



## **Child/Juvenile trials under the criminal justice administration in Nigeria: An urgent compulsion for reformations**

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### **Abstract**

Crimes are part of every society, every day, every month and all through the year. These crimes in times past were committed by persons that have attained the age of majority or adults, but in the recent decades, there had been an alarming rise in the number of child/juvenile delinquencies across the globe. This child/juvenile may have to come face to face with the law and are unfortunately often treated like adults and mixed with adults in prisons. This paper concentrates on the Nigerian laws that protect children in a juvenile trial. The study argues that though the laws are active in its substantive state, but are very docile in the paradigm of implementation. It is recommended that on no account should juveniles must be transferred to an adult court. The work concludes that the rate of crimes executed by juveniles in Nigeria is on the increase and the criminal justice system in every state in Nigeria must be advanced to ensure that the rights of a child during trial are not breached.

**Keywords:** crime, child, juvenile, trial, criminal justice

### **Introduction**

In every jurisdiction, a child has the right to be protected under the law especially when he is being investigated for a crime or actually standing trial. These laws are enacted to ensure adequate protection of children all over the world. Children are vulnerable sets of individuals that are easily challenged by many issues going on in their lives. The overall welfare of a child is dependent on the rights that accrue to him in a given society. All children irrespective of their ages, sex, race, education, background and religion have the right to be protected by these Laws in any clime.

In Nigeria, even though there is the believe that the overall human rights will improve, terrorism, political crisis, violence from internal conflicts, corruption, economic crisis, child trafficking, harmful health practices and child abuse among others affect Nigerian citizens, including children <sup>[1]</sup>. However, the degree of such abuse and the interpretation of it within the societies where it took occur are issues of greater contentions <sup>[2]</sup>.

Children conflict with the law for a variety of reasons. Poverty, social inequality, failed educational system, family problems, peer pressure, social and religious conflicts in which children are used as the foot soldiers are some of the factors that account for the number of children in conflict with the law. Unfortunately these child offenders are often treated like adults and mixed with adults in prisons. Many are convicted and jailed without making contact with a social worker or getting the opportunity to be heard. Some end up becoming more notorious after being mixed up with adult offender in Nigerian Prisons. With all these shortcomings and challenges that are prevalent under the Nigerian Criminal Justice Administration, there is an urgent need for reformations on juvenile trials and procedure.

It is the duty of every country to make laws pertaining to juvenile trials in order to holistically protect and rehabilitate young offenders. In criminal proceedings, children are treated very differently from the adults. The state laws protects the rights of children till they become adults which is based on their ability to interact in the society <sup>[3]</sup>. Therefore, the procedure adopted in a juvenile court is totally different from that which is obtainable from a regular/adult court; this is to protect children holistically in the paradigms of a criminal justice system.

There a various anxieties and uncertainties over breach of children's rights in juvenile trials this situation is globally growing at an alarming rate. One of the frequently criticized Policy and practice by the Committee on the Rights of the Child the body responsible for monitoring the implementation of the United Nations Convention on the Rights of the Child is that which relates to juvenile justice <sup>[4]</sup>. The Committee has in fact drawn their conclusions on this issue from two thirds of the State reports it has reviewed so far. Unfortunately in some countries like Nigeria, Juvenile justice is not on the priority list of both the federal and state governments. In fact very few remand, rehabilitation and Borstal homes are still in existence in Nigeria and this totally runs contrary to what is practicable in advanced countries like United Kingdom, Canada, United States of America and Australia. For instance, in the United States, the major aims of the juvenile justice system are rehabilitation, skill development, maintenance of public safety, treatment, and successful reintegration of juveniles to their community <sup>[5]</sup>. In most jurisdictions, the juvenile justice system, handles the cases of juveniles who are suspects and are involved in a criminal or delinquent act <sup>[6]</sup>. Generally, juveniles that are under the age of eighteen at time of the offense, the time of apprehension, or when they are referred to

the court juvenile courts are placed within the original jurisdiction of juveniles courts when charged with a crime <sup>[7]</sup>. In criminal hearings, children are treated very differently from the adults since they are one of the most vulnerable members of the society <sup>[8]</sup>.

Some of the legislations that are enacted in Nigeria to ensure juvenile protection are Children and Young Persons Act <sup>[9]</sup>, Criminal Code <sup>[10]</sup>, Penal Code <sup>[11]</sup>, Child Rights Act 2003 the Criminal Procedure Act <sup>[12]</sup>, the Criminal Procedure Code <sup>[13]</sup> and the Sharia Penal Code <sup>[14]</sup>. In both binding and non-binding international law, juvenile justice and its associated fields (such as prevention of delinquency and conditions of detention) are the subject of provisions whose comprehensive and detailed nature has no equal in overall field of children's rights.

This article discusses the conceptual definition of a child, the Legal framework on juvenile trial in Nigeria; domestic, regional and international. The work further clarifies the possibility of a juvenile being tried in an adult or regular courts.

### **Legally, who is a Juvenile?**

There are so many controversies across various jurisdictions on the conceptual definition of a juvenile or a child. In other words, there are different ages for citizens to attain the age of criminal responsibility across the globe. The very first country to adopt the juvenile system was the United States of America in 1889 and the United Kingdom followed suit <sup>[15]</sup>. Prior to this time, a child was tried in an adult court under the criminal justice system all over the world to the extent that if found guilty, could be executed like an adult <sup>[16]</sup>.

The Child Right Act 2003 defines a child to mean:

“A person under the age of eighteen (18) years” <sup>[17]</sup>.

However Children and Young Persons Act section 2 provide that a

“Child means a person under the age of fourteen years” <sup>[18]</sup>.

Furthermore, Article 1 of Convention on the Right of the Child defines the holder of Rights under the child Convention as

“every human being below the age of 18 years unless under the law applicable to the child, Majority is attained earlier”. <sup>[19]</sup>

The convention stipulated the age of majority as eighteen (18) years, but showed the acceptability of the age specified by the applicable laws in all states at the domestic level. The Oxford dictionary defines a child as;

“A young human being below the age of puberty or below the legal age of majority” <sup>[20]</sup>.

Black's Law Dictionary also defines a child to be

“A person under the age of maturity” <sup>[21]</sup>.

The Nigerian Children's Trust Fund Act defines;

“A child as the person who has not attained the age of sixteen years” <sup>[22]</sup>.

Furthermore, Ayua and Okagbue in their book conceptualize the customary definition of a child and assert that the age of majority;

“varies from ethnic group to ethnic group due to the lack of a uniform system of customary law in Nigeria” <sup>[23]</sup>.

In some ethnic groups a boy remains a child until initiated into an age grade society or until he is old enough to contribute financially to community development <sup>[24]</sup>. In others, “childhood terminates at puberty” <sup>[25]</sup>.

In *Okon vs. The State* it was held that “under section 2 (1) of the Criminal Procedure Act, a “child” means any person who has not attained the age of fourteen years and this definition is exhaustive” <sup>[26]</sup>. Also in *Solola and Anor vs. State* <sup>[27]</sup> “A child is defined by section 2 (1) of the Criminal Procedure Act. Similarly, in the case of *R. vs Carton*, it was held that the meaning of the word child “must in every case depend on the content in which it appears” <sup>[28]</sup>.

The Criminal Procedure Code defined Juveniles are as;

“A special category of offenders; all persons under the age of 17 or 18”, <sup>[29]</sup>

Also, the Child and Young Persons law of Lagos State defines a juvenile as;

“A young person who has attained the age of 14 and is under the age of 17” <sup>[30]</sup>.

These conceptual clarifications depict a high level of controversy and inconsistencies in Nigeria.

### **Theoretical Framework**

Many scholars have worked on the theories of child/juvenile delinquencies. Why would a child commit offences and another would not? Generally, peer pressure, economic and social factors, migration, cultural factor, religion purpose are some of the causes and condition for juvenile delinquencies. A few theories will be discussed and summarised to explain the foundations for the causes.

#### **The Rational Choice Theory.**

Rational choice theory is a method adopted by social scientists to comprehend human behavior. The paradigm of Economics has dominantly used this approach for a long time but in recent decades it has become more widely used in other n disciplines. It is basically about how incentives and constraints affect behavior <sup>[31]</sup>.

This theory posits that people exhibit criminal acts based on

the rational result they obtain after considering the consequences/benefits of their crime in relation to the offence. It is believed that people commit offences because the personal benefit or satisfaction gained greatly outweighs the punishment risked in their opinion<sup>[32]</sup>. This could be as a way of life of the juvenile. This theory is known as the Classical Theory<sup>[33]</sup>. The theory further proves that An RCT in criminological discourse has stood for established that self-interest promotes crime because it is often the easiest way to get what one wants<sup>[34]</sup>.

### **The Biosocial Perspective Theory**

The biosocial perspective theory asserts that the complexities of human psychology and behaviour are applicable to all areas of the human condition, including criminal and antisocial behaviour. From time immemorial, the perceptions of crime and criminality have been driven by simplistic opinions of causality: poor parenting crime, poverty, hanging out with delinquent peers, playing violent video games are all causes of crime<sup>[35]</sup>. These assertions are not just found in popular media, political speeches but scholars whose job it is to study crime have long upheld these notions by placing the blame for criminal behaviour on social processes<sup>[36]</sup>. This theory is of the opinion that the ability to commit offences are different between people due to biological differences. It is believed that crime tendency results from the neural and cerebral composition of people<sup>[37]</sup>. People of different sexes, have different levels of body hormones e.g. higher levels of testosterone are more available in males than in females, and this explains why there is higher rate of crime amongst men than women. It is also believed that aggressive and negative neural hormonal make-up is based on genes composition. Violent acts that lead to offences could be inherent in the lineage of a person<sup>[38]</sup>.

### **The Conflict Theory**

The conflict theory and its theoretical foundation were laid down by Karl Marx. He established this theory in the philosophies regarding the wide margin in power between people and groups, the difference in the social paradigm of contesting groups under capitalism, and the violent skirmish between social classes<sup>[39]</sup>. Marx further opined like Durheim<sup>[40]</sup> that crime should be seen as a symptom of social degeneration and the political class as a tool for the enforcement of capitalism, which was at the root of crime<sup>[41]</sup>.

### **Developmental Life Course Theories**

Developmental life course theories deal with the development of offending<sup>[42]</sup> and antisocial behaviour, risk factors at different ages, and the effects of life events on the course of development<sup>[43]</sup>. As opposed to the other crime theories, developmental life course theories particularly anchors the understanding in individual patterns in criminal behaviour throughout the life span, especially the levels of risk and life events are interwoven to determine the beginning, continuation, and desistance of crime<sup>[44]</sup>. Developmental life course theories are prevalent with at least five models: integrative control theory<sup>[45]</sup>; interactional theory<sup>[46]</sup>; social development model<sup>[47]</sup>; integrated cognitive; antisocial potential theory<sup>[48]</sup>; and two qualitatively distinct categories

of antisocial people (life course persistent and adolescence-limited offenders<sup>[49]</sup>). Each theory has its peculiarities in relationship to personal, ecological and social assertions, they can be summarised and explained in 10 most widely accepted

1. Offences are prevalently committed in the peaks of the late teenage years (between ages 15 and 19).
2. The zenith period for the onset of offending is between ages 8 and 14, while ages 20-29 marks the peak age of desistance is.
3. When a juvenile starts committing crime at an early age, it tilts towards relatively long criminal career duration and the commitment of several offences.
4. A marked continuity is seen in offending and antisocial behaviour from childhood to adolescence to adulthood.
5. All crimes in a society a committed by a small fraction of the population.
6. Offenders commit different types of crimes rather than specializing in one particular offence.
7. The types of behaviour defined as crimes have the characteristics or traits of antisocial behaviours (e.g., sexual promiscuity, reckless driving, heavy drinking, bullying, and/or truancy).
8. While most offenses till the late teenage years are committed with other accused persons, from age 20, most offenses are committed alone.
9. Various reasons account for offending up to the late teenage years (e.g., excitement, enjoyment, or anger).
10. Different types of first-time crimes are likely to be committed at specifically different ages<sup>[50]</sup>.

### **The Legal Framework**

The various laws on Juvenile justice administration will be examined in this section. Both local and international treaties relevant to juvenile trials are discussed. It is asserted that the laws in their substantive state are not versatile enough to meet the demands of a contemporary growing population of Nigeria.

### **The Children and Young Persons Law**

The Children and Young Persons Ordinance<sup>[51]</sup> was the first statutory provisions in Nigeria in 1943 which also emerged as the prominent statute that regulates the administration of juvenile justice. Immediately after Nigeria gained independence, the statute created juvenile courts to administer cases relating to children and young persons, as this were originally recognized in Lagos and Calabar but were established in the states of the Western and Eastern Regions and Social Welfare Officers were also employed across the regions<sup>[52]</sup>. Several other laws that concerns juvenile delinquencies began to emanate e.g the Criminal Procedure Act and the Criminal procedure Codes<sup>[53]</sup> dealing with juvenile offenders. A National Workshop about the CYPL ((CHILD AND YOUNG PERSON LAW) was created in 1991, suggesting that the juvenile court should maintain its own rules and procedure with emphasis on shifts towards informal, non-custodial and community-based methods<sup>[54]</sup>. Children and Young Persons Law makes provisions for the welfare and treatment of young offenders and the establishment of juvenile courts<sup>[55]</sup>. The purpose of the Children and Young Person Law is to provide for the general

welfare of the young, his treatment as an offender and the establishment of a juvenile court to try him. In Summary the Statute created the following; Establishment of Juvenile Courts, Special trial and punishment procedure, Dealing with endangered juveniles and juveniles in need of care and attention, Dealing with endangered juveniles and juveniles in need of care and attention, Dealing with endangered juveniles and juveniles in need of care and attention Dealing with constricted juvenile

### **Criminal Code and Penal Code**

The two major sources of Criminal Law in Nigeria are the Criminal Code, which applies in the southern states, and the Penal Code, which applies in the northern states. Both laws made provisions for the juvenile as follows; Section 30 of the Criminal Code provides that;

“A person under the age of seven years is not criminally responsible for an act or omission, unless it is proved that at the time of doing the act or making the omission he had capacity to know that they ought not to do the act or make the omission. A male person under the age of twelve years is presumed to be incapable of having carnal knowledge”<sup>[56]</sup>.

Also section 50 of the Penal Code provides that:

“No act is an offence which is done  
(a) By a child under seven years of age; or  
(b) By a child above seven years of age but under twelve years of age who has not attained sufficient maturity of understanding to judge the nature and consequence of such act”<sup>[57]</sup>.

This means that a child under the age of seven years is not criminally liable for any act or omission while a child under the age of twelve years is cannot be liable for any act or omission unless it can be proved that he had the capacity to know that he ought not to do the act or make the omission the time of doing the act or making the omission.

In effect, this has automatically created an age limit below which a child can never be held guilty of a crime. He is not liable for his acts or omissions if he is below the age of seven years, while those who have attained the age of seven years but are below twelve years are not criminally responsible unless it is proved that, they ought not to do the act or make the omission at the time of committing the offence, they had the capacity to know that and that children from twelve years upwards are fully criminally responsible for their crimes except if they enjoy any of the general defences provided under the laws<sup>[58]</sup>. This shows that in Nigeria, a child of seven years and above can be prosecuted, but this must be done in a juvenile court.

### **International Treaties**

The constitution of Nigeria provides for international treaties to be implemented in Nigeria<sup>[59]</sup>. There are few international conventions and charters that Nigeria has adopted for the administration of juvenile justice.

### **Convention on the Rights of the Child (CRC) 1989.**

Nigeria adopted the United Nations Child Rights Convention<sup>[60]</sup> on April 16<sup>th</sup>, 1991 and in addition, two optional protocols to the convention were adopted on the 25<sup>th</sup> of May 2000. Under this Convention the interest of the children come first and should be a priority in the state that adopts it. The rights in this convention include the right for children to participate in making decisions which affect their lives and the life of the community they are a part of<sup>[61]</sup>. This particular right was put in effect in the National Conference on Juvenile Justice Administration in Nigeria<sup>[62]</sup>.

The CRC has a number of limitations (e.g. prohibiting the death penalty and life imprisonment without possibility of release) and requires that

“detention or imprisonment of a child... shall be used only as a measure of last resort and for the shortest appropriate period of time”<sup>[63]</sup>.

The CRC makes provisions for a variety of concerns to be considered and which would effectively enable a custodial sentence to be avoided<sup>[64]</sup>. These provisions emerges from the method that the handling of a delinquent should take account of, among other things,

“the desirability of promoting the child’s Reintegration and the child’s assuming a constructive role in society”<sup>[65]</sup>.

The “reintegration” aim is nonetheless not entirely absent from the regime applicable to adults. The CCPR thus states that;

“the penitentiary system shall comprise treatment of prisoners the essential aim of which shall be their reformation and social rehabilitation”<sup>[66]</sup>.

The avoidance of merely punitive sanctions against juveniles is also implied in Rule 5 of the Beijing Rules<sup>[67]</sup>, which states that

“the juvenile justice system shall emphasize the well-being of the juvenile”<sup>[68]</sup>.

The Rule then introduces the principle of proportionality

“and shall ensure that any reaction to juvenile offenders shall always be in proportion to the circumstances of both the offenders and the offence”<sup>[69]</sup>

which, as stated in the Commentary to Rule 5, is similarly designed to curb undue recourse to such punitive sanctions<sup>[70]</sup>.

### **African Charter on the Rights and Welfare of the Child**

It is also called the ACRWC or children’s charter. It was adopted by the Organisation of African Unity (OAU) on July 1, 1990<sup>[71]</sup>, which is now the African Union and it was entered into force on the 29<sup>th</sup> of November, 1999<sup>[72]</sup>. It is also

a comprehensive instrument that states the rights of children. It covers the whole civil, political, economic, social and cultural rights of a child. It defines the status of a child to be below the age of 18. The ACRWC was established because members of the AU believed that the CRC was missing important socio-cultural elements particular to Africa. It sought to include African culture and experiences in the rights of the child, but still based on the best interest of the child and other basic principles from the CRC<sup>[73]</sup>. Nigeria adopted both the ACRWC and the CRC and implemented it into the Childs Right Act of 2003.

### Procedure of Juvenile Trials

From the provisions of the Child Right Act, juvenile cases are handled in the family courts<sup>[74]</sup>. Such courts are usually at the high court level and Magistrate level<sup>[75]</sup> and the magistrate and judge could be assisted by assessors<sup>[76]</sup>, the assessors at the magistrate level must be officers above the rank of senior development officer, whereas, at the high court level, they must be above the rank of the chief social welfare officers<sup>[77]</sup>. The officials handling juvenile cases must “have the capability to do so for such cases involve children, officers like the judge, magistrate, and officers of the Specialized Police Unit, Supervisors and Child Development Officers”<sup>[78]</sup>.

The basic rules governing juvenile trials must be adhered; child trials are not to be held in public,<sup>[79]</sup> certain words are not permissible for use in the court room such as sex, imprisonment/sentence, conviction, etc<sup>[80]</sup> and only the court can give authority before a child’s identity can be made public<sup>[81]</sup>. When a child is presented before the court, the child’s plea is taken after being informed of the allegations made against him, he pleads not guilty, he will be cross examined while the judge or magistrate hears the evidence presented by the prosecution witness. However, the court can go ahead to cross examine an offender even when he pleads guilty but the court is not satisfied with such plea<sup>[81]</sup>.

After the cross examination, the judge may ask further questions, to ascertain certain facts<sup>[83]</sup>. But in a situation where the judge is satisfied and considers the juvenile guilty, the necessary punishments will be given, e.g putting the juvenile delinquent under the care of a guardian and supervision by a relative, or a supervision officer<sup>[84]</sup> or be ordered to take part in group counselling. At times, the judge may order that a fine, damages, compensation, and cost or to undertake community service, etc. In a not too serious situation, the court may remand the child or allow bail<sup>[85]</sup>.

By the provisions of Children and Young Persons Laws, a child cannot be imprisoned, subject to corporal punishment or death penalty except otherwise provided by a relevant juvenile law<sup>[86]</sup>.

### The State of Nigerian Juvenile Trials

The process and paradigm of juvenile trials could be very costly, expensive and tedious. Nigeria is still a developing economy in 21<sup>st</sup> century and this has also affected the advancement of juvenile trials in its entirety. There is lack of human resource to take care of every case involving a juvenile in every state of Nigeria. The rate of social workers employed is minimal to the number of juvenile delinquents that needs to be attended to.

There is also scarcity of remand and borstal homes throughout the federation. This leads to a situation where child offenders are transferred to adult prisons and this is totally detrimental to his total wellbeing and rehabilitation. Furthermore, juveniles in the adult prison may be at risk the “disruptions in their personal development, identity formation, relationships, and learning, growth in skills and competencies, and positive movement into adult status”<sup>[87]</sup>.

For the Juvenile, transfer to the adult prison could mean harsher punishment (including physical, sexual, or psychological victimization by other inmates) and enduring developmental costs<sup>[88]</sup>. For the country concerned, transfer of a juvenile to adult court shows i that the criminal justice system will no longer protect the juvenile delinquent from harsh justice<sup>[89]</sup>. Transfer to adult court further proves that the demand for proportional punishment has destroyed “the goal of individualized rehabilitation found in the juvenile justice system”<sup>[90]</sup>.

In highly population congested states like Lagos and Kano, the court facilities are also not enough to speed up juvenile trials and the delinquent will also end up in adult facilities with all its negative impacts on their rehabilitation process.

### Recommendation

Both the federal and state government should financially develop the juvenile justice system in Nigeria so as to rehabilitate and restore juvenile delinquents. It is also recommended juveniles must not be transferred to an adult court and that the economic, social, psychological, academic rights and status of every Nigerian child must be guaranteed by the government in order to secure an effective procedure mechanism of juvenile trials under the Criminal justice administration.

There is an urgent necessity to employ more social workers in every state so as rehabilitate individual juveniles and this will in turn facilitate the juvenile justice system to be more efficient. In order to become effectively rehabilitated, Juveniles need to be closely catered for. There should also be a major tilt from trial to prevention and this can be achieved when government, religious bodies, Non-governmental Organizations and the entire society establish programs that will enlighten juveniles on abstinence from crimes. This also involves the psych-social development of a child to abstain from crime and related offences.

### Conclusion

I draw this study to a close by asserting that the rate of crimes executed by juveniles in Nigeria is on the increase and the criminal justice system in every state in Nigeria must be advanced to ensure that the rights of a child during trial are not breached. There are various Laws and Statute that protect and ensure justice for a juvenile during trials, but these laws are not well implemented by the officers involved; though they may be constrained due to lack of amenities and structures for implementation.

We should all come together in Nigeria and ensure that our children do not become delinquent. Obviously with all discussions asserted in this study, there is an urgent necessity for reformation on juvenile trial under the Criminal Justice Administration in Nigeria.

## References

1. Alemika, *et al.* Report on the implementation of the convention on the right of the child by Nigeria A report prepared for the committee on the right of the child 38th session. Geneva, 2004. [www.omct.org/pdf/Nigeriareport0802.pdf](http://www.omct.org/pdf/Nigeriareport0802.pdf), accessed 9 January, 2018.
2. Corby B. Child Abuse, Towards a Knowledge Base, (3rd ed) Glasgow, Open university press, 2006.
3. Citizens Information. Children and the criminal Justice System <<https://citizensinformation.ie>> accessed 8 January 2018.
4. Innocenti Digest, <http://www.refworld.org/pdfid/4b56c9952.pdf>, accessed 13 January 2018. (Hereinafter known as The Digest in this work)
5. Juvenile Justice and Delinquency Prevention, <http://www.findyouthinfo.gov/youthtopics/juvenile-justice> (last visited Nov. 23, 2012). Prosecuting Juveniles in the Adult Criminal Justice System: Key Issues and Recommendations for Arizona, Children's Action Alliance 1, 6 (June 2003), <http://azchildren.org/wp-content/uploads/2013/01/Prosecuting-Juv-as-Adult2003.pdf>, accessed 22 February 2018.
6. *ibid*
7. Prosecuting Juveniles in the Adult Criminal Justice System: Key Issues and Recommendations for Arizona, Children's Action Alliance 1, 6 (June 2003), <http://azchildren.org/wp-content/uploads/2013/01/Prosecuting-Juv-as-Adult2003.pdf>, accessed 22 January, 2018.
8. Citizens Information, Children and the criminal Justice System <<https://citizensinformation.ie>> accessed on 8 January 2018.
9. Children and Young Persons Act, Chapter 485 L.F.N 1990 (Abuja)
10. The criminal Code, CAP 38, Laws of the Federation, 2004.
11. The Penal Code, CAP 89, Laws of the Federation, 2004.
12. Criminal Procedure Act Cap C41, Laws of the Federation, 2004
13. Criminal procedure Code, Cap C46
14. Sharia Penal Code Law No. 10, 2000
15. Howard Snyder and Melissa Sickmund, 'Juvenile Offenders and Victims: A National Report' (2<sup>nd</sup> edn US Dept. of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention, 1995) 70
16. *ibid*
17. S. 277, Child Rights Act 2003, Laws of the Federation of Nigeria 2004 Volume 5 Chapter C50.
18. Children and Young Persons Act 1958.
19. The United Nations Convention on the Rights of the Child
20. [www.oxforddictionaris.com/definition/english/child](http://www.oxforddictionaris.com/definition/english/child), accessed 14 January, 2018.
21. Garner BA. Black's Law Dictionary Ninth Edition, P. 271.
22. S. 1 (3), Nigerian Children's Trust Fund Act 1990 Laws of Federation 2004 Volume II.
23. Ayua I, Okagbue I. The Rights of the Child in Nigeria, Intec Printer Limited, Ibadan. 1996; pp.30.
24. Paul A. An Appraisal of the Protection of the Rights of a Child in Niger State, A Projected submitted to the faculty of Law, Ahmadu Bello University, Zaria, 2015.
25. Ayua IA, Okagbue I. The Rights of the Child in Nigeria, Intec Printer Limited, Ibadan. 1996; pp.30.
26. Okon vs. State. 1 NWLR Pt 69 at 173 43R. vs Carton (1945) 1 CH Div 372, 1988.
27. 5 SCNJ 139, 2005
28. R. vs Carton. 1 CH Div 372, 1945
29. The Criminal Procedure Code, Cap C46
30. Section 2, The Children and Young Persons Act Chapter 485 L.F.N 1990 (Abuja)
31. Serdar K. An Evaluation of the Rational Choice Theory in Criminology, [http://www.gau.edu.tr/PDF-Files/JSAS\\_004\\_08/JSAS\\_004\\_08\\_2\\_Gul.pdf](http://www.gau.edu.tr/PDF-Files/JSAS_004_08/JSAS_004_08_2_Gul.pdf), accessed 15 February 2018.
32. Hess K, Others. 'Juvenile Justice' (6th edn, Wadsworth Cengage Learning c2013) p.70.
33. *ibid*
34. Serdar K, An Evaluation of the Rational Choice Theory in Criminology, [http://www.gau.edu.tr/PDF-Files/JSAS\\_004\\_08/JSAS\\_004\\_08\\_2\\_Gul.pdf](http://www.gau.edu.tr/PDF-Files/JSAS_004_08/JSAS_004_08_2_Gul.pdf), accessed 15 February 2018.
35. Nedelec J. What is Biosocial Criminology(Its Science), <https://www.psychologytoday.com/blog/the-nature-crime/201506/what-is-biosocial-criminology-it-s-science>, accessed 21 February 2018.
36. *ibid*
37. Kevin B, Others. Handbook of Crime Correlates (Academic Press 2009) 179-222
38. *ibid*
39. Marx K, *et al.* Birth of the communist manifesto, with full text of the manifesto, all prefaces by Marx and Engels, early drafts by Engels and other supplementary material. New York, NY: International Publishers, 1971.
40. Durkheim E. Suicide. New York, NY: Free Press and Durkheim, E. (1964). The division of labor in society. New York, NY: Free Press, 1951.
41. Marx K. The communist manifesto. New York, NY: International Publishers, 1848, 1932.
42. David Zembroski. Journal of Human Behavior in the Social Environment. 2011; 21:240-254.
43. Adler F, Mueller GOW, Laufer WS. Criminology (4th ed.). New York, NY: McGraw-Hill, 2001.
44. Farrington DP. Developmental and life-course criminology: Key theoretical and empirical issues. Criminology. 2002; 41(2):221-256.
45. LeBlanc M. A generic control theory of the criminal phenomenon: The structural and dynamic statements of an integrative multilayered control theory. In T. P. Thornberry (Ed.), Developmental theories of crime and delinquency (pp. 215–285). New Brunswick, NJ: Transaction Publishers, 1997.
46. Thornberry T, Krohn M. The development of delinquency: An interactional perspective. In S. O. White (Ed.), Handbook of law and social science: Youth and justice (pp. 289–305). New York, NY: Plenum, 2001.
47. Hawkins J. (Ed.). Delinquency and crime: Current theories. Cambridge, UK: Cambridge University Press, 1996.
48. *ibid*

49. Moffitt T. Adolescence-limited and life-course-persistent antisocial behavior: A developmental taxonomy. *Psychological Review*. 1993; 100:674-701.
50. Farrington D. Developmental and life-course criminology: Key theoretical and empirical issues. *Criminology*. 2002; 41(2):221-256 in Zembroski, D, *Journal of Human Behavior in the Social Environment*. 2011; 21:240-254.
51. Children and Young Persons Act, Chapter 485 L.F.N 1990 (Abuja)
52. Iyabode Ogunniran, A Centurial Legal History of Child Justice Reforms in Nigeria 1914-2014, (Plymouth University Journals, SOLON Law, Crime and History, Vol.5, c2015) pp.54
53. The Criminal Procedure Act and The Criminal procedure Codes
54. Iyabode Ogunniran, A Centurial Legal History of Child Justice Reforms in Nigeria 1914-2014, (Plymouth University Journals, SOLON Law, Crime and History, Vol.5, c2015) pp.54
55. Ahmed AB. An Appraisal of the Legal Rights of the Child in Nigeria, *Bayero Journal of private and Commercial Law Journal*. 2015; 1(1):174.
56. Section 30 Criminal Code Act, Cap. 77 Laws of the Federation of Nigeria, 1990. Section 50, Penal Code Law Cap 89, Laws of Northern Nigeria, 1963.
57. Section 50, Penal Code Law Cap 89, Laws of Northern Nigeria, 1963.
58. Ahmed AB. An Appraisal of the Legal Rights of the Child in Nigeria, *Bayero Journal of private and Commercial Law Journal*. 2015; 1(1):174.
59. Section 12 of the 1999 constitution of the federal republic of Nigeria
60. Hereinafter known as CRC in this study.
61. Article 12 – 15 of the CRC
62. Report on the National Conference on Juvenile Justice Administration in Nigeria. Abuja 2 – 3 July 2002.
63. Convention on the Rights of Child, 1989, Art. 37(b),
64. *ibid*, Art. 40(4),
65. *Ibid*, Art. 40(1,)
66. *ibid* Art. 10(3),
67. This is the United Nations Standard Minimum Rules For Juvenile Justice(1985) and it is also referred to as Beijing Rules.
68. *ibid*, Rule 5.
69. *ibid*
70. *Innocenti Digest*,
71. African Union. African Charter on the Rights and Welfare of the Child, <https://au.int/en/treaties/african-charter-rights-and-welfare-child>. Accessed 9 February 2018.
72. *ibid*.
73. ACERW. The African Charter on the Rights and Welfare of the Child (ACRWC), [www.acerwc.org/the-charter/](http://www.acerwc.org/the-charter/), Accessed 9 February 2018..
74. Section 149 and 150, Child Rights Act
75. Section 149 and 150, Child Right Act
76. Gloria Lotha, Editors of *Encyclopaedia Briticanna, Assessor* accessed from <http://www.briticanna.com/topic/assessor> cited 11/06/17
77. Section 141 Article (1), section 142 Article (1) of the Child Rights Laws of Lagos state
78. Section 206 (1) Child Rights Act
79. *Ibid*.
80. Section (16)Children and Young Persons Act Chapter 485 L.F.N 1990 (Abuja)
81. Section 6(6) Children and Young Persons Act Chapter 485 L.F.N 1990 (Abuja)
82. Children and Young Persons- Human Rights Library, Cap 23, retrieved from <http://hrlibrary.umn.edu> (cited 10-05-2017)
83. *Ibid*.
84. Zakari WA. Juvenile Justice in Nigeria: A Case Study of Kogi State’ 2012, accessed from <http://Kubanni.abu.edu.ng> cited 08-10-2017, see also Section 233, Child Rights Act, Act No 26 Federal Republic of Nigeria Official Gazette Vol. 90. 116
85. *Ibid*.
86. Section 22 Children and Young Persons Act, Cap 32 Laws of the Federation of Nigeria and Lagos, 1958.
87. Edward P, Carol A. Transfer of Juvenile to Adult Court; effects of a broad Policy in one Court, <https://www.ojjdp.gov/pubs/232932.pdf>, accessed 9 February 2018.
88. Chung H, Little M, Steinberg L. The transition to adulthood for adolescents in the juvenile justice system: A developmental perspective. In *On Your Own Without a Net: The Transition to Adulthood for Vulnerable Populations*, edited by D.W. Osgood, E.M. Foster, C. Flanagan, and R. Gretchen. Chicago, IL: University of Chicago Press, 2005.
89. Edward P, Carol A. Transfer of Juvenile to Adult Court; effects of a broad Policy in one Court, <https://www.ojjdp.gov/pubs/232932.pdf>, accessed 9 February 2018.
90. Zimring FE. *American Juvenile Justice*. New York, NY: Oxford University Press, 2005.