ... My family was unable to provide my necessary needs because my father had separated from my mother five years back and there was nobody to cater for my life. ”

One conclusion based on the study was that the loss of a parent at an early age or the lack of parental involvement in the lives of children have negative consequences on children’s growth and development, increasing the likelihood of poor socialization. Orphans, abandoned children or less-cared-for children became susceptible to criminality, usually petty crimes, and to involvement with criminal networks. Coupled with this, the children and young adults noted that peer group pressure was a pull factor that led them into criminal activities. The high level of poverty in communities, along with broken homes and the need to survive, made it easier for some children to be influenced by their peers, and thus to be led into criminal activities. As stated by some participants:

“ ... Growing up was very challenging, since there was no support from the family members. One has to look for a way out. I joined the bad boys [groups]. ”

“ I was living a different kind of life. I do not use to steal or fight, but because of my interaction with bad friends in school, I started stealing and any other bad things. ”

Some of them indicated that poor parenting, or the experience of observing and internalizing criminal acts by their parents, also contributed to their being involved in criminal activities. A participant stated that his first criminal action was to assist his father in selling a stolen item. He said, “My father stole an iron rod, and I helped him to sell it”.

According to the children and young adults participating in the study, another major contributor to their conflict with the law was their early encounters with domestic violence. The use of violence by parents and community members, especially gender-based violence and the exploitation of children, is widespread in Nigerian communities. Thus, participants indicated that it became a form of social expression, a habit that was normalized in their communities, with children growing up believing that such violence was the accepted standard in society. Thus, a failure to understand the ramifications of such acts at a tender age, and their subsequent involvement in them, placed them in conflict with the law. As indicated by some, the challenges at home, including the violence that they experienced, shaped their approach to society.

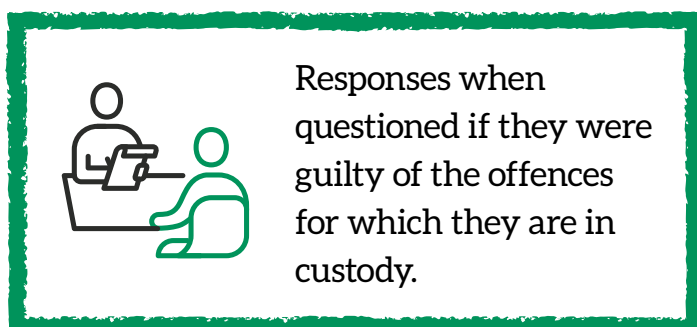
From the interviews and FGDs, it was deduced that some children get entrapped in what is referred to by them as a ‘get-rich-quick syndrome’. This syndrome was attributed to factors such as the desire to quickly escape the poverty in which they found themselves entrapped, the images of wealth on social media and the lack of legitimate avenues to access the resources they desire.

4.2 COMMON OFFENCES INVOLVING CHILDREN AND YOUNG ADULTS IN DETENTION

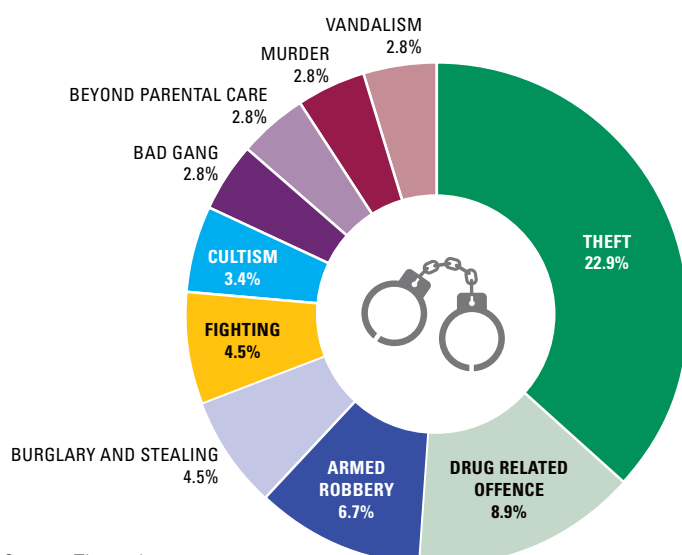
This section presents the common offences that juveniles are incarcerated for. The five-year summary data obtained from remand homes were analysed for patterns and for the nature of the crimes committed by children and young adults at the homes. The data shows that stealing and theft were the most common offences that they were accused of committing. In 17 states, a total of 2,165 children, representing 47 per cent of the remand home population in those states, were accused of stealing or theft. Other offences that children were accused of

committing included rape, murder, cultism and homicide. There were also children in custody for child protection reasons or for wandering, trespassing or being beyond parental control. At the Osun remand home, 19 per cent of the children were in custody for being beyond parental control, while for Ondo and Ekiti, the figures were 16 per cent and 14 percent, respectively. A total of 144 children were in this category, and the state with the highest number was Osun state, with 79 children.

The chart below illustrates that, based on the quantitative data collected for this study, the most common crime committed by children and young adults deprived of their liberty was theft. That conclusion is not different from the one mentioned above. In the chart, it could be seen that a total of 22.9 per cent of the children interviewed were in custody for theft, 8.9 per cent were arrested for drug related offences, while 6.7 per cent were involved in armed robbery. "Fighting" and cultism were both at 4.5 per cent. There were children locked up for being beyond parental control, and 2.8 per cent of the respondents interviewed belong to this category. A total of 10 offences accounted for 62 per cent of the crimes committed by children and young adults in conflict with the law and deprived of their liberty. These offences are listed below. The remaining 38 per cent comprised other offences, among them loitering and street trading.



CLASSES OF COMMON OFFENCES



Source: The authors.

When questioned if they were guilty of the offences for which they were in custody, 48 per cent of the male children and young adults indicated that they were guilty, while 52 per cent stated that they were not guilty. A total of 40 per cent of the female children and young adults indicated that they were guilty, while 60 per cent indicated that they were not guilty.

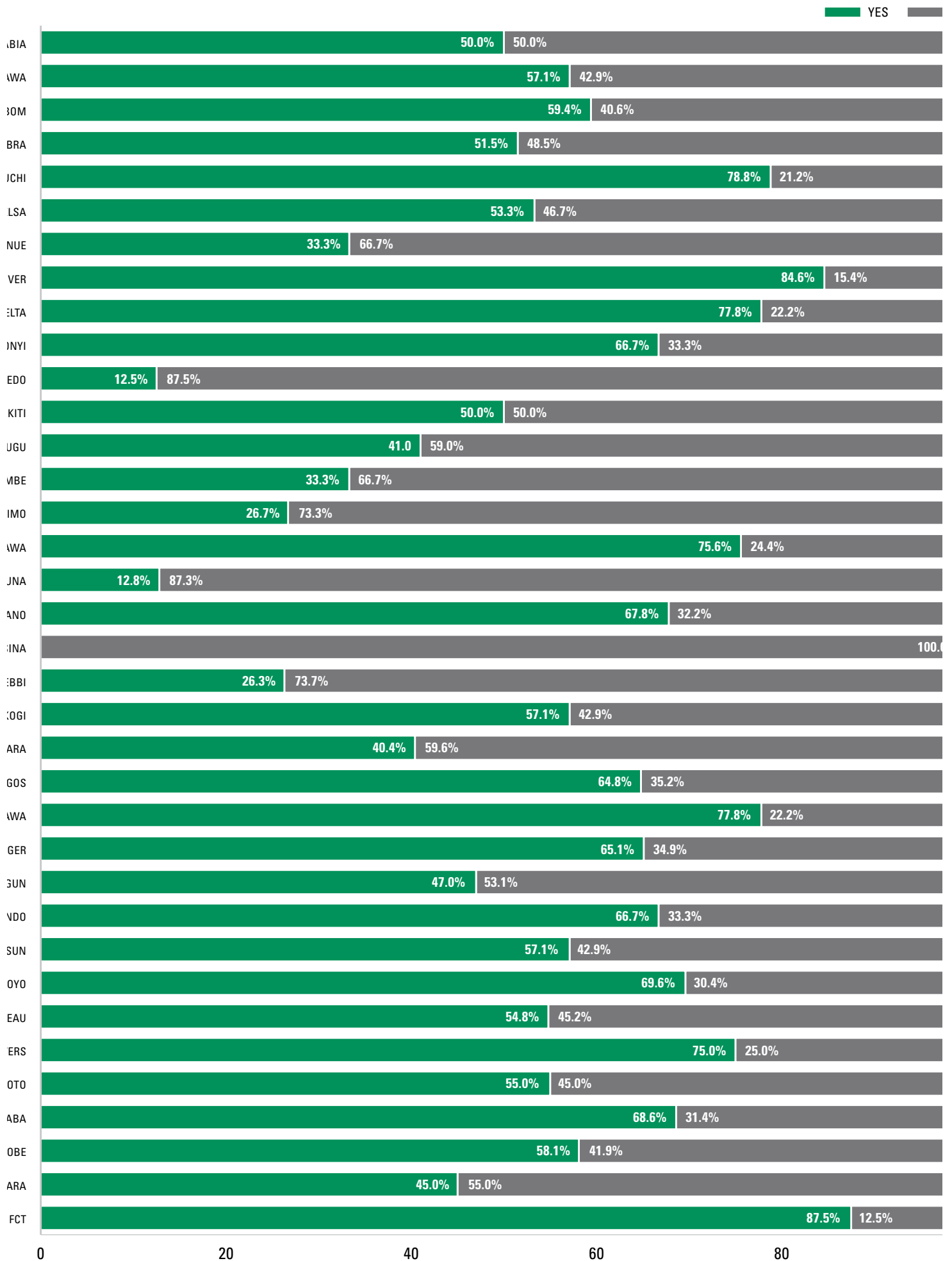
Most of the respondents who participated in FGDs indicated that the most common reason for detention among children and young adults in conflict with the law and deprived of their liberty was theft. However, many other respondents admitted that rape, kidnapping, murder, fighting, robbery, drug involvement, cultism, criminal breach of trust and cheating, and homicide were also among the common reasons that led to their detention, putting these offences among the most common. The less frequent reasons for detaining children and young adults in conflict with the law were child trafficking, conspiracy to murder, conspiracy, disobedience, being beyond parental control and defilement.

4.2.1 The status of the court cases involving children and young adults

Data collected during the study showed that nearly 8 out of every 10 children and/or young adults in detention were awaiting trial. Specifically, 78.8 per cent of the children and young adults in conflict with the law and deprived of their liberty were awaiting trial, while 21.2 per cent had been sentenced. When asked if their court cases were progressing, 44.6 per cent responded that they were satisfied with the progress of their cases, while 55.4 per cent stated that their cases were stalled, and not making the expected progress in court. It could be seen from the graph below that the states where most respondents indicated that their cases were progressing included Katsina, Cross River, Nasarawa, Oyo, Bauchi, Jigawa, Rivers and the FCT. The key states where participants indicated that their cases were not progressing included Benue, Kebbi, Imo and Kaduna.

When probed, the participants identified six key challenges related to their cases, including trial delays and difficulty in meeting bail conditions. The major challenge with the administration of juvenile justice, according to the data collected, were the inordinate delays in the dispensation of justice. A total of 43 per cent of the participants indicated that the delays in their trials were the major challenge, while 6.4 per cent noted their inability to meet bail conditions, 4.6 per cent indicated the lack of witnesses to testify on their behalf and 3.7 per cent noted their inability to afford the services of a lawyer.

PROGRESS OF CASES, BY STATE



Further analysis was carried out to identify the reasons for the inordinate delays, and it was found that they included the inability of families to secure and pay for legal representation, the frequent adjournment of cases, frequent absence of prosecutors and the lack of available transportation to court hearings.

With regard to court hearings, 53.3 per cent of the participants indicated that their cases were ongoing, while 46.7 per cent said that their matters had been finalized and that no further court attendance was necessary. Edo and Gombe were the states with the highest percentages of participants who said their cases had ostensibly been finalized, at 87.5 per cent and 66.7 per cent, respectively. All the respondents in Katsina state indicated that their cases were ongoing.

The information obtained from an analysis of the data included the following points:

- There appears to be a need for training. This is particularly true for judicial officers and legal service

providers, especially regarding the use of detention and the inordinate delays between hearing dates.

- There is a need to strengthen judicial processes and to establish a statutory framework governing the use of detention, the length of time between postponements and the accessibility of free legal services.
- There is the need to make judicial officers aware of the effect that the accused person's mental health could have on the entire criminal justice process. Criminal liability is predicated on the understanding that an accused person is of sound mind and body at the time of the commission of a crime or the failure to prevent the commission of a crime. This is more obvious in the case of children and young adults, whose intellectual abilities are still in development. There is thus a need for a mental health examination of suspects, especially when there are reasonable grounds to suspect mental health implications in the circumstances of the crime. Therefore, a test of the accused's fitness to stand trial, an examination of the accused's mental status and similar tests are critical for an effective delivery of justice, and judicial officers need to be aware of this.

THE PROPORTION OF PARTICIPANTS INVOLVED IN COURT HEARINGS, BY STATE

DO YOU STILL HAVE COURT HEARINGS?		
STATE	YES (%)	NO (%)
Abia	50.0	50.0
Adamawa	57.1	42.9
Akwa Ibom	59.4	40.6
Anambra	51.5	48.5
Bauchi	78.8	21.2
Bayelsa	53.3	46.7
Benue	33.3	66.7
Cross River	84.6	15.4
Delta	77.8	22.2
Ebonyi	66.7	33.3
Edo	12.5	87.5
Ekiti	50.0	50.0
Enugu	41.0	59.0
Gombe	33.3	66.7
Imo	26.7	73.3
Jigawa	75.6	24.4
Kaduna	12.8	87.3
Kano	67.8	32.2
Katsina	100.0	0.0

DO YOU STILL HAVE COURT HEARINGS?		
STATE	YES (%)	NO (%)
Kebbi	26.3	73.7
Kogi	57.1	42.9
Kwara	40.4	59.6
Lagos	64.8	35.2
Nasarawa	77.8	22.2
Niger	65.1	34.9
Ogun	47.0	53.1
Ondo	66.7	33.3
Osun	57.1	42.9
Oyo	69.6	30.4
Plateau	54.8	45.2
Rivers	75.0	25.0
Sokoto	55.0	45.0
Taraba	68.6	31.4
Yobe	58.1	41.9
Zamfara	45.0	55.0
FCT	87.5	12.5
TOTAL	53.3	46.7

FCT = Federal Capital Territory. Note: The values for a couple of states do not add up to exactly 100 per cent because of rounding. Source: The authors.

4.3 CONDITIONS AT DETENTION FACILITIES

Most of the facilities for children and young adults in conflict with the law and deprived of their liberty are old and stretched to limit due to overcrowding, especially the adult custodial centres. There is poor water and sanitary hygiene (WASH) in nearly all the facilities visited during the conduct of this study. The toilets are inadequate, and most inmates provide their own bedding and toiletries. Although 76 per cent of the children and young adults said that their stay in custody was supported by the government, 27 per cent indicated that either their families or they themselves were responsible for their welfare in custody. There is no proper classification for children and young adults in conflict with the law. This could be attributed to factors such as the lack of consideration from the authorities in the justice chain, and limited investments in systems that could address such challenges. Thus, children, young adults and adults are mostly kept in the same facility, especially in the NCS centres. There are only three functional borstal institutions in the country, and not all the states have functional remand homes. However, there were health professionals working in the places of detention visited by the research team.

A total of 80 per cent of the child and young-adult participants indicated that they had access to medical personnel, but of those with access to medical personnel, 62 per cent said that the health services were not adequate.. When asked about corporal punishment, 76 per cent of the participants said that they have never experienced any while in custody. Out of the remaining 24 per cent that reported having experienced torture while in detention, 83.7 per cent stated that they had experienced physical abuse such as beating, slapping and punching; 3 per cent said they had experienced psychological abuse; 2.2 per cent complained of food deprivation; 1.9 per cent complained about visit deprivation; 1.3 per cent said they had experienced threats of violence; and 0.2 per cent said they had been sexually molested. Only 11 per cent of these victims reported their incidents, and nearly all of them said that the perpetrators were not punished. This could be due to the absence of a clear complaints procedure. Most of the participants said that they did not know whom they should speak with; and some said that they were afraid of reprisals, and so preferred not to say anything. During the FGDs, a majority of the participants complained about bullying from older inmates. They also alleged that there was sodomy – that there was sex for food amongst the inmates. According to one child, “The food we eat here is rubbish, and if you want good food, they will want to sleep with you”.

“A TOTAL OF 80 PER CENT OF THE CHILD AND YOUNG-ADULT PARTICIPANTS INDICATED THAT THEY HAD ACCESS TO MEDICAL PERSONNEL...”

There are opportunities for formal and informal education for children and young adults at the custodial centres and remand homes. The research team found that 36.7 per cent of the participants said that they had undergone formal education in custody, while 32.3% said they were undergoing vocational training. Most of them (70 per cent) said they had learnt something from being in custody. When asked what they had learnt during an FGD, some of their responses were: “I have learnt not to keep bad friends”, “I have learnt to be content with what I have”, “I have learnt to listen to my parents”, and “I have learnt not to take what does not belong to me.” Despite saying that they had learnt something while in custody, 76 per cent of the children and young adults indicated that they would not recommend their facility to anyone.

4.4 PRE-TRIAL (REMAND) DETENTION

The places of detention considered in the study included remand homes, borstal institutions and adult correctional centres. The study found that 7, 375 children were detained in remand homes during the five-year period of review (2018–2022). A year-on-year analysis of the data collected revealed an upward trend in the use of remand homes. Indeed, the table below shows that the number of children and/or young adults detained at remand homes mostly increased during the 2018–2022 five-year period.

THE NUMBER OF CHILDREN AND/OR YOUNG ADULTS DETAINED IN REMAND HOMES, 2018–2022

YEAR	NUMBER OF CHILDREN/YOUNG ADULTS
2018	1,343
2019	1,503
2020	1,188
2021	1,608
2022	1,733

Source: The authors.

A total of 3,967 children and/or young adults were detained in the three functional borstal institutions during the five-year period of review. A year-on-year analysis of the data collected revealed a mostly upward trend in the use of borstal institutions.

THE NUMBER OF CHILDREN AND/OR YOUNG ADULTS DETAINED IN BORSTAL INSTITUTIONS, 2018–2022

YEAR	NUMBER OF CHILDREN/YOUNG ADULTS
2018	853
2019	888
2020	689
2021	698
2022	839

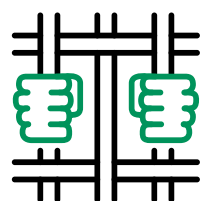
Source: From the primary data collection of the assessment.

During the five-year period of review, adult correctional centres had 122, 564 children and/or young adults detained during the five-year period of review. A year-on-year analysis of the data collected reveals a marginal downward trend in the use of the correctional centres.

THE NUMBER OF CHILDREN AND/OR YOUNG ADULTS DETAINED IN ADULT CORRECTIONAL CENTRES, 2018–2022

YEAR	NUMBER OF CHILDREN
2018	32, 837
2019	19, 206
2020	21, 776
2021	19, 355
2022	29,390

Source: The authors.



During the five-year period of review, 3,967 children and/or young adults were detained in the three functional borstal institutions.

Additionally, data were collected from various law enforcement agencies during the study period. The number of respondents from these agencies is reflected in the table below:

NUMBER OF LAW-ENFORCEMENT RESPONDENTS, BY AGENCY

STATE	DETENTION CENTER	MALE	FEMALE
Kwara	NSCDC	2	0
	NDLEA	2	0
Gombe	NSCDC	1	0
	NDLEA	1	0
Cross Rivers	NSCDC	1	0
	NPF	1	0
	NDLEA	1	0
Benue	NPF	3	0
Yobe	NPF	5	0
Bayelsa	NDLEA	2	0
TOTAL		19	0

NDLEA = National Drug Law Enforcement Agency, NPF = Nigeria Police Force, NSCDC = Nigeria Security and Civil Defence Corps. Source: The authors.

The study also established that 55.6 per cent of the children and young adults had been detained for a period of up to 6 months; 18.2 per cent said that they had been in custody for 7–12 months, 21.8 per cent for 1–3 years and 4.3 per cent for over 3 years. The data was not fully disaggregated according to the reason for detention. Of the detained children and young adults, 78.8 per cent were awaiting trial, i.e., about 8 out of 10 of them were in pre-trial (remand) detention. The high incidence of pre-trial (remand) detention is a cause for concern, particularly as the study found that 36.3 per cent of the children and young adults had been charged with theft (22.9 per cent), drug related offences (8.9 per cent) and/or stealing (4.5 per cent).

A qualitative analysis undertaken regarding the use of pre-trial (remand) detention by the authorities revealed the following points:

- The police and other law-enforcement participants seemed to be uninformed about their particular obligations with regard to children and young adults. This is best demonstrated with reference to a question posed during the study to the law-enforcement participants: They were asked to explain the particular process that was applicable to children. The majority of these participants (62.6 percent) did not respond at all to the question. Those who did

respond all suggested that children are purportedly released (30.2 per cent).

- The legal practitioners did not seem to prioritize the release of children and young adults. This is best demonstrated with reference to the question posed during the study to the legal practitioner participants regarding their practices when representing children. In this regard, only five participants (8.8 per cent of the total) identified the need to facilitate bail and/or have the children released into the care of their parent or guardian.
- The judicial officers did not seem to appreciate the inappropriateness of the use of detention, especially pre-trial detention, when adjudicating matters involving children. This is best demonstrated with reference to the following two questions that were posed during the study to the judicial officer participants:
 - The first question was, “What do you do when you have a minor and there is no juvenile court within your reference area/jurisdiction?” Many of the participants (46.4 per cent) intimated that the child should be transferred to an area where there is a ‘family court’. A small minority (3.6%) recommended that bail be granted.
 - The second question was, “Can you mention the number of children to whom alternative measures have been applied to ... ?”. The majority of the participants (53.6 per cent) did not respond, though 12 of the participants (20 per cent) indicated that the children should be released on bail or into the care of their relatives.

Based on this information, there are some actions that could be recommended:

- There may be a need to revisit the appropriateness of the use of pre-trial detention through legislative reform.
- There is a need to train all personnel along the justice-system value chain about the proper use of detention.
- There is a necessity to enhance awareness and understanding among legal practitioners, as well as law enforcement and judicial officers, regarding the significance of prioritizing the rights and well-being of children in conflict with the law. This could involve targeted training programs and initiatives aimed at fostering a more child-centered approach within the criminal justice system.

4.5 CONDITIONS OF – AND TREATMENT IN – DETENTION FACILITIES

The study included a mixture of qualitative and quantitative research into the conditions of detention and the treatment

of children and young adults while in places of detention. The particularly important findings included the following:

- **Conditions while in police custody:** It is common practice of custodial facilities to hand recalcitrant detainees back to the police, thus exposing them to the conditions of prolonged police detention.” Among the police officers participating in the study, 41.8 per cent indicated that there were separate cells and/or holding cells for children. However, it is noteworthy that 19.9 per cent of the participating police officers failed to provide an answer on this point. Similarly, 63 per cent of the police officers indicated that children were detained separately from adults, but 25.2 percent of the police-officer participants failed to provide any answer. The majority of the police-officer participants indicated that the children in their custody were provided with food and sundries by someone other than the federal government.
- **The use of torture and/or other inhuman or degrading treatment:** Of the child and young-adult participants, 50 per cent said that they had experienced torture and/or other inhuman and degrading treatment while detained. The most common complaint in this regard related to physical abuse (91 per cent). The vast majority (76.5 per cent) of the participants identified police officers as the perpetrators. A small minority (4.6 per cent) identified the staff of the institution where they were detained as the perpetrators. A disturbing feature was the fact that only 11 per cent of the participants reported their incidents, and out of that small number only 4.3 per cent reported that the perpetrator had been punished. This is likely due to the lack of a clear complaint-handling procedure and to the fear of reprisals.
- **Water and sanitary hygiene (WASH):** A common complaint by the child and young-adult participants related to the poor WASH in nearly all the facilities visited. The toilets were inadequate, and most children and young adults had to provide their own bedding and toiletries. A participant summed it up as follows:

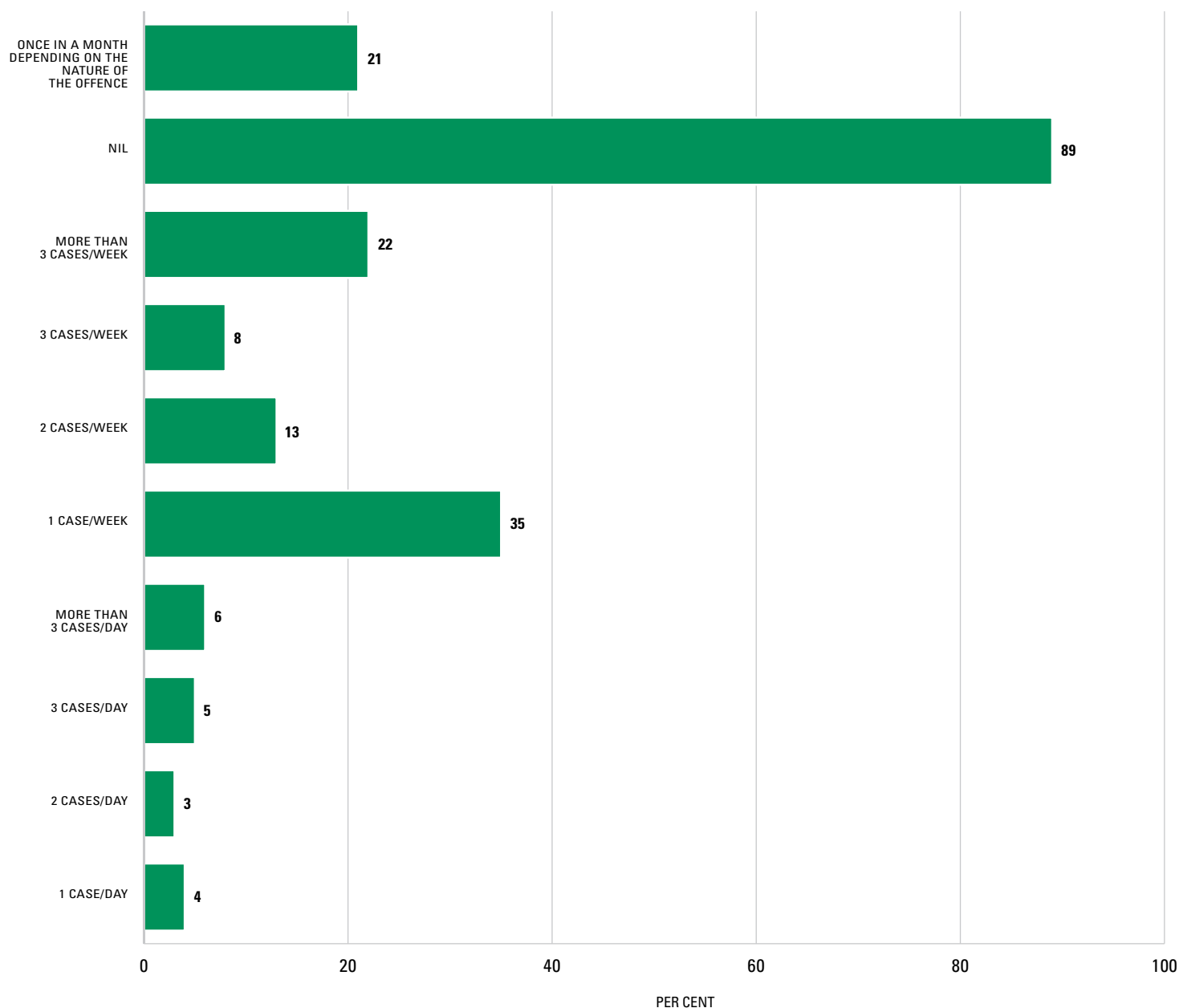
“ ... I urinate in the cell, and it smells. They should create toilets. ... Toilet facilities should be better than now. ... There should be provision of washing detergents. ... We lack basic needs at times such as soap, detergent, sanitizer, shoes and many more, mosquito net, spray and antiseptics. ... ”

■ **Nutrition (sustenance) while in detention:** Of the children and young adults participating in the study, 22.8 per cent noted that it was their families, not their place of detention, that provided them with sustenance during their detention, and 4.1 per cent said that they provided sustenance for themselves. Those who were sustained by their place of detention complained about the adequacy and/or quality of the food provided there. The views of some of the children interviewed were particularly apt: "... I want our feeding to be enhanced" and "... yes, food should be standardized, to improve feeding" and "... Feeding should be improved, as the quality of food we eat now is not encouraging".

■ **Children being detained separately from adults (generally):** A common complainant by those interviewed related to children in the correctional centres being housed together with adults. One participant observed that children were placed with adults "to be hardened".

■ **Overcrowding:** Overcrowding remains a pressing issue in the various places of detention. Participants offered the following observations: "The detention facility is overcrowded, they hardly slept" and "There are up to 45 to 50 inmates in a cell in the facility" and "Overcrowding and improper ventilation in the cell room are giving them communicable diseases".

HOW OFTEN DO YOU HAVE CHILDREN BROUGHT TO THE STATION FOR CRIMINAL MATTERS?



- **Lack of services:** The participants interviewed all offered various complaints regarding the ability to access services. This problem seems to be particularly acute with regard to mental health care. A participant noted that “there is need for psychological services because some of them developed psychological illness because of too much punishment and their daily feeding”. Another participant noted that, “by providing good psychological services to those discharged, as well funding to help them restart their lives”.
- **Educational services:** When asked about schooling and training, 36.7 per cent of the child and young-adult participants said that they were enrolled in formal educational programmes, while 32.3 per cent indicated that they were enrolled in vocational programmes. They did suggest, however, that provision should be made for workshops, recreational programmes, and opportunities to acquire skills.
- **Reintegration services:** Many of the participants indicated that the detained children and young adults were not provided with appropriate services relating to their reintegration into society. It was noted that “there is no meaningful engagement while in custody, hence, they may not fit properly into society after release”, “No programme for their engagement. They may not be better off when they leave”, and “They are not prepared for life after detention”.
- **Infrastructure:** Most of the facilities visited were old and in a state of disrepair, particularly the correctional centres.

There is plainly a dire need to take urgent action to improve the places of detention.

4.6 LAW ENFORCEMENT AND THE POLICE OFFICIALS’ RESPONSE TO CHILDREN IN CONFLICT WITH THE LAW

The majority of the police and other law-enforcement officials (75.7 per cent) participating in the study did not respond to the question regarding the number of children they had in custody. Those who did respond stated that

male children accounted for 19.9 per cent of those held in custody, and females constituted 4.4 per cent. On the question regarding the frequency of children being brought to the police station for criminal matters, the majority of those who answered indicated that it occurred at least once a week.

It was observed that most of the police and other law-enforcement officials (60.2 per cent) stated that they had not seen any frivolous allegations made against children or young adults, while 23.8 per cent of them reported that they had seen frivolous allegations made against them. However, 33 of the 124 officials interviewed (26.6 per cent) did not give any information concerning frivolous allegations against children and young adults.

When questioned about the challenges they encountered in managing children and young adults apprehended for criminal offences, a plurality (36.4 per cent) of the officials said that they had no facilities for holding them. The next-largest group (31.1 per cent) did not respond to the question; 6.3 per cent reported that the children’s parents hardly ever showed up; 6.3 per cent stated that they lacked sufficient funds to cater to the children, and that sometimes the children behaved irresponsibly; 3.9 per cent mentioned bad parenting, peer influence and single parents; 2.9 per cent noted that the children usually refused to give a statement; and 2.4 per cent reported that the children presented health issues and communication barriers. Other responses were as follows: 1 per cent said that there was no age-appropriate detention facility for children and young adults, 1 per cent mentioned problems with feeding and accommodation, 1.5 per cent referred to drug addiction among young people, 1.5 per cent referred to the children’s ignorance of the implications of the wrongs committed, 1.9 per cent saw no challenge (“We are trained to handle minors”), 1 per cent said that they kept the children and young adults in custody pending the conclusion of their cases, and 1.5 per cent spoke of the difficulty in getting correct information from the children about their parents and identity.

“WHEN QUESTIONED ABOUT THE CHALLENGES THEY ENCOUNTERED IN MANAGING CHILDREN AND YOUNG ADULTS APPREHENDED FOR CRIMINAL OFFENCES, A PLURALITY (36.4 PER CENT) OF THE OFFICIALS SAID THAT THEY HAD NO FACILITIES FOR HOLDING THEM.”

WHAT IS THE SITUATION OF CHILDREN AND YOUNG ADULTS IN DETENTION?

RESPONSES	FREQUENCY	PERCENTAGE
No response	64	31.1
Their parents hardly ever show up	13	6.3
Lack of funds to cater to them and child irresponsiveness	13	6.3
No facilities for keeping them	75	36.4
No age-appropriate detention facilities	2	1.0
Accepting the truth	2	1.0
Feeding and accommodation	2	1.0
Bad parenting, peer influence and single parents	8	3.9
Handing detainees to the police	1	0.5
Refusal to give a statement	6	2.9
Health issues and communication barrier	5	2.4
Drug addiction in young people	3	1.5
Ignorance of the implications of the wrong committed	3	1.5
No challenge (they are trained to handle minors)	4	1.9
Keeping them in custody pending the conclusion of the case	2	1.0
Difficulty in getting correct information from the children about their parents and identity	3	1.5
TOTAL	206	100.2

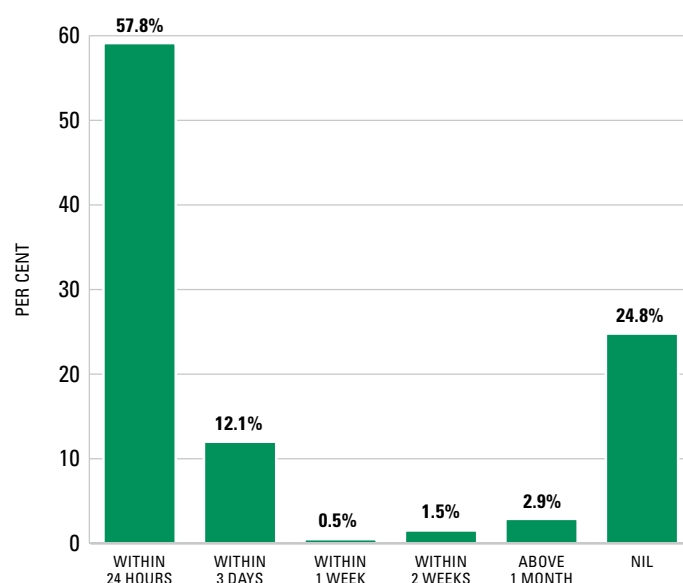
Notes: 1. "Accepting the truth" refers to getting the children or young adults to acknowledge the nature and effects of their actions.

2. The values do not add up exactly to 100 per cent due to rounding.

Source: The authors.

Regarding the question of how long the children spend at the police facility before they are transferred to the next stage, the majority of the respondents (57.8 per cent) said that the children were transferred within 24 hours to the next stage, while others (12.1 per cent) reported that they were kept for at most three days before transfer, and 24.8 per cent of the respondents did not answer the question at all. Further, 2.9 per cent stated that children were kept for over a month at the police facility, 1.5 per cent said that they were kept for at most two weeks, and a tiny minority of the respondents (.9 per cent) reported that children were kept in police custody up to a week before being transferred to the next stage.

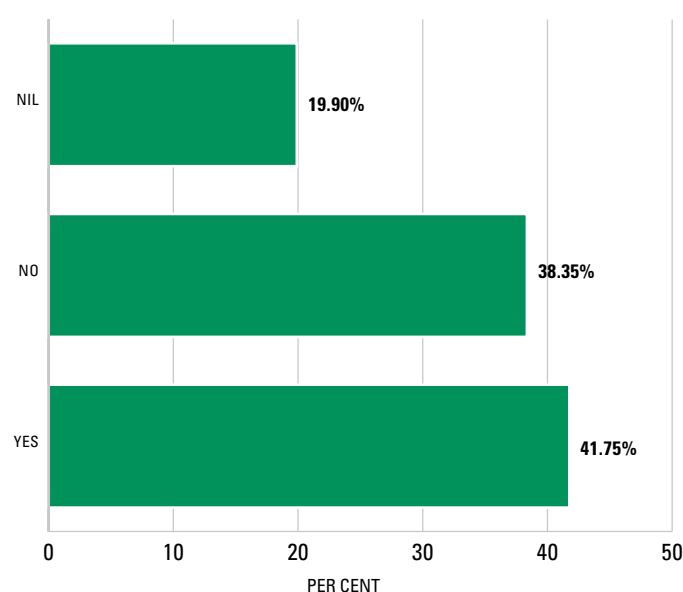
HOW LONG DO CHILDREN SPEND IN THE POLICING ORGANISATION BEFORE TRANSFER



Source: The authors.

On whether there are separate cells or holding areas for children, a plurality of the participants (41.8 per cent) indicated that there were separate cells or holding areas for children, while the minority of them (19.9 per cent) did not provide an answer. However, other participants (38.4 per cent) said that they did not have separate cells for children.

DO YOU HAVE SEPARATE CELLS OR HOLDING AREAS FOR MINORS?



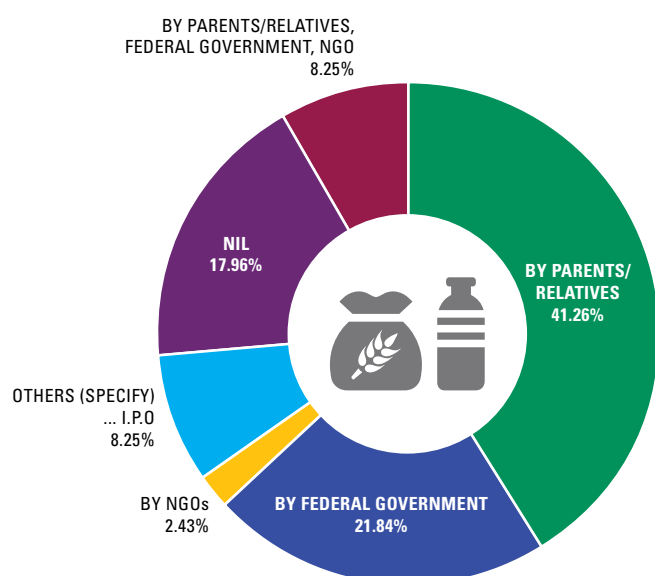
Note: The values do not add up to 100 per cent due to rounding. Source: The authors.

On the question of whether children and young adults shared the same cell with other arrested persons, it was noted that most of the participants (63.1 per cent) indicated

that children and young adults did not share the same cells with other arrested persons. Others reported that they had no idea about the issue. A minority of them (11.7 per cent) agreed that children and young adults did share the same cells with other arrested persons.

On the question of how children and young persons were fed and cared for while in detention, a plurality of the participants (41.3 per cent) stated that children and young adults were fed and cared for by their parents or relatives. Others reported that they were fed and cared for by the federal government (21.8 per cent); by Investigating Police Officers (8.3 per cent); by a combination of parents/relatives, the federal government, and NGOs (8.3 per cent); and just by NGOs (2.4 per cent). Finally, 18 per cent said that they did not know.

HOW ARE THE CHILDREN AND YOUNG PERSONS FED AND CATERED FOR WHILE IN DETENTION?

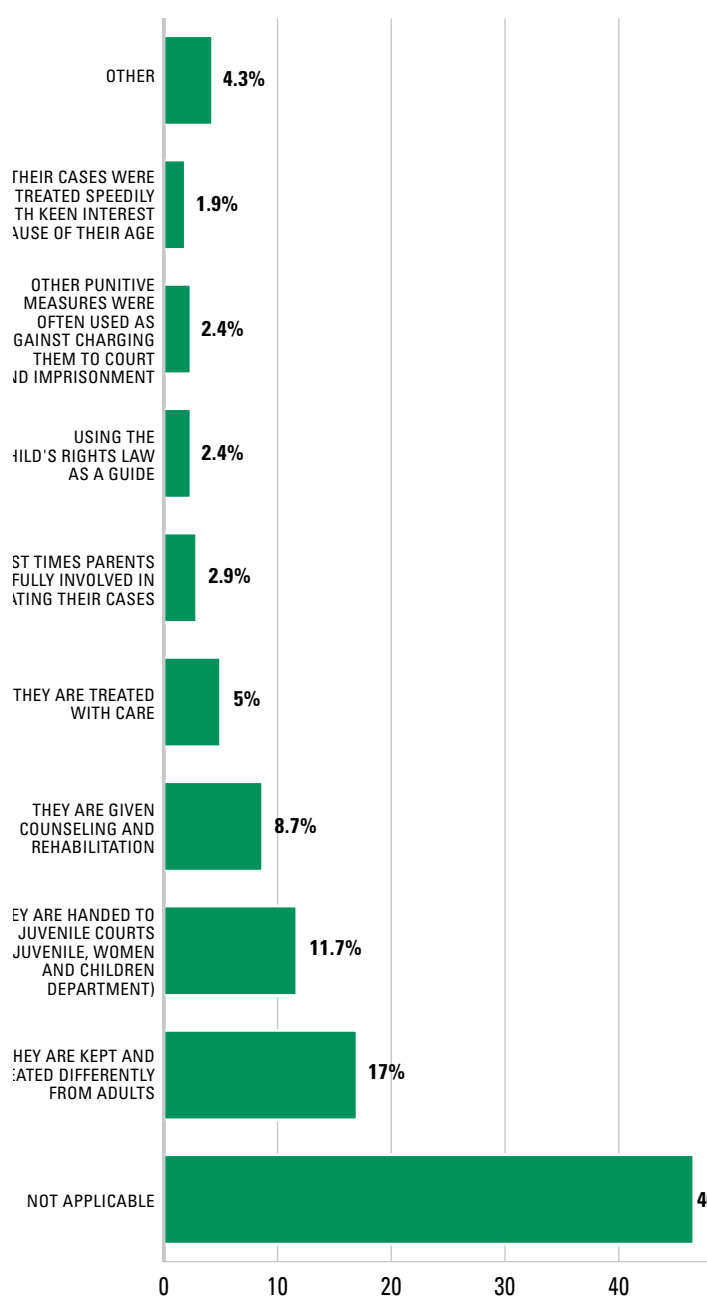


IPO = Investigating Police Officers, NGO = non-governmental organization.
Source: The authors.

On whether the management/treatment of children was different from that of adult offenders, the majority of the participants (71.4 per cent) agreed that matters involving children were conducted differently, while a minority of about 10 per cent reported that they did not know how the management of children was handled. The others did not give any response to the question. Furthermore, when the participants were asked to state the differences in the management of children, a plurality (46.6 per cent) stated that the question did not apply to them, while 5 per cent said that a psychological method was applied when dealing with children to prevent them from becoming habitual offenders, and another 5 per cent indicated that a specified magistrate handled children's cases in closed chambers. Others (17%) reported that children were treated differently

from adults, while 11.7 per cent noted that they were handed over to the juvenile court, and 8.7 per cent said that the children were given counselling and rehabilitation. Other responses included those who thought that the parents were fully involved in most cases (2.9 per cent); that alternative punitive measures were often used, instead of court trials and imprisonment (2.4 per cent); that children's rights laws were used as a guide (2.4 per cent); and that children's cases were treated speedily and with keen interest because of their ages (1.9 per cent).

ARE CHILDREN TREATED DIFFERENTLY FROM ADULT OFFENDERS?



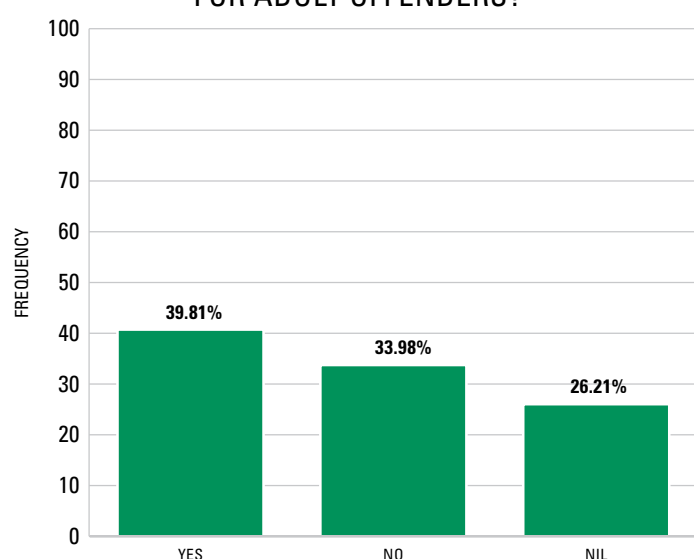
Source: The authors.

Most of the participants from the police or other law-enforcement agencies (56.8 per cent) indicated that they released children while their trials were ongoing, though

a smaller number (18 per cent) reported that they did not. The other participants (25.2 per cent) did not respond to the question.

When asked if the bail process or conditions were different for children in conflict with the law, most of the participants (39.8 per cent) stated that the bail process or conditions for children in conflict with the law differed from the bail process/conditions for adult offenders, while others (34 per cent) admitted that the bail process/conditions were not different from those for adults. The others (26.2 per cent) offered no response to the question.

ARE THE BAIL PROCESS AND CONDITIONS FOR CHILDREN DIFFERENT FROM THOSE FOR ADULT OFFENDERS?

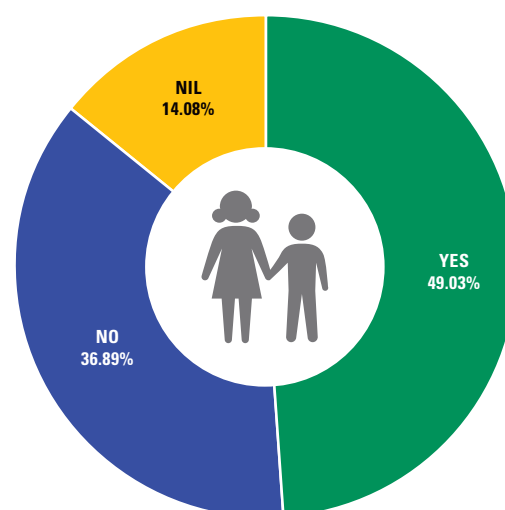


Source: The authors.

Notably, when asked to explain how the bail process or conditions for children differed from those for adults, most of the participants (62.6%) did not respond. A small minority (1.5 per cent) stated that children were not detained for more than 24 hours; while a few others (1.5 per cent) reported that in criminal cases, whereas adults were transferred to the court, children were handed over to their parents. Others reported that children were released, but placed under the strict supervision of their parents, relatives or community heads (24.8 per cent); or that they were released to a parent/guardian pending investigation (4.4 per cent); or that they were treated differently because of their age (2.4 per cent), and bail was set under the state command.

On the question as to whether their police station had a specialized children's unit, almost half of the participants (49 per cent) said that their station did have a specialized children's unit, a large minority (36.9 per cent) reported that their stations had no such unit, and the rest (14.1 per cent) did not respond.

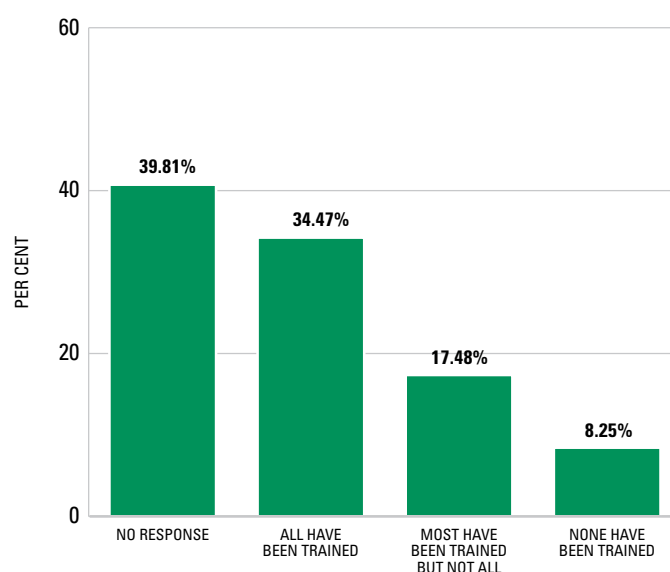
DOES THE STATION HAVE A SPECIALIZED CHILDREN UNIT?



Source: The authors.

On the question of whether the police or other law-enforcement personnel have been trained to deal with children in conflict with the law, a plurality of the participants (39.8 per cent) did not give any response to the question, while a minority (8.3 per cent) stated that none had been specially trained. Others reported that their staff had all been specially trained (34.5 per cent), or that most of their staff had been trained, but not all (17.5 per cent).

HAVE THE POLICE OR OTHER LAW ENFORCEMENT PERSONNEL BEEN TRAINED TO HANDLE MINORS?



Source: The authors.

When asked whether the police detained persons under 18 years of age in their facilities, a slim majority of the participants (53.9 per cent) stated that they did not detain

“ WHEN ASKED WHAT THEIR POLICE STATION DID WITH THE CHILDREN THEY ARRESTED, ALMOST HALF OF THE PARTICIPANTS (47.6 PER CENT) DID NOT RESPOND...”

such persons in their facilities, while a minority (13.1 per cent) did not respond to the question. About a third of the participants (33 per cent), however, reported that they detained persons under 18 years of age in their facilities.

WHAT DO YOU DO WHEN YOU ARREST CHILDREN IN CONFLICT WITH THE LAW?

RESPONSES	FREQUENCY	PERCENT
No response	98	47.6
Grant them bail and release them to their parents or relative, or take them to a children's remand home through the court	15	7.3
None has ever been arrested	3	1.5
Release the person within 24 hours, except in murder cases, which may require a court verdict	25	12.1
Kept behind the counter	11	5.3
Discipline and guidance, counselling and release	13	6.3
Referred them to state welfare office	10	4.9
They are released on bail	4	1.9
We hand them over to the police	6	2.9
Sent to juvenile home/custodial centre	6	2.9
They are sent to drug demand reduction department for counselling	3	1.5
We provide conducive environment and take care of them	3	1.5
We take them to court when it is a capital case	2	1.0
They are asked to report to the command on a daily basis, until their case is resolved	2	1.0
We have to call the parents and inform the Ministry of Women Affairs and Youth Development	5	2.4
TOTAL	206	100.1

Note: The values do not add up exactly to 100 per cent due to rounding.
Source: The authors.

When asked what their police station did with the children they arrested, almost half of the participants (47.6 per cent) did not respond, while few of them (1 per cent) reported that they took the children to court in cases of a capital offence, and others (1 per cent) noted that the children were asked to report to the command on daily basis until their case was resolved. Others (12.1 per cent) reported that they released the child within 24 hours, except in murder cases, which may require a court order; 7.3 per cent indicated that they granted bail to their parents/relative or took them to a children's remand home through the court; 6.3 per cent offered discipline and guidance, counselling and a release; 4.9 per cent said they referred children to the state welfare office; 5.3 per cent kept them behind the counter; 2.9 per cent, from other law-enforcement agencies, said that they hand the children over to the police; 2.9 per cent sent the children to a juvenile home or custodial centre; 1.9 per cent said they released the children on bail; 2.4 per cent said they had to call the parent and inform the Ministry of Women and Social Development; 1.5 per cent said that they had arrested no children; 1.5 per cent sent children to the drug demand reduction department for counselling; 1.5 per cent said that they took care of the children in a conducive environment; and 1 per cent said that they took the children to court when it was capital case.

In response to the question as to whether there was a database for children who have been arrested in the past, 41.7 per cent of the participants reported that they did have a database on previously arrested children, 43.2 per cent said they did not, and 15 per cent did not respond to the question.

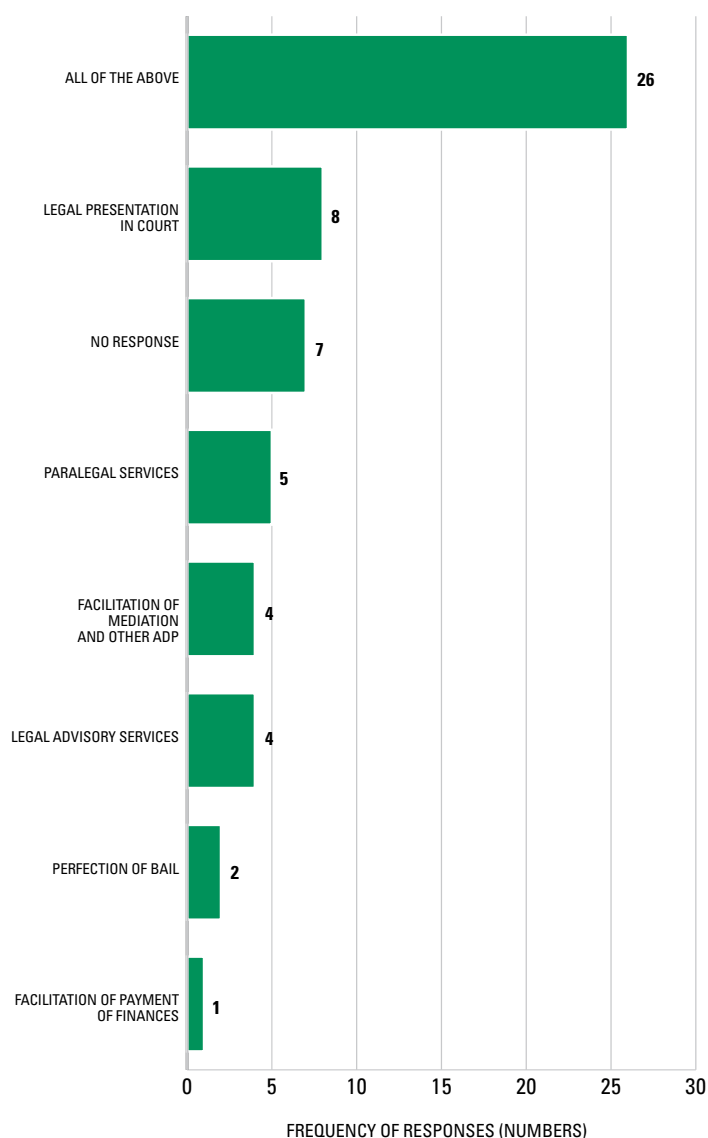
4.7 LEGAL REPRESENTATION FOR CHILDREN IN CONFLICT WITH THE LAW

A qualitative assessment was done regarding the provision of legal services to children and young adults. A total of 57 legal service providers were interviewed. Based on the information from these interviews, the study noted the following:

- Of the legal service providers questioned, 98.2 per cent said that they had provided legal (and related)

services to children and young adults. The services provided are described in the table just below:

IF YES, INDICATE THE SERVICES YOU HAVE PROVIDED



- Of the participating legal service providers, 64 per cent indicated that they prioritized matters relating to children.

CAN YOU PROVIDE EXAMPLES OF THE TYPES OF LEGAL CASES INVOLVING CHILDREN THAT YOU PRIORITIZE?

RESPONSES	FREQUENCY	PERCENT
No response	19	33.3
All types of cases, but in particular long stays in a remand or correctional facility	2	3.5
Capital offences	2	3.5
Cases related to women and children	3	5.3
Criminal cases involving children in conflict with the law	11	19.3
Illegal arrest and detention of children, with their parents	1	1.8
Children in conflict with the law	4	7.0
Murder, armed robbery and rape	1	1.8
Fundamental human rights, child abuse, rights of children, indigent persons in the society	5	8.8
Criminal justice cases	8	14.0
Stealing	1	1.8
TOTAL	57	100.1

Note: The values do not add up exactly to 100 per cent due to rounding.
Source: The authors.



When asked about the child justice system, 89.5 per cent of the legal service providers were of the view that there was room for improvement.

WHAT ARE THE POSSIBLE AREAS OF IMPROVEMENT IN NIGERIA'S CHILD JUSTICE SYSTEM?

RESPONSES	FREQUENCY	PERCENT
No response	2	3.5
Parental care, enlightenment, domestication of the CRA	1	1.8
Provision of adequate facilities and qualified manpower	11	19.3
Establishment of an effective juvenile system	18	31.6
Protection of the identity of children	1	1.8
Provision of a time limit after which children must be released to their parents or to an adult representative	1	1.8
Amendment of the law to remove unfavourable provisions relating to children's sentencing	2	3.5
Establishment of a special court for children and young adults	7	12.3
Establishment of a family court	1	1.8
Improvement of educational facilities at detention centres	1	1.8
Domestication of CRA and administration of criminal justice	3	5.3
Reviews of laws to expedite actions that seek to protect the child	9	15.8
TOTAL	57	100.3

CRA = Child Rights Act (2003). Note: The values do not add up exactly to 100 per cent due to rounding. Source: The authors.

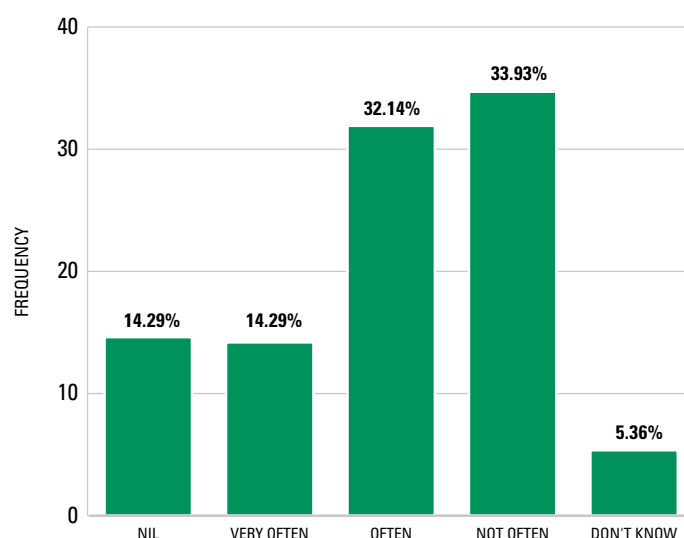
- Of the legal service providers interviewed, 47.4 per cent indicated that they had not received any specialized training in the provision of legal services to children, whereas 43.9 per cent said that had received such training.
- The information provided by the legal service providers highlighted three areas of concern:
 - **A lack of training:** The lack of training in the provision of legal services to children has several knock-on effects, including delays in court cases, an issue flagged by the children and young adults interviewed.
 - **A lack of prioritisation:** All children's matters should be prioritized, regardless of the subject matter. The sheer number of children in detention alone should warrant immediate and direct intervention.
 - **The need to improve and strengthen the child justice system:** This should be done by enhancing

the mechanisms and processes involved in handling the cases of children in conflict with the law, through guaranteeing that children have access to legal representation that understands their unique circumstances.

4.8 COURTS AND THE JUDICIARY'S ROLE

When participating magistrates and other court officials were asked if they had dealt with any criminal cases involving children or young adults, the majority (82.1 per cent) said that they had handled such cases, and 17.9 per cent reported that they had not. When probed further on the frequency of these cases, just over a third of the respondents (33.9 per cent) stated that these cases were not often presented before them, while 5.4 per cent said they did not know. Others reported as follows, with 32.1 per cent noting that such cases were often presented before them, and 14.3 per cent noting that such cases were very often presented before them. However, 14.3 per cent of the respondents did not respond to the question.

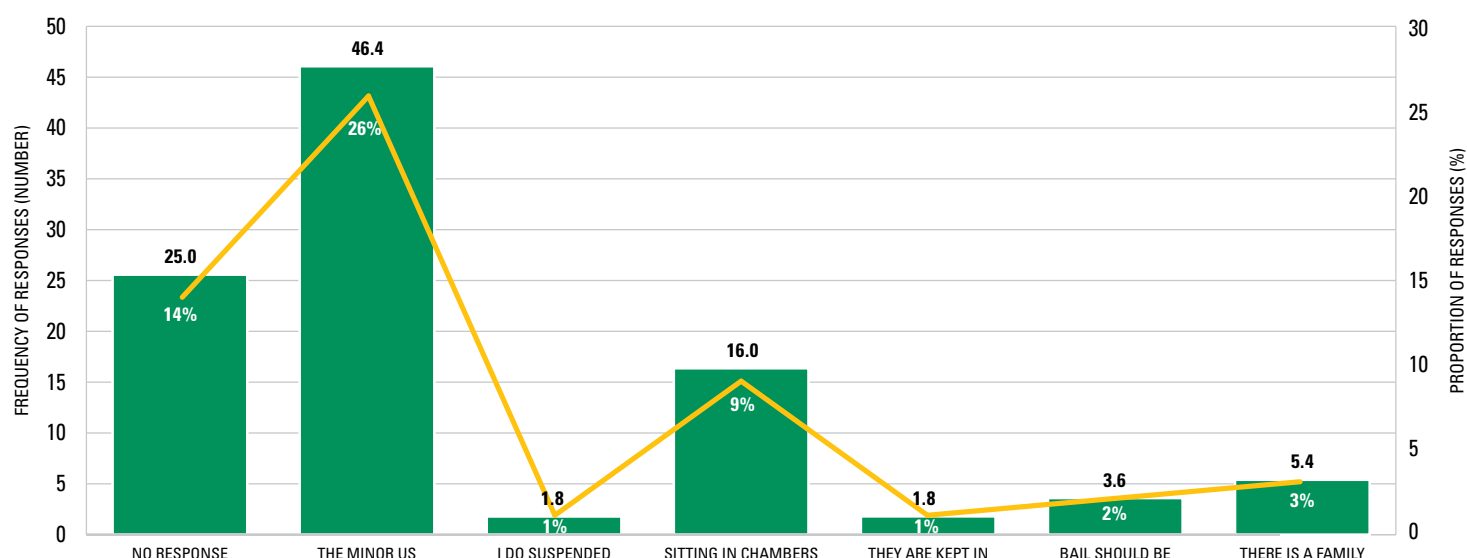
KINDLY DESCRIBE HOW OFTEN CASES INVOLVING CHILDREN AND YOUNG ADULTS ARE PRESENTED TO YOU.



Source: The authors.

When asked what they did when they had a case involving a minor, but there was no juvenile court within their reference area/jurisdiction, 46.4 per cent of the participants said that the minor would be transferred to an area where there was a family court, while a few of them (1.8 per cent) reported that they would carry out a suspended sentence. Others responded as follows, with 16.1 per cent saying that they would sit in their chambers; 1.8 per cent saying that the children would be kept in a correctional centre; 5.4 per cent reporting that there was a family court in their jurisdiction; and 3.6 per cent stating that bail would be granted, and the child given to a guardian. However, 25 per cent of them did not respond to the question.

WHAT DO YOU DO WHEN YOU HAVE A MINOR AND THERE IS NO JUVENILE COURT WITHIN YOUR REFERENCE AREA/ JURISDICTION?



Source: The authors.

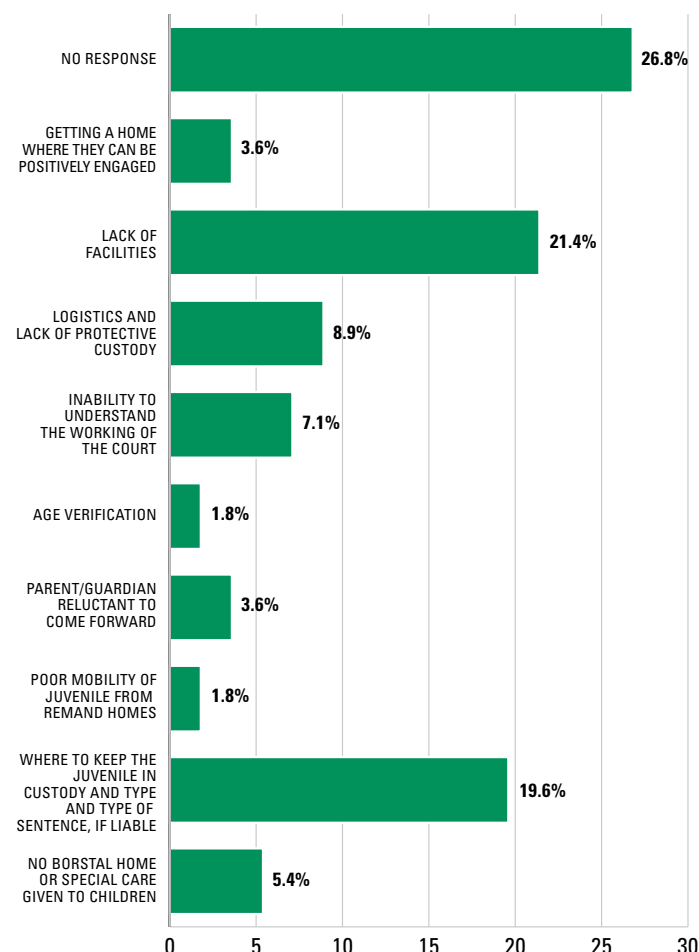
The participants were asked what the law advises in cases concerning children in conflict with the law. A quarter of them (25 per cent) stated that the child should be taken to family court, while few of them (7.1 per cent) said the law requires that such cases be directed to a family court. Among the others, 14.3 per cent reported that the law provides a remand home for children, 10.7 per cent said that children can be given a non-custodial alternative to punishment, 5.4 per cent said they would sit in chambers (not in an open courtroom) and 7.1 per cent would grant bail to children and hand them over to their parents. However, 30.4 per cent of the participants did not respond to the question.

When asked what challenges they faced in handling cases involving children, some participants noted the lack of facilities (21.4 per cent), while 1.8 per cent mentioned the poor mobility for children from their remand homes to the court for trial. Two other challenges, mentioned by 19.6 per cent of the participants, were the lack of centres where children could stay when in custody, and the types of sentencing.

Among the participants, 5.4 per cent complained that there were too few borstal homes and no special care given to children in detention, 3.6 per cent indicated that some parents and guardians are reluctant to come forward to help their children, 8.9 per cent mentioned logistical issues and the lack of protective custodial residences, 3.6 per cent preferred placing the children in homes where they can be positively engaged, 7.1 per cent noted the inability of children to understand the workings of the court, and 1.8 per cent spoke of the need for age verification.

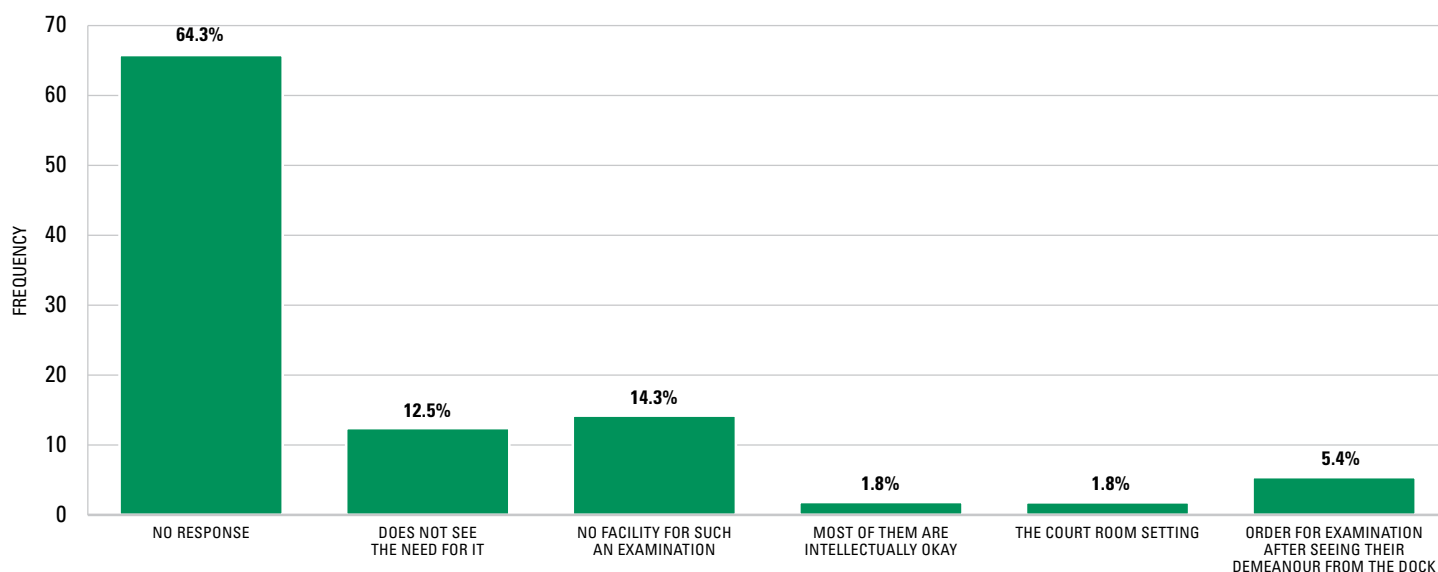
However, 26.8 per cent of the participants did not respond to the question.

WHAT CHALLENGES TO YOU HAVE IN HANDLING JUVENILE CASES?



Source: The authors.

WHY DO YOU NOT ORDER FOR THE CONDUCT OF ANY PSYCHOLOGICAL EXAMINATION OF ACCUSED PERSONS?



Source: The authors.

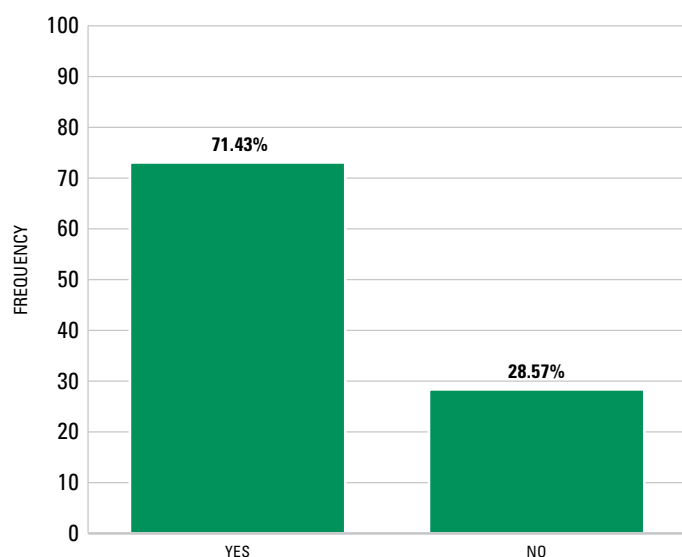
When asked if they had ever ordered any psychological examinations of accused persons, including children (e.g., intellectual capability/incapacity, evidence of emotional/behavioural disorders, fitness to stand trial), before proceeding with their trials, a slight majority of the participants (51.8 per cent) reported that they had ordered psychological examinations of accused persons, including children, while 48.2 per cent indicated that they had not. As for the latter group, when the research team asked for the reasons why they had not ordered any psychological examinations, most of these respondents (64.3 per cent) did not respond, but a small minority of them (1.8 per cent) stated that most children were intellectually sound, so the tests were not needed. Other responses occurred as follows: 14.3 per cent said there were no facilities for such

an examination, 12.5 per cent said that they did not see the need for it, and 5.4 per cent said that they had ordered examinations after observing the demeanour of children in the dock.

The majority of the respondents (71.4 per cent) reported that their states had a family court, while a smaller group of them (28.6 per cent) indicated that their states did not have a family court.

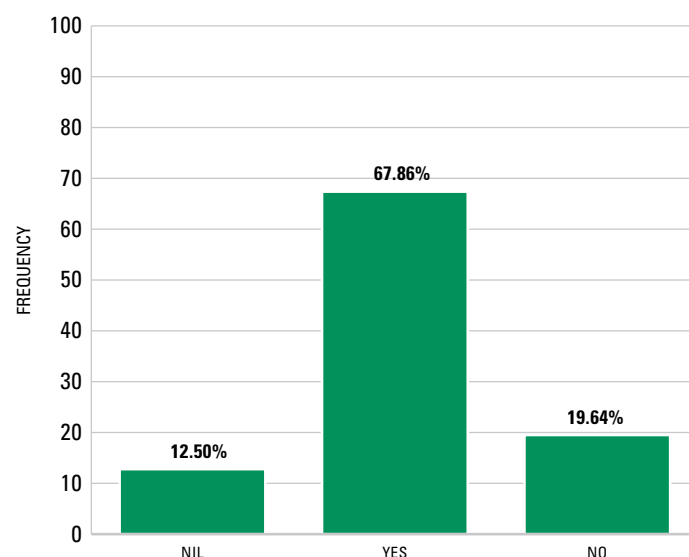
Of those participants who came from states with a family court system, most (67.9 per cent) reported that their state family court system was operational, 19.6 per cent reported that their system was not operational, and 12.5 per cent did not answer the question.

DOES THE STATE HAVE A FAMILY COURT?



Source: The authors.

IF YES, IS IT OPERATIONAL?

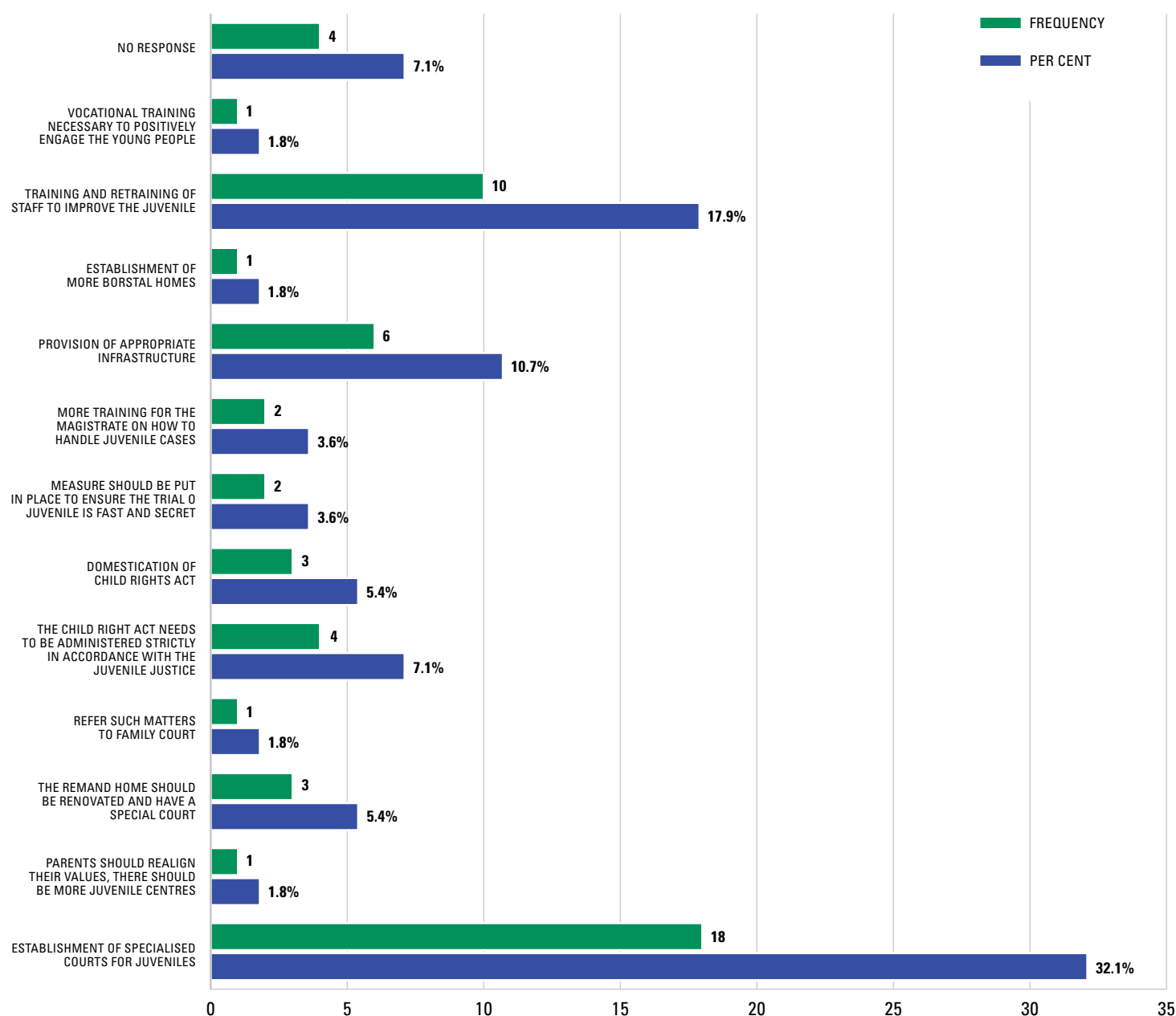


Source: The authors.

The responses from the participants on what they thought could be done to improve the administration of child justice in Nigeria included several points: Almost a third (32.1 per cent) thought that specialized courts for children should be established, while only a few (1.8 per cent) emphasized the need for parents to realign their values and thought that there should be more correctional centres for children. Others suggested the following: 17.9 per cent spoke of the need for training and retraining of staff to improve the child justice system, 10.7 per cent supported the provision of appropriate infrastructure, 7.1 per cent said that the CRA needed to be administered strictly to improve child justice, 5.4 per cent thought that

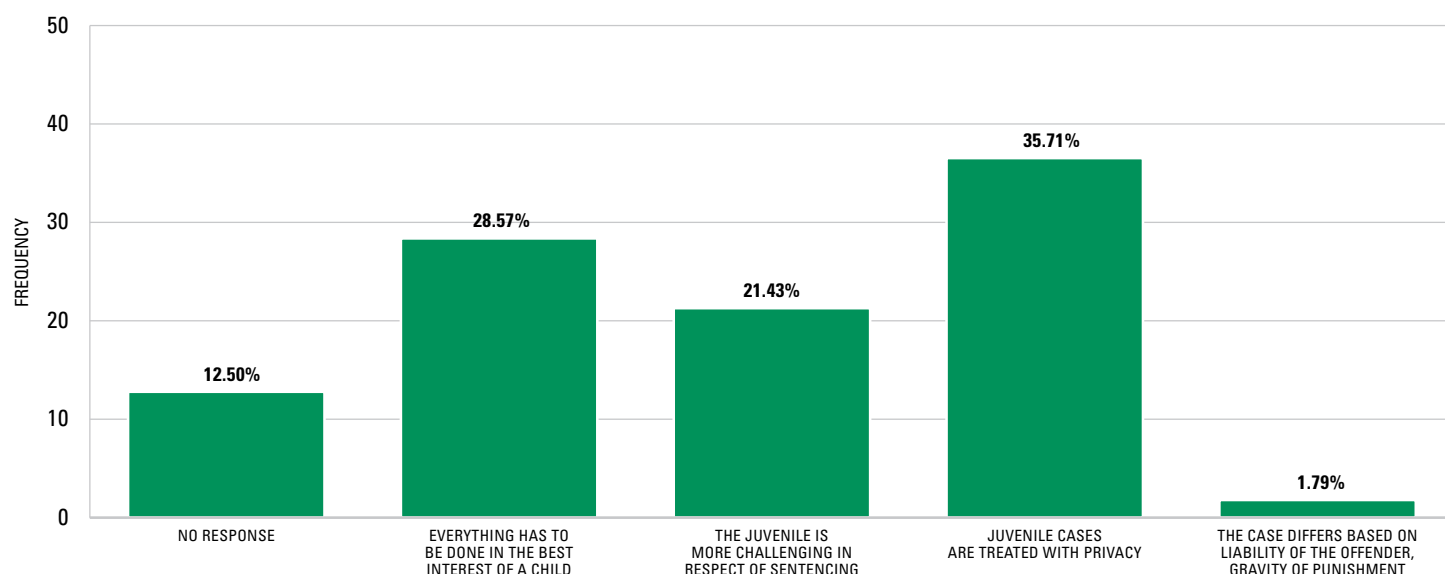
the remand homes should be renovated and that there should be a special court for children, 5.4 per cent wanted to see the domestication of the CRA, 3.6 per cent said that measures should be implemented to ensure that the trials of children and young adults are fast and private, 3.6 per cent supported more training for the magistrates in how to handle matters involving children, 1.8 per cent wanted to see the establishment of more borstal homes, 1.8 per cent thought that vocational training was necessary for positively engaging the young people, and 1.8 per cent said that children's cases should be referred to the family court. However, 7.1 per cent of the participants did not respond to this question.

WHAT DO YOU THINK CAN BE DONE TO IMPROVE THE ADMINISTRATION OF CHILD JUSTICE IN NIGERIA?



Source: The authors.

HOW DOES THE MANAGEMENT OF JUVENILE CASES DIFFER FROM THE MANAGEMENT OF OTHER CASES?



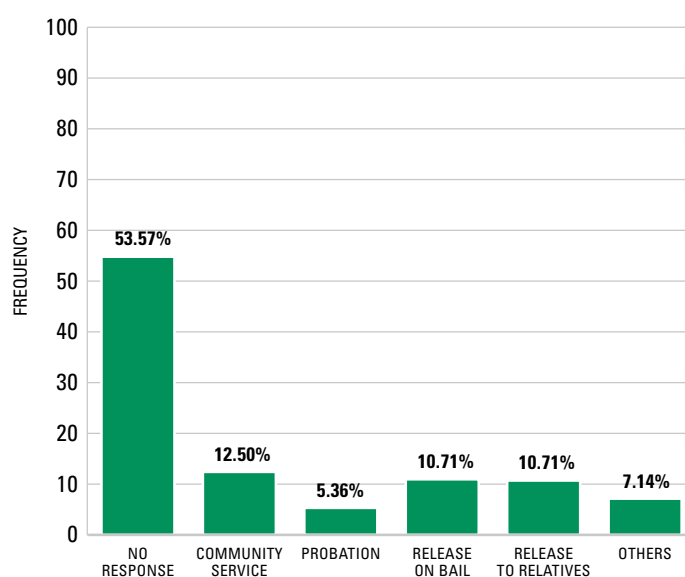
Source: The authors.

Over a third of the participants (35.7 per cent) reported that cases involving children were treated with discretion, while few of the participants (1.8 per cent) noted that cases differed based on the liability of the offender, gravity of the punishment and the offender's age. Others reported as follows: 28.6 per cent indicated that the top priority had to be the best interests of the child, 21.4 per cent said that an especially challenging issue the sentencing of children and young adults. However, 12.5 per cent of the participants did not respond to the question.

The participants were asked to indicate the number of children to whom they had applied alternative measures (e.g., community service, release on bail, home supervision, release under surveillance, release to relatives). Among the participants, 12.5 per cent indicated that the alternative measure they had applied to children was community service, while 5.4 per cent said they used probation. Others reported resorting to release on bail (10.7 per cent) and release to relatives (10.7 per cent), among other measures (7.1 per cent). However, 58.6 per cent of them did not respond to the question.

The participants came up with more suggestions for improving the child justice system, with 39.3 per cent of them suggesting that there should be provisions for necessary protective custody, foster homes, etc., as well as a more enlightened of society. A few of them (1.8 per cent) suggested that parents and caregivers give children more parental care and love, and do more to fend for them. Others suggested the following: better training for management in how to handle children, with more lawyers

NUMBER OF CHILDREN TO WHOM ALTERNATIVE MEASURES HAVE BEEN APPLIED TO



Source: The authors.

assisting children and providing them with legal services (5.4 per cent); training for judicial workers and police officers in the modus operandi of borstal homes (3.6 per cent); the full implementation of the law (3.6 per cent); an awareness-raising and sensitivity campaign by religious and community leaders (7.1 per cent); government employment of more state lawyers, and the construction of more remand homes (3.6 per cent); the creation of a family court system (5.4 per cent). However, 21.4 per cent of the participants did not respond to the question.

WHAT ARE SOME MORE WAYS THE STRENGTHEN CHILD JUSTICE IN NIGERIA?

RESPONSES	FREQUENCY	PERCENT
No response	12	21.4
Training of judicial workers and police officers	2	3.6
Provision of necessary protective custody, foster homes, etc.; and a more enlightenment of society	22	39.3
Training for management in handling the juvenile, more lawyers assisting and providing legal services to children	3	5.4
Measures to ensure that trials of juveniles are fast	5	8.9
Domestication of CRA, creation of family courts	3	5.4
Government employment of more state lawyers, increased construction of remand homes	2	3.6
Parents and caregivers providing children with care and love, and fending for them	1	1.8
An Awareness-raising campaign by religious and community leaders	4	7.1
Full implementation of the law	2	3.6
TOTAL	56	100.1

CRA = Child Rights Act (2003). Note: The values do not add up exactly to 100 per cent due to rounding. Source: The authors.

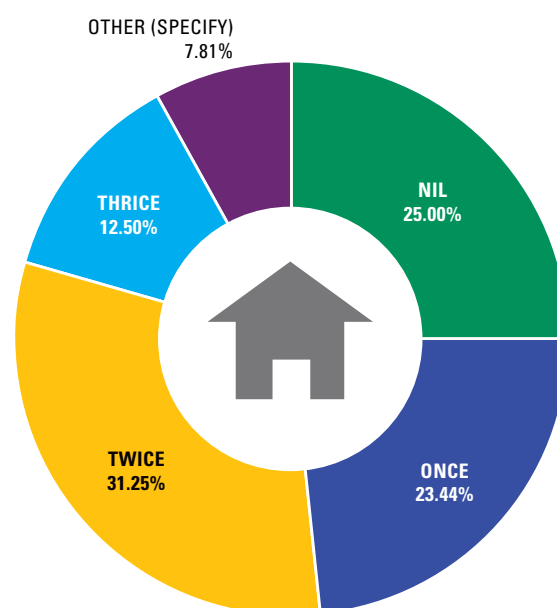
4.9 OVERSIGHT OF PLACES OF DETENTION FOR CHILDREN AND THE ROLE OF NHRC

Among the participants in the study were 64 employees of the ACJMC/NHRC, whom the research team interviewed to gain an understanding of their roles and responsibilities. The following information provided by these participants is of particular importance:

The participants were asked to indicate whether or not they visited the various places of detention in Nigeria. In this regard:

- Exactly half of the participants (50 per cent) indicated that they had conducted visits to borstal institutions.
- A majority (64.1 per cent) indicated that they conducted visits to remand homes.
- An overwhelming majority (89.1 per cent) indicated that they visit adult correctional centres.
- Almost half of the participants (45.8 per cent) indicated that they only visited these places of detention “when the need arises”. The frequency of these visits in the six months preceding the questionnaire are indicated in the following figure:

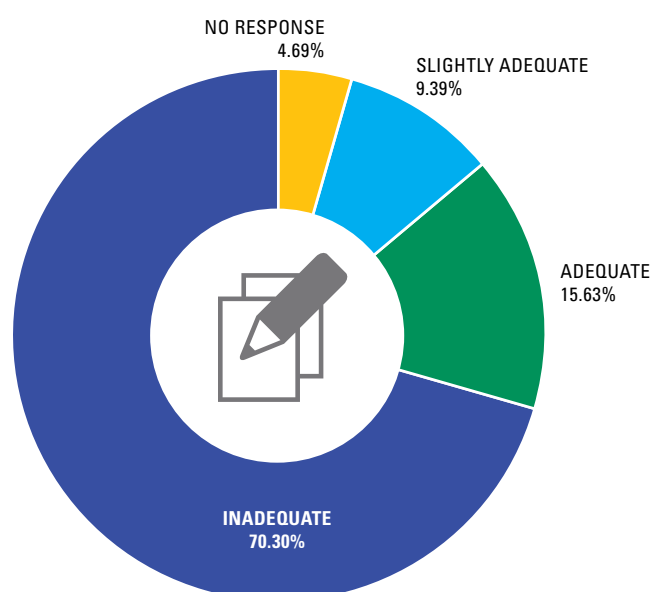
HOW MANY OF SUCH VISITS HAVE YOU DONE IN THE LAST SIX MONTHS?



Source: The authors.

- Justice reform team.
- The overall response (70.3 per cent) from the participants was that they thought the conditions of detention of children in conflict with the law was “inadequate”. Only 15.6 per cent of the participants indicated that it was “adequate”. A visual representation is provided below:

WHAT IS YOUR ASSESSMENT OF THE CONDITIONS OF DETENTION OF CHILDREN?



Source: The authors.



PRAWA/UJU AGOMOH

The participants' own experiences with respect to children in detention was not much better, with 59.4 per cent of them indicating their experiences to be "*unsatisfactory*". A graphical representation of their views is presented just below:

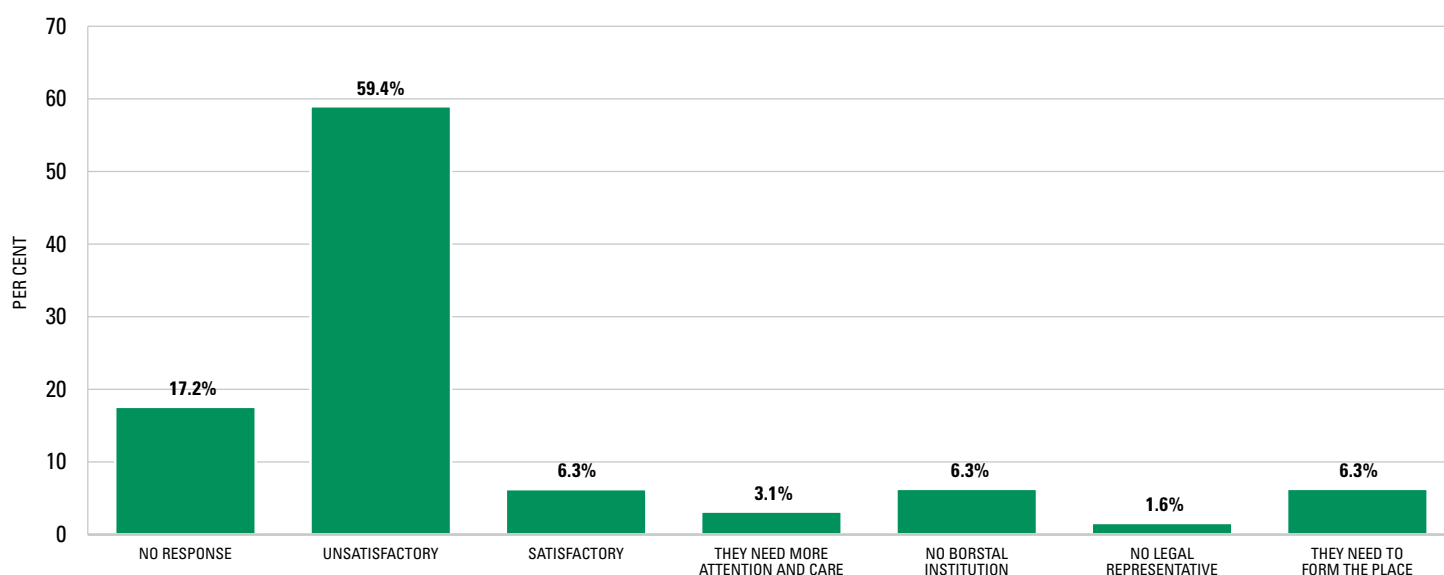
These responses highlight, amongst other things, the following:

- There is a need to strengthen the ACJMC/NHRC to ensure that these organizations are able to visit all the places of detention, including police lockups. These

visits should, moreover, occur more frequently than currently indicated.

- There is a dire need to render the ACJMC/NHRC better able to act when they encounter conditions deemed to be inadequate.
- More systems should be put in place to ensure that children (and young adults) in detention are able to access services offered by the ACJMC/NHRC. It will be recalled that most of the children and young adults interviewed for this study indicated that they had been subjected to some form of torture and/or cruel and inhuman punishment.

EXPERIENCE WITH RESPECT TO CHILDREN BELOW 18 YEARS IN DETENTION FACILITIES



Source: The authors.



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SECTION 5

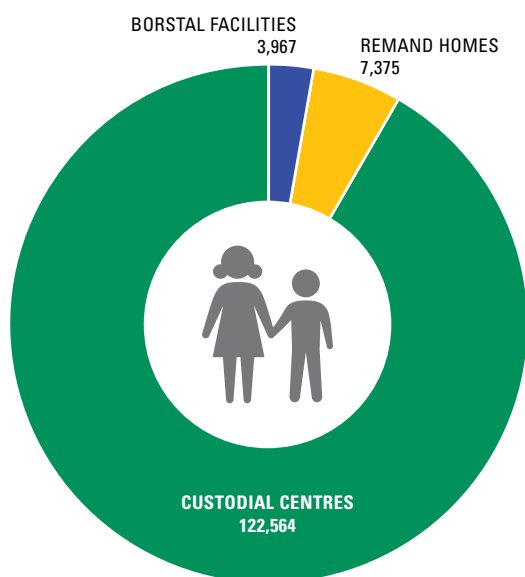
Conclusion

At the time of the study, a total of 133,906 children and young adults were living in detention in Nigeria, having been admitted into custody during the five-year period of 2018–2022.

There is an overcriminalization of children and young adults in Nigeria, in part due to the overutilization of imprisonment. Children are often arrested for petty

and nonviolent offences that should be addressed with alternatives to imprisonment. Offences common to children in detention are stealing and theft, which form the highest proportion of charges against those in detention. The risk factor that predisposes children and young adults to crime is poverty and the lack of parental care and support. Most children in custody are from poor backgrounds, with parents who are either unemployed or low-income earners.

DISTRIBUTION OF CHILDREN AND YOUNG ADULTS ACCORDING TO PLACES WHERE THEY WERE KEPT IN NIGERIA



Source: The authors.

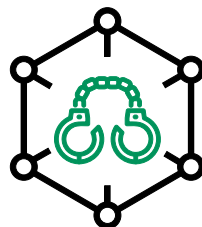
The significant number of children and young adults admitted into custody during the five-year period of 2018–2022 highlights the disturbing trend of overcriminalization and the excessive reliance on imprisonment as a response to juvenile offenses. The distribution of these individuals across adult custodial centres, borstal facilities, and remand homes reveals a need for a more nuanced and targeted approach to addressing the challenging and even dangerous circumstances faced by children and young adults in conflict with the law.

The prevalence of nonviolent offenses, particularly stealing and theft, underscores the potential for alternative interventions and rehabilitation programmes, rather than resorting to incarceration. This finding emphasizes the importance of aligning justice responses with the principle of proportionality, especially for offenses that be mitigated through community-based alternatives.

A crucial observation is the correlation between socioeconomic factors, such as poverty and lack of parental care, and the susceptibility of children to criminal activities. Addressing the root causes of juvenile delinquency requires a comprehensive approach that goes beyond punitive measures, focusing on social support, educational opportunities, and community-based initiatives.

In conclusion, the study advocates for a re-evaluation of the current legal frameworks, emphasizing the exploration of alternative measures to imprisonment for nonviolent offenses committed by children and young adults. Additionally, it underscores the necessity of implementing

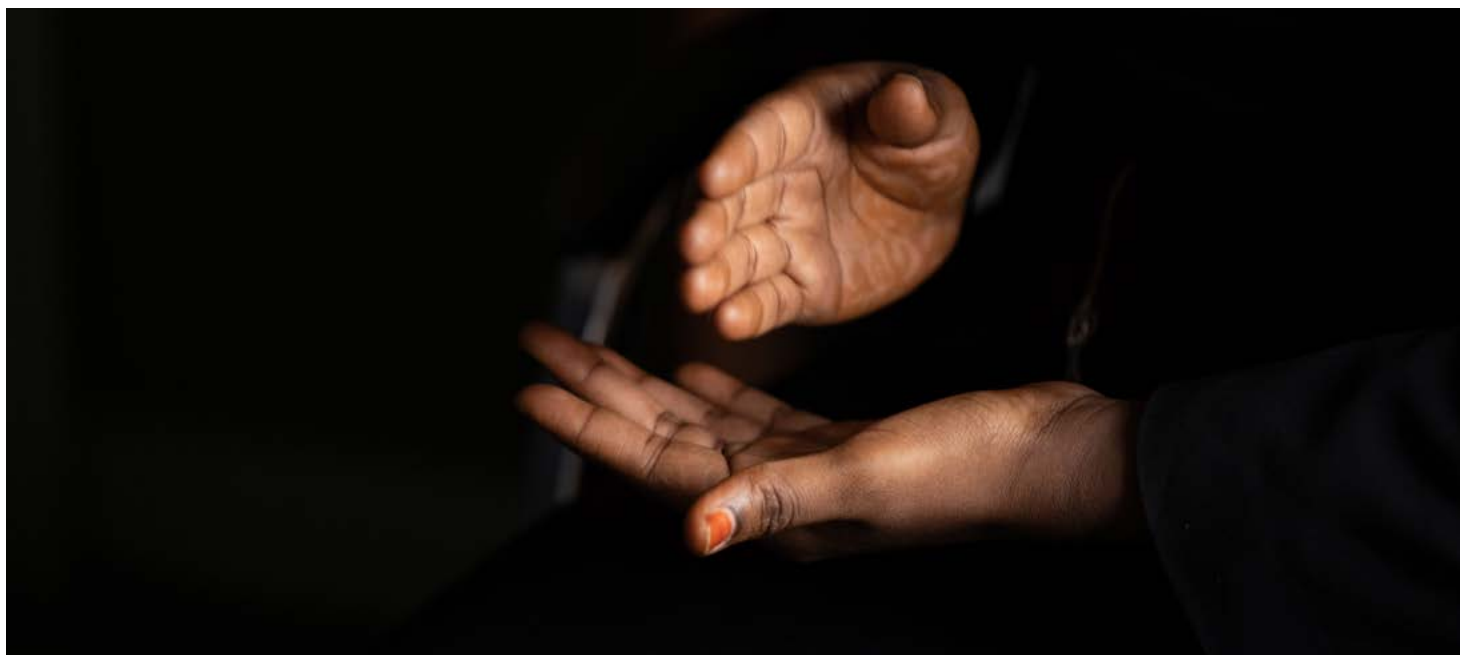
preventive strategies that target underlying socioeconomic challenges that contribute to juvenile involvement in criminal activities. This multifaceted approach aligns with international standards for promoting the rights, rehabilitation and reintegration of children and young adults in conflict with the law.



A crucial observation is the correlation between socioeconomic factors, such as poverty and lack of parental care, and the susceptibility of children to criminal activities.

STUDENTS POPULATION	
AWAITING REPORT	137
COMMITTAL	301
TOTAL	438





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SECTION

6

Recommendations

Based on the findings presented in the *Assessment of the Situation of Children and Young Adults Deprived of Liberty in Nigeria*, these recommendations were drawn up to influence policies that will improve the conditions in places of detention, enhance access to legal aid, promote expeditious justice, and shift state practices from criminalization to rehabilitation of children and young adults deprived of their liberty. These recommendations are expected to positively impact the experiences of children within the justice system and their lives beyond it.

6.1 THE ADMINISTRATION OF JUSTICE

Improving the administration of child justice is crucial for ensuring that children have access to justice. It is strongly recommended that cases involving children be adjudicated in family courts in accordance with the CRA and with international benchmarks such as the United Nations CRC. The current system of trying children in and young adults in conventional courts, magistrate courts and sometimes Sharia courts contravenes the law; and it is not good practice, as it increases the criminalization of children and young adults, as well as the tendency to treat them like adult criminals. To address this, it is recommended that more family courts be established, particularly in states that currently lack functional

family court systems. All courts handling cases involving children should operate with specific time frames and have a monitoring system in place to track the progress of these cases. The integration of a mental health board into the processes of the family court will be essential for addressing underlying mental health issues that may affect the well-being of children in conflict with the law.

A specialized children's police unit should be established as per sections 207–209 of the CRA to handle all cases involving children, including children in conflict with the law. There should be specialized units under the director of public prosecutions within the state ministries of justice to coordinate legal aid for children in conflict with the law. Furthermore, there is a need for states to have a centralized facility for holding children in conflict with the law, rather than scattered detention facilities. This centralized approach would enhance coordination and improve the quality of care provided to juvenile offenders. To support these initiatives, both state and federal attorneys general should ensure adequate budgeting and resources to sustain the operations of specialized family courts and related services, including staff and audiovisual equipment, the latter allowing children to attend hearings without being physically present in court. There is also a need for a specialized unit at LACON focused

only on children. This unit should provide dedicated legal support to minors, ensuring that their rights are protected throughout the legal process.

6.2 EXPEDITION OF CASES RELATING TO CHILDREN AND YOUNG ADULTS

It is recommended that cases involving children and young adults in conflict with the law be prioritized and their hearing accelerated. To facilitate this, free legal aid should be provided to children by LACON and other relevant stakeholders, to ensure that cases are not delayed due to the lack of legal representation. To address the issue of insufficient legal representation for children and young adults, every agency handling cases involving young offenders should notify the LACON offices in the various states for the provision of legal aid services. In addition, there should be a close relationship between organizations and agencies that provide legal representation to children, fostering collaboration and coordination, and ensuring that legal aid services are delivered efficiently to those in need.

6.3 IMPROVEMENT OF DETENTION FACILITIES

It is recommended that section 35 of the Nigerian Correctional Service Act 2019, which mandates the establishment of separate male and female borstal training institutions for child offenders in all the states of the federation, be fully implemented. A comprehensive review of existing laws and regulations governing borstal institutions will be necessary, with a focus on identifying gaps or inconsistencies with CRC and CRA standards. Proper segregation within custodial centres must be maintained to ensure the safety and well-being of children. There is an urgent need to improve the living conditions in places of detention; this includes, but is not limited to, improved welfare, better food quality and quantity, and clean water and sanitation in detention facilities. WASH facilities should be enhanced to ensure that the health of children in detention is not compromised. An upgrade of facilities is recommended, including the installation of proper ventilation systems for the improved physical and psychological comfort of the detainees. There is also a need for recreational facilities in places of detention for children and young adults. These facilities are essential for their overall development and well-being. The number of borstal facilities is currently inadequate to accommodate the number of children and young adults in conflict with the law and deprived of liberty. The borstal institution in Enugu should be rehabilitated, resuscitated, adequately equipped and made functional and operational. This will help to provide a proper environment for the rehabilitation of juvenile offenders. To strengthen the functionality of borstal institutions, it is crucial that information and communication technology be integrated with internet management systems to facilitate educational

and rehabilitative programs. Additionally, there is currently no female borstal institution in Nigeria. Establishing a female borstal institution should be treated as a matter of urgency to ensure gender-specific care and rehabilitation for female juvenile offenders. The National and State Houses of Assembly should allocate more funds to the relevant agencies overseeing children and young adults at detention facilities. This funding is crucial for the improvement and maintenance of these facilities.

6.4 CLASSIFICATION OF OFFENDERS

It is strongly recommended that there be a distinct classification of offenders according to nature of the offence, status of the case(s) and age. Children and young adults should not be kept in adult facilities and, in cases where this is inevitable, they should be kept in a separate section that is different from the areas for adults (including convicted felons). This will prevent the contamination of juvenile offenders by adult criminals, and harmful conduct such as bullying.

6.5 REHABILITATION THROUGH EDUCATION, SOCIAL AND RECREATIONAL SERVICES

Children and young adults in conflict with the law should be allowed increased access to education. It is recommended that resources should be deployed to provide quality education, both formal and vocational, at all custodial centres and remand homes. Additionally, the quality of rehabilitation programmes should be improved. Counselling services should be provided in-house or in partnership with professionals who can provide psychosocial services to persons who may require them. Finally, the quality of recreational facilities in these places of detention should be upgraded to promote the mental, social and physical well-being of children and young adults deprived of their liberty. There is also a need to ensure the implementation of follow-up services to monitor the progress of rehabilitated juveniles after their release from detention. Referral services should be established to ensure that children and young adults can access necessary support systems, including health care, education and vocational training, upon their release. Reintegration and aftercare services should be provided to facilitate the smooth transition of children and young adults back into society. These services should include support for securing employment, continuing education, establishing stable living arrangements and ensuring an effective reintegration into the community.

6.6 REFERRAL PROTOCOLS, SAFE ZONES AND COMPLAINTS PROCEDURES

There should be a clear procedure and direct channels for complaints from those persons seeking redress and

remedies for ill treatment. These procedures and channels should be as unbureaucratic as possible, so that children who have limited access to legal aid and education can navigate these channels with as little difficulty as possible, without having to go through convoluted procedures that can be a deterrent for lodging official complaints. There should be an official channel for reporting issues such as bullying, torture and molestation. It is recommended that the welfare unit establish clear guidelines that will provide opportunities for children and young adults to report infractions without fear of reprisals. There should be space spaces run by trained individuals where children and young adults can feel safe to discuss issues affecting them while going through the justice system. The anonymity and immunity of the complainants must be guaranteed.



It is recommended that the welfare unit establish clear guidelines that will provide opportunities for children and young adults to report infractions without fear of reprisals.

6.7 STANDARDISATION AND CONSISTENCY IN HANDLING CHILDREN IN CONTACT AND CONFLICT WITH THE LAW

It is strongly recommended that desk officers who are trained to interact with juvenile offenders be the ones to process and handle cases involving children and young adults at law enforcement agencies. There should be standard operating procedures for handling cases involving children and young adults in conflict with the law. The standard operating procedures should be the same across the country, and not change according to state law or Sharia. The procedures should contain interview guidelines and techniques, the bail application procedure and information on the approved length of time that a child may stay in custody. There should also be information on the availability of free legal representation by LACON, with an emphasis on the use of restorative justice practices for children and young adult offenders to ensure that the focus is on rehabilitation and reintegration, rather than on punishment.

6.8 CAPACITY BUILDING IN INVESTIGATIONS, PROSECUTION AND ADJUDICATION

The quality of investigation of cases involving children and young adults must be improved to ensure that innocent

citizens are not unnecessarily incarcerated. Judicial and police officers have indicated that minor cases that could be settled out of the security and justice chains are generally referred to them. Diligent investigation will ensure that such cases are promptly discharged, or not brought to court in the first place, if no prima facie evidence is established during the investigation. Further, the changing social, psychological and physical conditions of each child suspect must be considered during the child's sentencing. There is also the need for the continuous training and retraining of judicial officers and court assessors in matters affecting children. They should be trained in how to investigate thoroughly and avoid biases against children from minority and vulnerable groups. Overall, they should be trained in the application of restorative justice principles – with the focus on rehabilitation and reintegration, rather than on punishment.

6.9 EFFECTIVE INFORMATION MANAGEMENT SYSTEM

A comprehensive database of children and young adults should be maintained separately from other data in places of arrest and detention. A database of children and young adults in detention centres will make it easier to identify, track and support children in conflict with the law. Effective coordination is essential. The services of clinical psychologists should be engaged to undertake periodic assessments of the mental well-being of children in detention and, where necessary, to provide counselling support to those suffering from anxiety and depression. It is recommended that a dedicated unit be established under the Federal Ministry of Humanitarian Affairs, and Poverty Alleviation to handle matters related to children in conflict with the law, including their welfare and rehabilitation. This unit should also deal with family-related issues, such as marriage, to ensure a holistic approach to the well-being and reintegration of these children and young adults.

There should be more public funding for social services, including specialized legal aid for children, law enforcement, justice institutions and for social welfare departments that serve as the first point of contact.

6.10. PRIORITIZATION OF PUBLIC FINANCING FOR SOCIAL SERVICES

There should be more public funding for social services, including specialized legal aid for children, law enforcement, justice institutions and for social welfare departments that serve as the first point of contact.

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Appendix:

State Profiles

An Assessment of The Situation of Children And Young Adults Deprived of Liberty In Nigeria (“the study”) comprehensively assessed the situation of children and young adults (“participants”) on a state-by-state basis. This appendix highlights several key statistics and findings at the state level:

1. DISTRIBUTION OF PARTICIPANTS BY GENDER AND STATE

A total of 1,279 participants were interviewed. The gender composition, per state, was as follows:

RESPONDENTS, BY STATE AND GENDER (NUMBERS)			
STATE	MALE	FEMALE	TOTAL
OGUN	151	13	164
KADUNA	93	9	102
AKWA IBOM	56	13	69
KANO	49	10	59
LAGOS	51	3	54
KWARA	50	2	52
NIGER	41	2	43
PLATEAU	42	0	42
JIGAWA	41	0	41
ZAMFARA	32	8	40
EBONYI	36	3	39
ENUGU	37	2	39
KEBBI	31	7	38
RIVERS	30	6	36
TARABA	34	1	35
ANAMBRA	29	4	33
BAUCHI	32	1	33
ABIA	28	4	32
YOBE	30	1	31

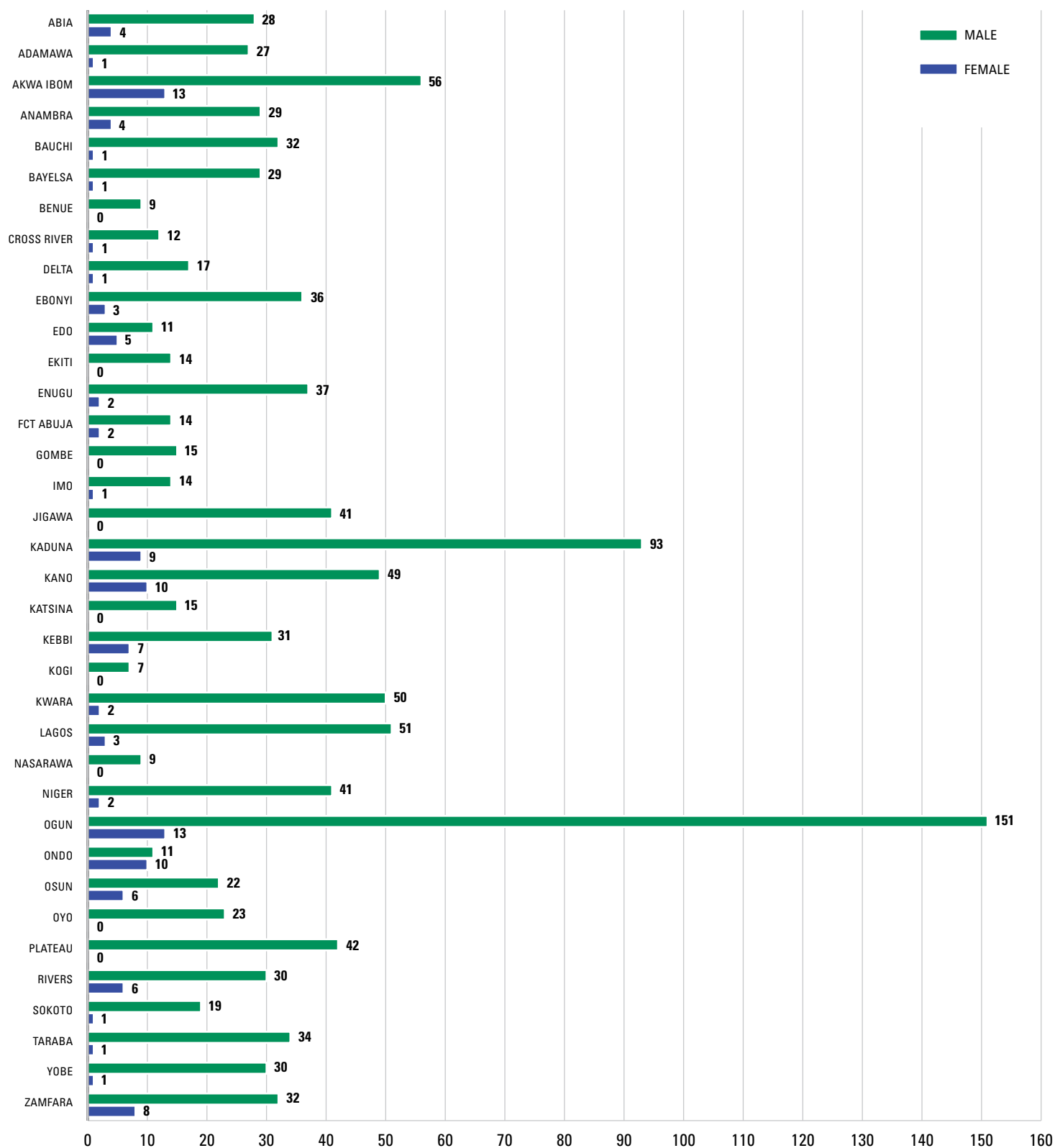
RESPONDENTS, BY STATE AND GENDER (NUMBERS)			
STATE	MALE	FEMALE	TOTAL
BAYELSA	29	1	30
ADAMAWA	27	1	28
OSUN	22	6	28
OYO	23	0	23
ONDO	11	10	21
SOKOTO	19	1	20
DELTA	17	1	18
EDO	11	5	16
FCT	14	2	16
GOMBE	15	0	15
IMO	14	1	15
KATSINA	15	0	15
EKITI	14	0	14
CROSS RIVER	12	1	13
BENUE	9	0	9
NASARAWA	9	0	9
KOGI	7	0	7
TOTAL	1 161	118	1 279

Source: The authors.

2. DISTRIBUTION OF PARTICIPANTS

Ogun State had the highest number of participants (164). This was followed by Kaduna (102), Akwa Ibom (69), Kano (59), Lagos (54) and Kwara (52). Kogi State (7) had the lowest number of children and young adults in the facilities visited.

PARTICIPANTS' DISTRIBUTION BY STATE

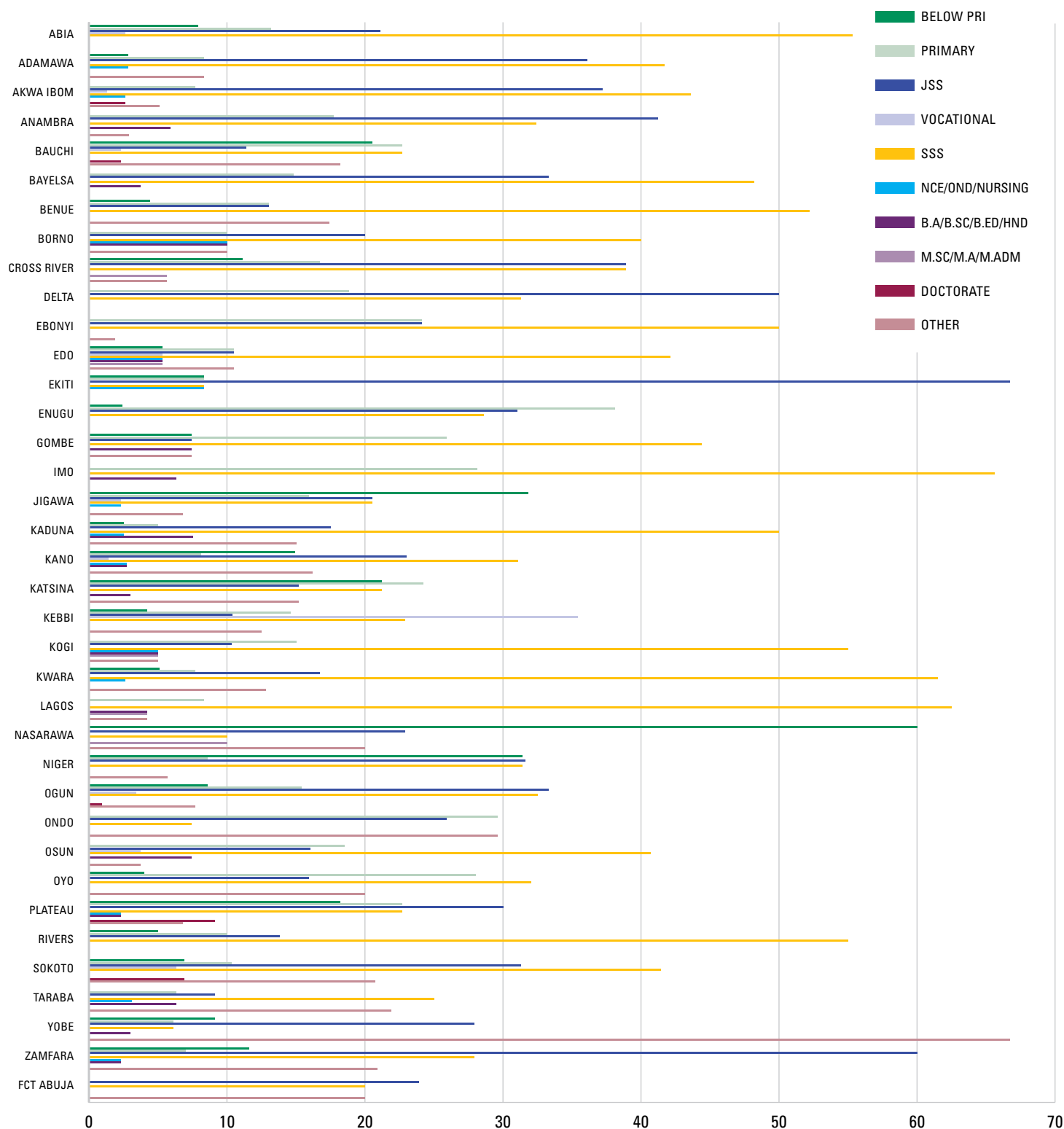


Source: The authors.

3. PARTICIPANTS' EDUCATIONAL BACKGROUNDS

The educational backgrounds of the participants were varied. Most participants (36 per cent) had completed the senior secondary level. This was followed by junior secondary (23.9 per cent), primary (14.4 per cent) and incomplete primary (8.2 per cent). A disturbing feature is that 11 percent of the participants had received no formal or informal education at all.

HIGHEST EDUCATIONAL LEVELS REACHED BY PARENTS

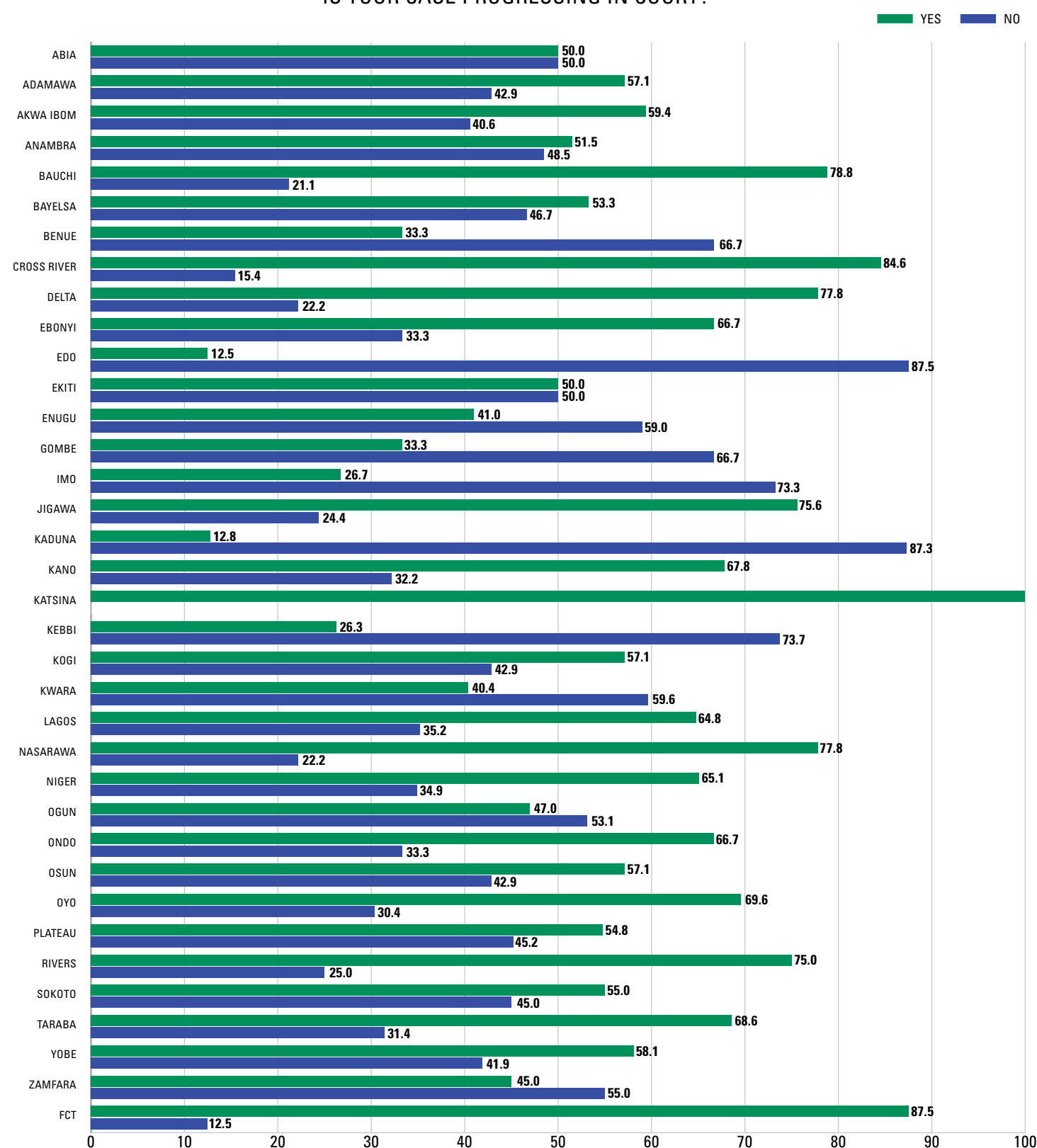


BA = bachelor of arts, BEd = bachelor of education, BS = bachelor of science, HND = higher national diploma, JSS = junior secondary school, M,Adm = master of administration, MA = master of arts, MS = master of science, NCE = National Certificate in Education, OND = Ordinary National Diploma, Pry = primary, SSS = senior secondary school. Source: The authors.

4. DELAYS IN THE ADMINISTRATION OF JUSTICE

The participants were asked whether or not their cases were still progressing. A slim majority of the participants (53.3 per cent) indicated that their cases were progressing, and a large minority (46.7 per cent) indicated that theirs had ceased.

IS YOUR CASE PROGRESSING IN COURT?

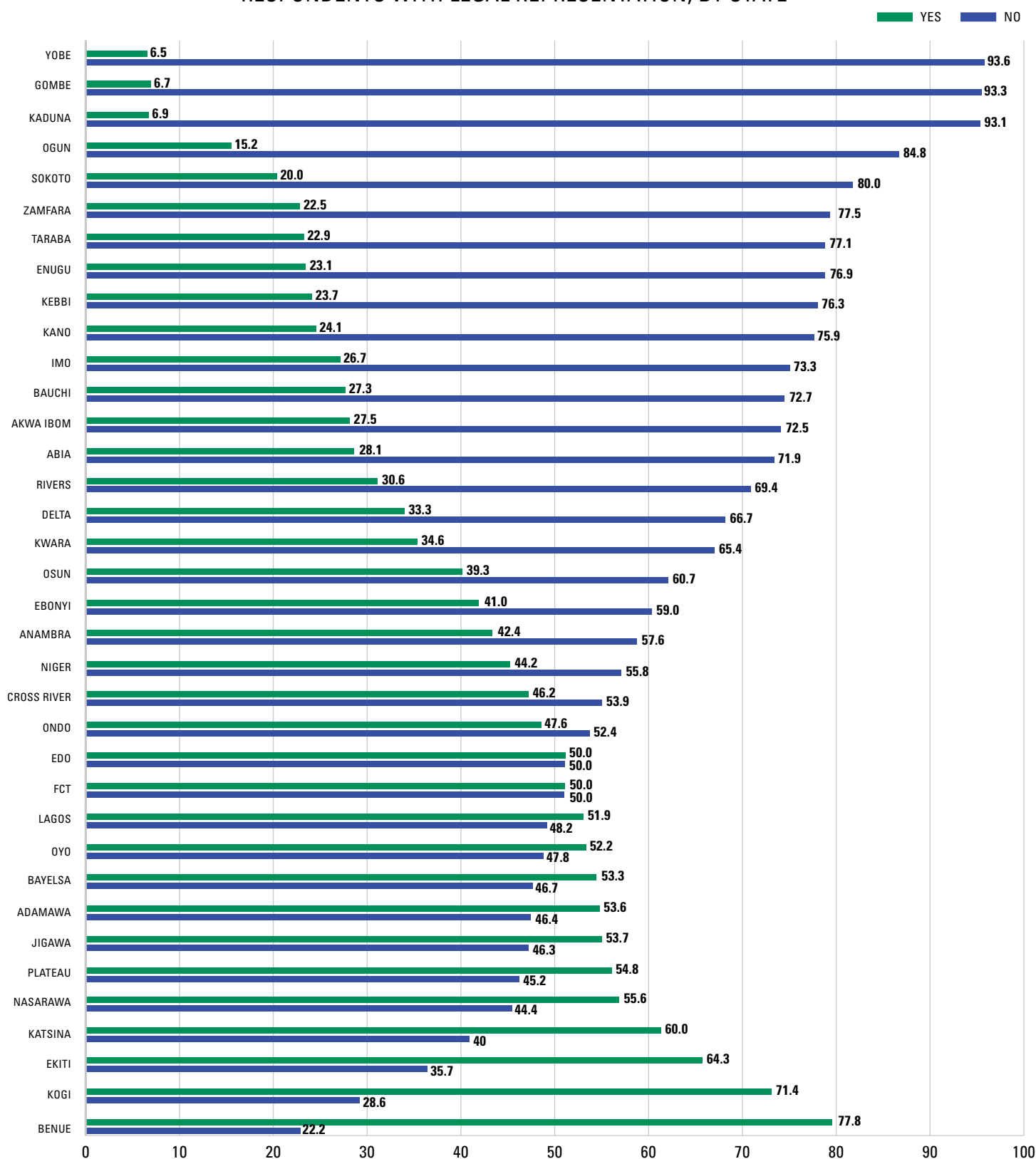


Source: The authors.

5. ACCESS TO LEGAL REPRESENTATION

Of the participants questioned for this study 68.2 per cent indicated that they did not have access to legal representation. The percentage was markedly higher in Yobe state (93.6 per cent), Gombe (93.3 per cent) and Kaduna (93.1 per cent).

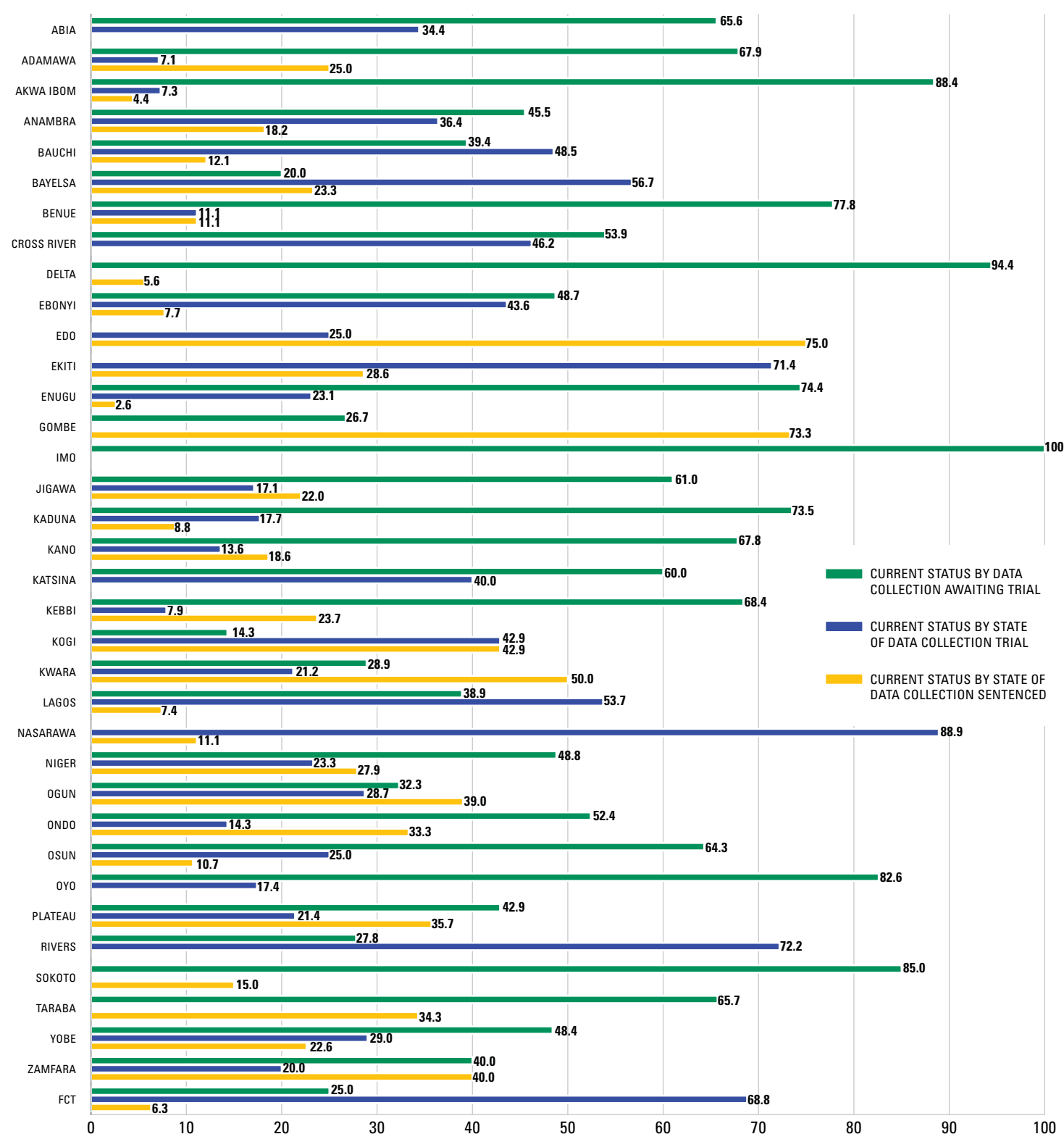
RESPONDENTS WITH LEGAL REPRESENTATION, BY STATE



Source: The authors.

6. THE STATUS OF THE PARTICIPANTS' CASES

The study found that 79 per cent of all the children and young adults deprived of their liberty, who were participating in the study, were awaiting trial. It found that in Abia, Imo and Rivers states, all the study participants were awaiting their trials, while Edo State had the highest number of children and young adults who had already been sentenced.



Source: The authors.

7. LENGTHS OF STAYS IN CUSTODY

The study investigated the lengths of stay of the participating children and young adults in detention; the data are also broken down by state.

PARTICIPANTS' LENGTHS OF STAY IN CUSTODY (%)				
STATE	0-6 MONTHS	7-12 MONTHS	1-3 YEARS	ABOVE 3 YEARS
Abia	50.0	34.4	15.6	0.0
Adamawa	75.0	14.3	3.6	7.1
Akwa Ibom	38.2	35.3	20.6	5.9
Anambra	81.8	6.1	12.1	0.0
Bauchi	65.6	12.5	18.8	3.1
Bayelsa	28.6	28.6	39.3	3.6
Benue	88.9	0.0	11.1	0.0
Cross River	69.2	7.7	23.1	0.0
Delta	61.1	16.7	22.2	0.0
Ebonyi	30.8	28.2	41.0	0.0
Edo	75.0	6.3	12.5	6.3
Ekiti	64.3	21.4	7.1	7.1
Enugu	30.8	18.0	33.3	18.0
Gombe	53.3	33.3	13.3	0.0
Imo	73.3	0.0	20.0	6.7
Jigawa	65.0	17.5	12.5	5.0
Kaduna	42.0	29.0	29.0	0.0
Kano	76.4	10.9	9.1	3.6
Katsina	0.0	6.7	86.7	6.7

PARTICIPANTS' LENGTHS OF STAY IN CUSTODY (%)				
STATE	0-6 MONTHS	7-12 MONTHS	1-3 YEARS	ABOVE 3 YEARS
Kebbi	73.7	10.5	15.8	0.0
Kogi	71.4	28.6	0.0	0.0
Kwara	75.0	15.4	9.6	0.0
Lagos	47.1	13.7	29.4	9.8
Nasarawa	44.4	0.0	55.6	0.0
Niger	46.5	16.3	30.2	7.0
Ogun	52.0	18.8	22.1	7.1
Ondo	79.0	10.5	5.3	5.3
Osun	71.4	3.6	14.3	10.7
Oyo	39.1	13.0	34.8	13.0
Plateau	47.6	23.8	19.0	9.5
Rivers	63.9	19.4	16.7	0.0
Sokoto	25.0	25.0	45.0	5.0
Taraba	67.7	11.8	20.6	0.0
Yobe	77.4	13.0	9.7	0.0
Zamfara	79.0	10.5	10.5	0.0
FCT	31.3	25.0	43.8	0.0
TOTAL	55.6	18.2	21.8	4.3

8. TORTURE AND OTHER INHUMANE TREATMENT

The participants were asked if they had been subjected to inhuman treatment, from their arrest through their detention up to the point when they were interviewed for the study. The results are listed below, disaggregated by state:

INHUMAN TREATMENT EXPERIENCED AT THE CENTRE, BY STATE		
STATE	YES	NO
Cross River	76.9	23.1
Bayelsa	63.3	36.7
Bauchi	60.6	39.4
Plateau	59.5	40.5
Edo	56.3	43.8
Benue	55.6	44.4
Delta	55.6	44.4
Enugu	53.9	46.2
Niger	53.5	46.5
Kebbi	52.6	47.4
Ondo	52.4	47.6
Abia	50.0	50.0
Federal Capital Territory	50.0	50.0
Akwa Ibom	47.8	52.2
Ebonyi	46.2	53.9
Ekiti	42.9	57.1
Anambra	42.4	57.6
Adamawa	35.7	64.3
Lagos	35.2	64.8

INHUMAN TREATMENT EXPERIENCED AT THE CENTRE, BY STATE		
STATE	YES	NO
Gombe	33.3	66.7
Ogun	32.9	67.1
Rivers	30.6	69.4
Zamfara	30.0	70.0
Taraba	22.9	77.1
Kaduna	21.6	78.4
Osun	21.4	78.6
Kwara	21.2	78.9
Sokoto	20.0	80.0
Oyo	17.4	82.6
Jigawa	14.6	85.4
Nasarawa	11.1	88.9
Yobe	9.7	90.3
Kano	8.6	91.4
Imo	0.0	100.0
Katsina	0.0	100.0
Kogi	0.0	100.0
TOTAL	1 161	118

Source: The authors.

Similarly, the participants were asked to indicate whether they had been subjected to corporal punishment.

EXPERIENCES OF CORPORAL PUNISHMENT, BY STATE		
STATE	YES	NO
Abia	12.5	87.5
Adamawa	53.6	46.4
Akwa Ibom	11.6	88.4
Anambra	27.3	72.7
Bauchi	30.3	69.7
Bayelsa	50.0	50.0
Benue	22.2	77.8
Cross River	0.0	100.0
Delta	44.4	55.6
Ebonyi	18.0	82.1
Edo	18.8	81.3
Ekiti	21.4	78.6
Enugu	38.5	61.5
Fct	43.8	86.7
Gombe	13.3	100.0
Imo	0.0	85.4
Jigawa	14.6	92.2
Kaduna	7.8	84.8
Kano	15.3	53.3

EXPERIENCES OF CORPORAL PUNISHMENT, BY STATE		
STATE	YES	NO
Katsina	46.7	55.3
Kebbi	44.7	100.0
Kogi	0.0	80.8
Kwara	19.2	68.5
Lagos	31.5	77.8
Nasarawa	22.2	76.7
Niger	23.3	84.2
Ogun	15.9	47.6
Ondo	52.4	85.7
Osun	14.3	91.3
Oyo	8.7	54.8
Plateau	45.2	88.9
Rivers	11.1	55.0
Sokoto	45.0	22.9
Taraba	77.1	80.7
Yobe	19.4	95.0
Zamfara	5.0	56.3
TOTAL	23.8	76.2

Source: The authors.

9. ACCESS TO EDUCATION WHILE IN DETENTION

The study sought to understand whether formal educational opportunities existed for the participants at their various places of detention.

PERCENTAGE OF CHILDREN AND YOUNG ADULTS RECEIVING FORMAL EDUCATION WHILST IN CUSTODY		
STATE	YES	NO
Abia	31.3	68.8
Adamawa	46.4	53.6
Akwa Ibom	37.7	62.3
Anambra	33.3	66.7
Bauchi	60.6	39.4
Bayelsa	3.3	96.7
Benue	0.0	100.0
Cross River	7.7	92.3
Delta	0.0	100.0
Ebonyi	28.2	71.8
Edo	87.5	12.5
Ekiti	35.7	64.3
Enugu	5.1	94.9
Gombe	80.0	20.0
Imo	0.0	100.0
Jigawa	51.2	48.8
Kaduna	54.9	45.1
Kano	35.6	64.4
Katsina	0.0	100.0

PERCENTAGE OF CHILDREN AND YOUNG ADULTS RECEIVING FORMAL EDUCATION WHILST IN CUSTODY		
STATE	YES	NO
Kebbi	26.3	73.7
Kogi	0.0	100.0
Kwara	59.6	40.4
Lagos	53.7	46.3
Nasarawa	22.2	77.8
Niger	41.9	58.1
Ogun	42.1	57.9
Ondo	23.8	76.2
Osun	28.6	71.4
Oyo	17.4	82.6
Plateau	35.7	64.3
Rivers	2.8	97.2
Sokoto	25.0	75.0
Taraba	20.0	80.0
Yobe	19.4	80.7
Zamfara	67.5	32.5
FCT	50.0	50.0
TOTAL	36.7	63.3

Source: The authors.

Similarly, it sought to determine whether informal educational opportunities were available to the participants – specifically, vocational education.

PERCENTAGE OF CHILDREN AND YOUNG ADULTS RECEIVING VOCATIONAL EDUCATION WHILST IN CUSTODY		
STATE	YES	NO
Abia	40.6	59.4
Adamawa	71.4	28.6
Akwa Ibom	39.1	60.9
Anambra	21.2	78.8
Bauchi	57.6	42.4
Bayelsa	13.3	86.7
Benue	0.0	100.0
Cross River	15.4	84.6
Delta	38.9	61.1
Ebonyi	15.4	84.6
Edo	50.0	50.0
Ekiti	28.6	71.4
Enugu	2.6	97.4
Gombe	73.3	26.7
Imo	20.0	80.0
Jigawa	56.1	43.9
Kaduna	48.0	52.0
Kano	25.4	74.6
Katsina	0.0	100.0

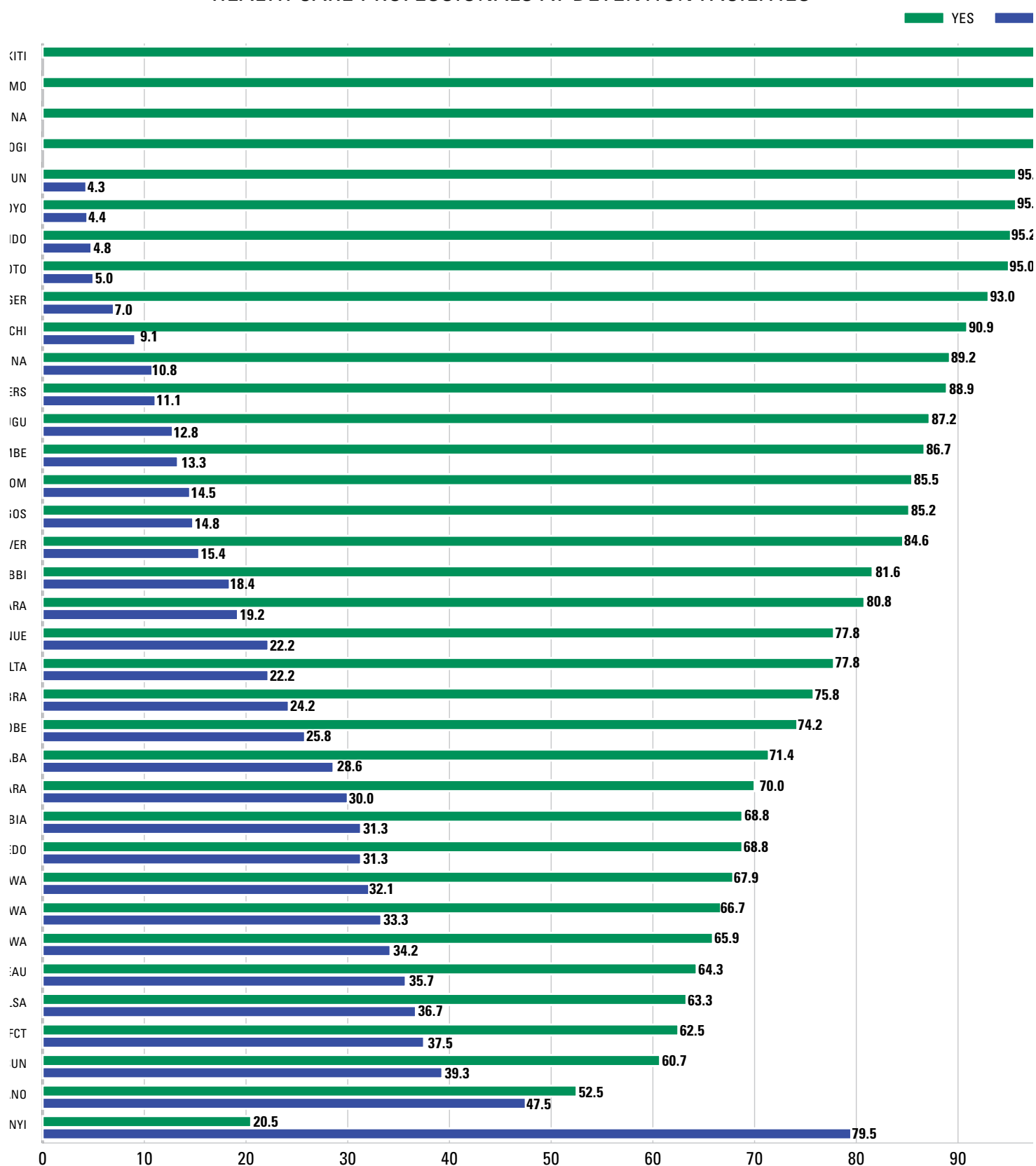
PERCENTAGE OF CHILDREN AND YOUNG ADULTS RECEIVING VOCATIONAL EDUCATION WHILST IN CUSTODY		
STATE	YES	NO
Kebbi	2.6	97.4
Kogi	0.0	100.0
Kwara	44.2	55.8
Lagos	53.7	46.3
Nasarawa	22.2	77.8
Niger	46.5	53.5
Ogun	34.2	65.9
Ondo	42.9	57.1
Osun	25.0	75.0
Oyo	8.7	91.3
Plateau	14.3	85.7
Rivers	25.0	75.0
Sokoto	20.0	80.0
Taraba	28.6	71.4
Yobe	16.1	83.9
Zamfara	20.0	80.0
FCT	18.8	81.3
TOTAL	32.3	67.7

Source: The authors.

10. ACCESS TO HEALTH CARE SERVICES

Of the participants in the study, 79.5 per cent indicated that there were professional health-care providers where they were detained, while 20.5 per cent said that they did not have access to professional health-care providers. All of the participants in Ebonyi, Kano and Osun states, as well as in the Federal Capital District (FCT), indicated that there were health-care professionals at every facility visited. In Kogi state, however, 79.5 per cent of the participants indicated that there were no health-care professionals providing services at their facilities.

HEALTH CARE PROFESSIONALS AT DETENTION FACILITIES



Source: The authors.

11. THE SOURCES OF SUSTENANCE DURING DETENTION

The participants were asked how they were fed and cared for while in custody. Of the answers received, 75.9 per cent indicated that the government was taking care of their needs, 22.8 per cent said that their families sustained them during their stay at their facility, and 4.1 per cent said that they provided for themselves. In addition, 4.7 per cent indicated that others, such as religious organizations, NGOs and fellow inmates, sustained them their stay at the their facilities.

WHO PROVIDES YOU WITH SUSTENANCE AND CARE DURING YOUR STAY?				
STATE	STATE	FAMILY	SELF	OTHERS
Abia	68.8	21.9	0.0	9.4
Adamawa	100.0	32.1	0.0	0.0
Akwa Ibom	85.5	4.4	5.8	2.9
Anambra	78.8	9.1	0.0	12.1
Bauchi	93.9	18.2	0.0	0.0
Bayelsa	63.3	66.7	6.7	10.0
Benue	33.3	44.4	11.1	22.2
Cross River	84.6	0.0	0.0	7.7
Delta	88.9	11.1	0.0	0.0
Ebonyi	41.0	59.0	2.6	5.1
Edo	87.5	12.5	0.0	0.0
Ekiti	100.0	0.0	0.0	0.0
Enugu	61.5	25.6	12.8	10.3
Gombe	87.5	6.3	0.0	0.0
Imo	100.0	33.3	0.0	0.0
Jigawa	100.0	0.0	0.0	0.0
Kaduna	40.2	69.6	1.0	2.9
Kano	39.8	14.8	0.9	1.9
Katsina	100.0	73.3	86.7	0.0

WHO PROVIDES YOU WITH SUSTENANCE AND CARE DURING YOUR STAY?				
STATE	STATE	FAMILY	SELF	OTHERS
Kebbi	50.0	0.0	0.0	50.0
Kogi	100.0	0.0	0.0	0.0
Kwara	94.2	32.7	3.9	0.0
Lagos	90.7	13.0	22.2	13.0
Nasarawa	100.0	11.1	0.0	0.0
Niger	90.7	0.0	0.0	0.0
Ogun	78.7	26.8	0.0	1.8
Ondo	95.2	14.3	4.8	0.0
Osun	96.4	7.1	3.6	3.6
Oyo	91.7	29.2	0.0	0.0
Plateau	69.1	28.6	0.0	11.9
Rivers	83.3	19.4	5.6	5.6
Sokoto	100.0	0.0	0.0	0.0
TARABA	100.0	11.4	0.0	0.0
YOBE	100.0	0.0	0.0	0.0
ZAMFARA	90.0	12.5	2.5	0.0
FCT	43.8	6.3	50.0	0.0
TOTAL	75.9	22.8	4.1	4.7

FCT = Federal Capital District. Source: The authors.

12. REMAND HOMES

Data from the 22 remand homes included in the study, covering a period of five years (2018–2022), were analysed to ascertain the number of children and young adults detained there during this period. The analysis revealed that the number stood at 7,375, and that 16 per cent of that population were female, while 83 per cent were male. In 2022, 1,733 children were admitted, significantly more than in the other years analysed. Adamawa state had the highest number of children in remand homes, with 1,205, or 17 per cent of the total remand population, while Ekiti state had the lowest, with 62 children. A state-by-state analysis of the age and gender distribution of the children and young adults in custody, and of the nature of their offences, is presented below:

12.1 Bauchi state

A total of 342 children and young adults were in custody during 2018–2022. State data revealed that the highest number of juvenile offenders in custody was recorded in 2022, with 107 juveniles that year, while 97 were in custody in 2021. The data also showed an overall increase in the number of juveniles in conflict with the law and deprived of their liberty. In 2018, there were 57 children in custody; that number dropped to 56 in 2019 and dropped further to 30 in 2020. However, in 2021 and 2022, the number increased to 92 and 107 respectively. The age span with the highest number of incarcerated children was 10–17 years, and this group accounted for 73.1 per cent of the children in custody within this period.

The record also shows that the most common offence committed by the children and young adults was theft, which accounted for 49.1 per cent of the offences committed by them, followed by fighting, which accounted for 11.7 per cent. Stealing accounted for 7.6 per cent, robbery for 5.2 per cent and rape for 4.6 per cent.

GENDER DISTRIBUTION			
YEAR	MALE	FEMALE	TOTAL PER YEAR
2018	39	18	57
2019	48	8	56
2020	28	2	30
2021	81	11	92
2022	93	14	107
TOTAL	289	53	342

AGE DISTRIBUTION					
YEAR	0–10 YRS	11–17 YRS	18–21 YRS	21+	NOT STATED
2018	0	28	0	0	29
2019	0	56	0	0	0
2020	0	30	0	0	0
2021	0	90	0	2	0
2022	0	46	0	0	61
TOTAL	0	250	0	2	90

NATURE OF CRIMES						
OFFENCE	2018	2019	2020	2021	2022	TOTAL
Adultery	2	0	0	0	0	2
Conspiracy	0	2	2	4	15	23
Fighting	0	13	0	15	12	40
Mischief	2	1	0	0	5	8
Prostitution	0	0	0	2	0	2
Rape	1	2	2	9	2	16
Robbery	1	4	3	3	7	18
Stealing	0	17	2	0	7	26
Theft	44	13	11	49	51	168
Trespassing	0	0	6	4	3	13
Others	7	4	4	6	5	26

Source: The authors.

12.2 Edo state

Statistics from Edo state revealed that, during the five-year period of 2018–2022, a total of 328 children were in conflict with the law, deprived of their liberty and sent to the remand home there. Of this number, 95.4 per cent were males and 4.6 per cent were females. In both 2018 and 2019, 67 children were being held in custody; in 2020, 36 children were in custody; in 2021, 72 children; and in 2022, 86 children were in custody. The age distribution shows that 80 per cent of the children in custody during this period were 11–17 years of age. Of the offences committed during this period by children and young adults, conspiracy and stealing accounted for 35 per cent. Rape, cultism, conspiracy and murder together accounted for 26 per cent of the offences, followed by assault and break-in, which were committed by 15 per cent of the children and young adults.

GENDER DISTRIBUTION			
YEAR	MALE	FEMALE	TOTAL PER YEAR
2018	67	0	67
2019	63	4	67
2020	34	2	36
2021	69	3	72
2022	80	6	86
TOTAL	313	15	328

AGE DISTRIBUTION					
YEAR	0–10 YRS	11–17 YRS	18–21 YRS	21+	NOT STATED
2018	0	67	0	0	0
2019	0	67	0	0	0
2020	0	35	1	0	0
2021	3	25	0	0	44
2022	3	71	10	2	0
TOTAL	6	265	11	2	44

NATURE OF CRIMES						
OFFENCE	2018	2019	2020	2021	2022	TOTAL
Assault, break in	2	19	7	4	19	51
Conspiracy and stealing	37	22	10	13	34	116
Rape, cultism, robbery, conspiracy and murder	19	20	11	10	25	85
Unlawful assembly	0	0	0	45	0	45
Others	9	6	8	0	8	31

Source: The authors.

12.3 Ekiti State

A total of 62 children were incarcerated in Ekiti state during 2018–2022. Of that number, 44 were male and 18 were female. In terms of age distribution, 97 per cent of the children were 11–17 years of age, and the remainder were aged 0–10 years. Stealing accounted for 55 per cent of the offences committed by children and young adults, while 15 per cent of the children were in custody for being beyond parental control, 8 per cent were charged with rape and 6 per cent were accused of trafficking.

GENDER DISTRIBUTION			
YEAR	MALE	FEMALE	TOTAL PER YEAR
2018	7	3	10
2019	7	4	11
2020	16	2	18
2021	7	3	10
2022	7	6	13
TOTAL	44	18	62

AGE DISTRIBUTION					
YEAR	0–10 YRS	11–17 YRS	18–21 YRS	21+	NOT STATED
2018	0	10	0	0	0
2019	0	11	0	0	0
2020	2	16	0	0	0
2021	0	10	0	0	0
2022	0	13	0	0	0
TOTAL	2	60	0	0	0

NATURE OF CRIMES						
OFFENCE	2018	2019	2020	2021	2022	TOTAL
Assault	0	1	0	0	0	1
Beyond parental control	4	2	1	1	1	9
Conspiracy	1	0	0	1	0	2
Fighting	0	0	0	0	0	0
Murder	1	1	0	1	0	3
Prostitution	0	0	3	0	0	3
Rape	0	0	2	1	2	5
Robbery	0	0	1	0	0	1
Stealing	2	7	11	6	8	34
Trafficking	2	0	0	0	2	4
Others	0	0	0	0	0	0

Source: The authors.

12.4 Gombe state

A total of 183 children were in conflict with the law and deprived of their liberty during 2018–2022. Of this number, 91.8 per cent were male and 8.2 per cent female. The age distribution shows that persons aged 11–17 years committed 92.8 per cent of the crimes in the state by children, followed by children aged 0–10 years. Categorization of offences shows that house trespass and theft had the highest number of offenders, accounting for 44.3 per cent of the crimes committed by children and young adults; 10 percent of the offenses involved either convictions or cases awaiting trial for culpable homicide, 7.7 per cent were assault and causing harm and 7.1 per cent were robbery and rape. Nine persons were charged for being in possession of stolen property.

GENDER DISTRIBUTION			
2018–2022	MALE	FEMALE	TOTAL
GRAND TOTAL	168	15	183

AGE DISTRIBUTION					
2018–2022	0–10 YRS	11–17 YRS	18–21 YRS	21+	NOT STATED
TOTAL	11	170	0	0	2

NATURE OF CRIMES	
OFFENCE	2018–2022
Assault and causing hurt	14
Attempt to commit an offence	6
B/P/S/P, SEC 319PC	6
Contempt of court	8
Culpable homicide	19
Extortion and mischief	6
House trespass and theft	81
In possession of stolen property	9
Mischief	10
Missing child	3
Robbery and rape	13
Others	8

Source: The authors.

12.5 Kano state

Trend analysis of the number of inmates in custody in 2018–2022 revealed that 309 children and young adults had been in detention and deprived of their liberty during that period, 82.2 per cent of them male and 17.8 per cent of them female. The highest number of incarcerated children and young adults was recorded in 2021, when 134 children, representing 43 per cent of the total population of children/young adults responding to the study over the five-year period. The age distribution revealed that children aged 11–17 years made up 87 per cent of the children in custody during this period. The categorization of crimes revealed that theft accounted for 84 per cent of the total children accused of offences, either convicted and awaiting trial, during the period under review.

GENDER DISTRIBUTION			
YEAR	MALE	FEMALE	TOTAL PER YEAR
2018	23	8	31
2019	42	1	43
2020	0	33	33
2021	126	8	134
2022	63	5	68
TOTAL	254	55	309

AGE DISTRIBUTION					
YEAR	0–10 YRS	11–17 YRS	18–21 YRS	21+	NOT STATED
2018	0	30	0	0	1
2019	0	41	2	0	0
2020	0	0	33	0	0
2021	0	130	4	0	0
2022	0	68	0	0	0
TOTAL	0	269	39	0	1

NATURE OF CRIMES						
OFFENCE	2018	2019	2020	2021	2022	TOTAL
Break-in	0	0	3	1	5	9
Homicide	1	3	0	0	1	5
Rape	1	4	0	0	1	6
Roaming	0	0	6	0	3	9
Robbery	0	0	0	0	0	0
Snatching	0	0	5	0	0	5
Stealing	0	0	0	0	0	0
Theft	26	36	14	131	53	260
Thuggery and vandalism	0	0	5	2	5	12
Trespassing	0	0	0	0	0	0
Others	3	0	0	0	0	3

Source: The authors.

12.6 Kebbi state

Records from the Kebbi state remand home revealed that all the children deprived of their liberty for varying offences were male. The age distribution was consistent with the data from other states, as children aged 11–17 years constituted 94.5 per cent of the population of the remand home, while those 0–10 years of age accounted for the remainder. Of the crimes with which these children were charged, theft accounted for 96 per cent, while one child was accused of homosexuality and another of rape.

GENDER DISTRIBUTION			
YEAR	MALE	FEMALE	TOTAL PER YEAR
2018	30	0	30
2019	20	0	20
2020	28	0	28
2021	27	0	27
2022	28	0	28
TOTAL	133	0	133

AGE DISTRIBUTION					
YEAR	0–10 YRS	11–17 YRS	18–21 YRS	21+	NOT STATED
2018	0	30	0	0	0
2019	0	20	0	0	0
2020	0	26	2	0	0
2021	0	27	0	0	0
2022	1	24	3	0	0
TOTAL	1	127	5	0	0

NATURE OF CRIMES						
OFFENCE	2018	2019	2020	2021	2022	TOTAL
Beyond parental control	1	0	3	0	0	2
Homicide	1	2	0	0	0	3
Homosexuality	0	0	2	0	0	2
Rape	0	0	1	0	0	1
Theft	28	17	24	27	28	124
Others	0	0	1	0	0	1

Source: The authors.

12.7 Kwara state

Data from Kwara revealed that 139 children and young adults were incarcerated in the remand home during 2018–2022 for sundry offences. The highest number was recorded in 2022, with 69 children and young adults, constituting 49.6 per cent of the total number of detainees in the remand home during the five-year period. The age distribution reveals that 67.6 per cent of the overall population of the remand home during 2018–2022 were aged 11–17 years, while 32.4 per cent were aged 18–21 years (the highest proportion for that age bracket in all the remand homes in the country). Among the crimes they were charged with, theft was the most common, at 33.1 per cent; followed by truancy, 30 per cent; rape, 15.8 per cent; and others, 21 per cent.

GENDER DISTRIBUTION			
YEAR	MALE	FEMALE	TOTAL PER YEAR
2018	1	17	18
2019	3	13	16
2020	0	14	14
2021	2	20	22
2022	8	61	69
TOTAL	14	125	139

AGE DISTRIBUTION					
YEAR	0–10 YRS	11–17 YRS	18–21 YRS	21+	NOT STATED
2018	0	11	7	0	0
2019	0	12	4	0	0
2020	0	10	4	0	0
2021	0	18	4	0	0
2022	0	43	26	0	0
TOTAL	0	94	45	0	0

NATURE OF CRIMES						
OFFENCE	2018	2019	2020	2021	2022	TOTAL
Adultery	0	0	0	0	0	0
Burglary	3	0	0	0	0	3
Conspiracy	0	0	0	0	1	4
Mischief	0	0	0	0	0	0
Prostitution	0	0	0	0	0	0
Rape	5	6	8	8	0	22

NATURE OF CRIMES						
Robbery	0	0	0	0	1	1
Stealing	0	2	0	0	0	2
Theft	6	6	6	11	17	46
Truancy	4	2	0	5	31	42
Others	0	0	0	0	19	19

Source: The authors.

12.8 Osun state

In Osun state, 424 children and young adults were incarcerated in the remand home during 2018–2022, 78 per cent of them male and 22 per cent female. The years with the highest number of offenders were 2019 and 2020, with 104 and 121 children and young adults in custody, respectively. The numbers dropped to 81 in 2021 and to 46 in 2022. The age distribution was consistent with the data in other states, as the detainees aged 11–17 accounted for the most of the offences committed, by age bracket. In terms of the total population of the remand home in the state, 88.4 per cent were aged 11–17 years; followed by those aged 18–21 years, at 8 per cent; and those aged 0–10 years, at 3.3 per cent.

GENDER DISTRIBUTION			
YEAR	MALE	FEMALE	TOTAL PER YEAR
2018	69	3	72
2019	80	24	104
2020	88	33	121
2021	60	21	81
2022	35	11	46
TOTAL	332	92	424

AGE DISTRIBUTION					
YEAR	0–10 YRS	11–17 YRS	18–21 YRS	21+	NOT STATED
2018	5	64	3	0	0
2019	1	91	12	0	0
2020	5	110	5	0	0
2021	2	71	6	0	0
2022	n/a	n/a	n/a	n/a	n/a
TOTAL	14	375	34	0	0

NATURE OF CRIMES						
OFFENCE	2018	2019	2020	2021	2022	TOTAL
Beyond parental control	10	21	44	4	0	79
Conspiracy	0	0	0	6	0	6
Cultism	0	0	7	0	0	7
Murder	0	0	1	1	2	4
Protections	4	12	33	12	0	61
Rape	4	0	1	2	7	14
Stealing	43	53	18	50	12	176
Threat to life	3	0	0	0	0	3
Wandering	8	18	17	0	18	61
Others	0	0	0	6	7	13

Source: The authors.

12.9 Zamfara State

In Zamfara state, 227 children were incarcerated in the remand home during 2018–2022, 96 per cent of them male and 4 per cent female. The year with the highest number of offenders was 2018, at 69, and the numbers steadily declined thereafter, dropping to 25 in 2022. An analysis of the nature of the offences shows that 51 per cent of the children were charged with theft, while 14.1 per cent were locked up for vagrancy and truancy, 11.4% (or 26 children) were arrested for drug-related offences and 9.6 per cent were in custody for stealing.

GENDER DISTRIBUTION			
YEAR	MALE	FEMALE	TOTAL PER YEAR
2018	66	3	69
2019	43	3	46
2020	48	1	49
2021	38	0	38
2022	24	1	25
TOTAL	219	8	227

NATURE OF CRIMES						
OFFENCE	2018	2019	2020	2021	2022	TOTAL
Beyond parental control	1	1	5	3	4	14
Criminal conspiracy	3	1	1	1	1	7
Drugs	13	5	2	5	1	26
Stealing	2	5	4	10	1	22
Theft	45	23	30	15	3	116
Vagrancy/truancy	4	6	6	1	15	32
Others	1	4	1	3	1	10

Source: The authors.

12.10 Rivers state

In Rivers state, 149 children, 82 per cent of them male and 18 per cent female, were incarcerated in the remand home during the five-year period under review. The year 2019 recorded the highest number of children in custody and 2020 recorded the lowest, at 42 children and 18 children, respectively. All of the children during the period under review were aged 11–17 years. Stealing was the most common offence, accounting for 43.6 per cent of all charges. This was followed by the charges of being beyond parental control and cultism, at 14.7 per cent and 14.1 per cent, respectively.

GENDER DISTRIBUTION			
YEAR	MALE	FEMALE	TOTAL PER YEAR
2018	18	4	22
2019	36	6	42
2020	12	6	18
2021	34	4	38
2022	22	7	29
TOTAL	122	27	149

AGE DISTRIBUTION					
YEAR	0–10 YRS	11–17 YRS	18–21 YRS	21+	NOT STATED
2018	0	22	0	0	n/a
2019	0	42	0	0	n/a
2020	0	18	0	0	n/a
2021	0	38	0	0	n/a
2022	0	29	0	0	n/a
TOTAL	0	149	0	0	n/a

NATURE OF CRIMES						
OFFENCE	2018	2019	2020	2021	2022	TOTAL
Assault	0	0	0	3	1	4
Cultism	7	7	3	4	0	21
Felony	3	0	0	0	0	3
Murder	2	5	0	2	0	9
Prostitution	0	2	3	0	0	5
Rape	1	1	1	3	4	10
Robbery	0	1	1	0	0	2
Stealing	6	19	5	16	19	65
Stubborn	3	5	5	6	3	22
Trafficked	0	2	0	1	0	3
Others	0	0	0	3	2	5

Source: The authors.

12.11 Taraba state

A total of 209 children were in custody in 2018–2022 at the remand home in Taraba state. Of this number, 95.6 per cent were males and 4.4 per cent were females. The year 2018 recorded the highest number of children, at 52 in custody, while 2020 saw the lowest number, at 19 children. An analysis of the age brackets shows that children aged 11–17 years had the highest number in custody, at 85.6 per cent, followed by persons aged 18–21 years.

GENDER DISTRIBUTION			
YEAR	MALE	FEMALE	TOTAL PER YEAR
2018	48	4	52
2019	46	3	49
2020	18	1	19
2021	44	0	44
2022	44	1	45
TOTAL	200	9	209

AGE DISTRIBUTION					
YEAR	0–10 YRS	11–17 YRS	18–21 YRS	21+	NOT STATED
2018	1	42	8	1	n/a
2019	8	40	0	1	n/a
2020	1	17	1	0	n/a
2021	2	39	3	0	n/a
2022	1	41	3	0	n/a
TOTAL	13	149	15	2	n/a

NATURE OF CRIMES						
OFFENCE	2018	2019	2020	2021	2022	TOTAL
Adultery	0	0	0	0	0	0
Belonging to gang of thieves	5	3	2	4	3	17
Conspiracy	4	0	0	2	4	10
Homicide	13	4	4	9	11	41
Mischief	0	0	0	0	0	0
Rape	0	0	1	2	1	4
Robbery	1	4	0	1	2	8
Stealing	4	3	0	6	5	18
Theft	20	16	2	15	16	69
Trespassing	3	22	10	5	3	43
Others	2	0	0	0	0	2

Source: The authors.

12.12 Ebonyi State

A total of 100 children were incarcerated at the remand home in Ebonyi state in 2018–2022. Of the incarcerated children, 99 were male, while only one female was in custody in 2018. The highest number of persons in custody was recorded in 2018, at 42, while the lowest was recorded in 2020, when only three children were in custody. Over the five-year period, 99 of the child offenders were 11–17 years of age, and stealing and conspiracy to steal accounted for 81 per cent of the criminal charges.

GENDER DISTRIBUTION			
YEAR	MALE	FEMALE	TOTAL PER YEAR
2018	41	1	42
2019	20	0	20
2020	3	0	3
2021	11	0	11
2022	24	0	24
TOTAL	99	1	100

AGE DISTRIBUTION					
YEAR	0–10 YRS	11–17 YRS	18–21 YRS	21+	NOT STATED
2018	0	42	0	0	n/a
2019	0	20	0	0	n/a
2020	0	3	0	0	n/a
2021	0	7	0	0	n/a
2022	1	23	0	0	n/a
TOTAL	1	95	0	0	N/A

NATURE OF CRIMES						
OFFENCE	2018	2019	2020	2021	2022	TOTAL
Burglary	1	0	0	1	0	2
Conspiracy/stealing	16	8	0	1	3	28
Murder	1	0	0	3	1	5
Rape	0	0	3	0	1	4
Stealing	21	10	0	6	16	53
Others	2	2	0	0	3	7
Not stated	1	0	0	0	0	1

Source: The authors.

12.13 Lagos state

A total of 453 children and young adults were in custody during 2018–2022 in Lagos state, 52 per cent of them girls, 48 per cent boys. The year that recorded that highest number of persons in custody was 2020, when 161 children were incarcerated.

GENDER DISTRIBUTION			
YEAR	MALE	FEMALE	TOTAL PER YEAR
2018	n/a	n/a	n/a
2019	0	44	44
2020	56	105	161
2021	67	52	119
2022	93	36	129
TOTAL	216	237	453

N/A = data not available. Source: The authors.

12.14 Katsina state

A total of 1,123 children and young adults were in custody at the remand home in Katsina state during 2018–2022. Of that population, 957 persons, representing 85.2 per cent of the whole, were males, while 166 were females. The highest number of persons in custody was recorded in 2019, at 324; while the lowest number was recorded in 2018, at 116. The data show that the age bracket with the highest population was the 11–17 age range (with 1,113 children), followed by the children aged 0–10 years (166). The highest age for offenders at the remand home was 17 years of age, while the lowest was 10 years of age.

GENDER DISTRIBUTION			
YEAR	MALE	FEMALE	TOTAL PER YEAR
2018	0	116	116
2019	311	13	324
2020	135	4	139
2021	268	9	277
2022	243	24	267
TOTAL	957	166	1,123

AGE DISTRIBUTION					
YEAR	0–10 YRS	11–17 YRS	18–21 YRS	21+	NOT STATED
2018	2	114	0	0	0
2019	1	323	0	0	0
2020	1	138	0	0	0
2021	3	274	0	0	0
2022	3	264	0	0	0
TOTAL	10	1,113	0	0	0

NATURE OF CRIMES						
OFFENCE	2018	2019	2020	2021	2022	TOTAL
Armed robbery	7	2	3	0	0	12
Burglary	7	15	0	0	0	22
Culpable homicide	15	14	7	7	0	43
Drugs	1	4	0	3	0	8
Hurt	0	11	0	0	0	11
Public disturbance	4	13	0	3	0	20
Rape	9	5	5	2	3	24
Theft	32	214	55	46	0	347
Trespassing	6	3	2	0	0	11
Unnatural offence	2	4	5	3	0	14
Others	22	31	62	20	264	399
Not stated	11	8	0	193	0	212

Source: The authors.

12.15 Delta state

Statistics from the remand home in Delta state revealed that 161 boys and 10 girls were in custody during 2018–2022. Children aged 11–17 years constituted 93 per cent of the total population remanded within that five-year period, while those aged 0–10 years constituted 7 per cent. The youngest person at a remand home was 6 years old, and was remanded in 2022. Crime-trend analysis showed that stealing was the most common offence, as 84 per cent of the persons in custody had been charged with stealing, while 6 per cent had been charged with murder.

GENDER DISTRIBUTION			
YEAR	MALE	FEMALE	TOTAL PER YEAR
2018	35	4	39
2019	29	1	30
2020	38	2	40
2021	24	1	25
2022	35	2	37
TOTAL	161	10	171

AGE DISTRIBUTION					
YEAR	0–10 YRS	11–17 YRS	18–21 YRS	21+	NOT STATED
2018	1	38	0	0	0
2019	0	30	0	0	0
2020	3	27	0	0	0
2021	0	25	0	0	0
2022	1	36	0	0	0
TOTAL	5	156	0	0	0

NATURE OF CRIMES						
OFFENCE	2018	2019	2020	2021	2022	TOTAL
Armed robbery	1	0	0	0	0	1
Burglary	1	0	0	0	2	3
Carnal knowledge	2	1	2	2	1	8
Murder	6	0	0	1	3	10
Rape	0	0	0	0	0	0
Stealing	27	28	28	21	31	135
Others	0	1	0	1	0	2
Not stated	2	0	0	0	0	2

Source: The authors.

12.16 Jigawa state

In Jigawa state, a total of 220 persons were in custody at the remand home in 2018–2022. The available records show that 100 per cent of them were boys. The age bracket with the highest number of children was the 11–17 age range, as 80 per cent of the children in custody were aged 11–17 years, while the remainder (25 children) were aged 0–10 years. An analysis of the nature of the crimes shows that 29 per cent of the children in custody were charged with theft, 15 per cent with rape and 12 per cent with trespassing.

GENDER DISTRIBUTION			
YEAR	MALE	FEMALE	TOTAL PER YEAR
2018	30	0	30
2019	38	0	38
2020	38	0	38
2021	38	0	38
2022	76	0	76
TOTAL	220	0	220

AGE DISTRIBUTION					
YEAR	0–10 YRS	11–17 YRS	18–21 YRS	21+	NOT STATED
2018	0	30	0	0	0
2019	18	20	0	0	0
2020	0	38	0	0	0
2021	7	31	0	0	0
2022	0	57	0	0	0
TOTAL	245	176	0	0	0

NATURE OF CRIMES						
OFFENCE	2018	2019	2020	2021	2022	TOTAL
Armed robbery	0	0	0	0	2	2
Burglary	1	0	2	0	15	18
Culpable homicide	1	0	0	0	0	1
Rape	0	8	5	11	10	34
Theft	14	13	1	13	23	64
Trespass	0	6	5	4	11	26
Vagabond	7	0	0	0	0	7
Others	7	11	5	10	15	48
Not stated	0	0	20	0	0	20

Source: The authors.

12.17 Ondo State

A total of 209 children were in custody during 2018–2022 at the Ondo state remand home, 168 of them boys and 41 of them girls. Children aged 11–17 years made up 80 per cent of the population. An analysis of the nature of the crimes they were charged with revealed that stealing accounted for 44 per cent of the crimes within the period under review. There were 34 children who were taken into custody because they were beyond parental control, while 13 children were in custody for child control.

GENDER DISTRIBUTION			
YEAR	MALE	FEMALE	TOTAL PER YEAR
2018	48	12	60
2019	10	0	10
2020	18	8	26
2021	29	11	40
2022	63	10	73
TOTAL	168	41	209

AGE DISTRIBUTION					
YEAR	0–10 YRS	11–17 YRS	18–21 YRS	21+	NOT STATED
2018	5	55	0	0	0
2019	2	8	0	0	0
2020	2	24	0	0	0
2021	4	26	0	0	0
2022	2	71	0	0	0
TOTAL	15	184	0	0	0

NATURE OF CRIMES						
OFFENCE	2018	2019	2020	2021	2022	TOTAL
Beyond parental control	8	0	5	13	8	34
Child protection	3	3	1	6	0	13
Murder	0	0	0	0	0	0
Rape	2	0	0	0	7	9
Sexual exploitation	1	0	1	2	10	14
Stealing	39	6	6	4	38	93
Wandering	0	0	4	9	1	14
Others	7	1	9	6	9	32

Source: The authors.

12.18 Akwa Ibom state

A total of 266 children were in custody during 2018–2022 at the remand home in Akwa Ibom state, 6.8 per cent of them female and 93.2 per cent of them male. The highest number of children in custody was recorded in 2018 and 2021, with 63 children in each of those years, while 2019 saw the lowest number, with 42 children. Of the children in custody, 90.6 per cent were aged 11–17 and 4.5 per cent were aged 0–10 years, but the ages of 4.5 per cent of the population were not stated. An analysis of the nature of the offences showed that 53.4 per cent of the persons in custody were charged with stealing. Other common offences included cultism (8.3 per cent), unlawful damage (8 per cent), unlawful carnal knowledge (3.8 per cent), rape (4.1 per cent), conspiracy (7.1 per cent) and others (12.8 per cent).

GENDER DISTRIBUTION			
YEAR	MALE	FEMALE	TOTAL PER YEAR
2018	61	2	63
2019	42	0	42
2020	50	5	55
2021	63	0	63
2022	32	11	43
TOTAL	248	18	266

AGE DISTRIBUTION					
YEAR	0–10 YRS	11–17 YRS	18–21 YRS	21+	NOT STATED
2018	3	59	1	0	0
2019	2	40	0	0	0
2020	1	48	0	0	6
2021	4	59	0	0	0
2022	2	35	0	0	6
TOTAL	12	241	1	0	12

NATURE OF CRIMES						
OFFENCE	2018	2019	2020	2021	2022	TOTAL
Carnal knowledge	0	2	3	4	1	10
Conspiracy	3	4	2	6	4	19
Cultism	0	3	12	3	4	22
Rape	1	2	3	3	2	11
Stealing	43	21	25	30	23	142
Unlawful damage	3	4	4	8	2	21
Wandering	1	2	1	2	1	7
Others	12	4	5	7	6	34

Source: The authors.

12.19 Adamawa State

The highest number of children at a remand home were found in Adamawa state, with 1,205 incarcerated at the state's remand facility during 2018–2022, representing about 18 per cent of all the children in remand homes across the country. At the Adamawa state remand home, 26.5 per cent of the population were females and 73.5 were males. During 2018–2022, over 200 children were admitted each year, with the exception of 2020, when the remand population was 180.

GENDER DISTRIBUTION			
YEAR	MALE	FEMALE	TOTAL PER YEAR
2018	178	85	263
2019	189	51	240
2020	137	43	180
2021	177	55	232
2022	205	85	290
TOTAL	886	319	1,205

Source: The authors.

12.20 Plateau state

In Plateau state, 464 children were admitted into the remand home during 2018–2022, 90 per cent of them male and 10 per cent female. The remand population was the lowest in 2020, when a total of seven children were in custody, while the highest number of persons were incarcerated in 2018, with 166 children.

GENDER DISTRIBUTION			
YEAR	MALE	FEMALE	TOTAL PER YEAR
2018	154	12	166
2019	113	17	130
2020	0	7	7
2021	51	4	55
2022	101	5	106
TOTAL	419	45	464

Source: The authors.

12.21 Sokoto state

In Sokoto state, 327 children were in custody during 2018–2022. As in most states, there were more boys in custody than girls; in this case, 95 per cent of the total population in custody were males, while 5 per cent were females.

GENDER DISTRIBUTION			
YEAR	MALE	FEMALE	TOTAL PER YEAR
2018	40	2	423
2019	48	3	51
2020	70	4	74
2021	60	3	63
2022	92	5	97
TOTAL	310	17	327

Source: The authors.

12.22 Yobe state

Yobe state had 330 children at its remand home during 2018–2022. Of this population, 95.5 per cent were male and 4.5 per cent were female.

GENDER DISTRIBUTION			
YEAR	MALE	FEMALE	TOTAL PER YEAR
2018	57	2	59
2019	66	1	67
2020	52	7	59
2021	71	4	75
2022	69	1	70
TOTAL	315	15	330

Source: The authors.

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An Assessment of the Situation of Children and
Young Adults Deprived of Liberty in Nigeria

