

**AN EXAMINATION OF JUVENILE JUSTICE ADMINISTRATION AND  
INSTITUTIONALIZATION OF YOUNG OFFENDERS IN GORON DUTSE REMAND HOME,  
KANO STATE, NIGERIA**

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**Abstract**

*The study is on Juvenile Justice Administration in Kano State and examines the practice and challenges in Goron Dutse Remand Home Kano State, Nigeria. The objectives of the study were to find out the practice of Juvenile Justice Administration System, identify the institutional care services offered to young offenders, and find out the challenges faced by the Juvenile Justice Administration System in Kano State, Nigeria. The study employed survey research methodology over a population of 318 officials of ministry of justice, representatives of the Nigeria Police Force, magistrate court Judges, staff and inmates of Goron Dutse remand home. 175 subjects were drawn using Krejchic and Morgan (2010) table for determining sample size. Subjects were selected from the sample purposively. Focus group discussion and interview were the instruments for data collection in the study. Instruments were validated and found reliable at 0.69 level of coefficient. Data collected in the study was analyzed qualitatively. The findings of the study revealed that there is no structured Juvenile Justice Administration in Kano State, rather the authorities made provision under the Law by appointing two Magistrate Courts charged with the responsibility of dealing with juvenile cases in Kano State, the institutional care services offered for young offenders in Kano State is Remand Home Goron Dutse meant for detention, reformation, and education of young offenders, and the challenges faced by the Juvenile Justice Administration in Kano State among others included; the problem of children locked in police stations for longer period without trial, there is no adequate legal framework for juvenile service, and poor educational arrangement to compensate for disruption of studies. Recommendations made by the study were that; Kano State government should formulate a policy that will oversee the affairs of families in issues regarding broken-homes, single-mother families, step-fathering and other related issues through the ministry for women and social development and Kano State government should establish the pre-requisite system of juvenile justice administration in line with the international standard which will oversee the affairs of juvenile within the culture and religious beliefs of the States.*

**Keywords:** Crime, Deviance, Delinquency, Juvenile, Young offender, Institutionalization, and Juvenile Justice Administration.

**Introduction and Background**

Nations across the globe have been considering treatment of adult offenders separately from young offenders as necessity. The fact remains that mental capabilities and abilities of young children were never the same level with that of adults. Though the society always influence the nature of crimes committed by younger children and adults, many countries have adopted various strategies in dealing with criminal activities committed by these category of offenders. However, by the middle of 19<sup>th</sup> century, public conscience was also directed to the treatment of juvenile offenders. The United States Supreme Court in the case of *In Re Gault*, explained that “society’s duty to the child could not be confined to the concept of justice alone. They believed that society’s role was not to ascertain whether the child was “guilty” or “innocent”, but... [what could be done]... in his interest and the interest of the state to save him from a downward

career.... The child... was to be made “to feel that he is the object of [the state’s] care and solicitude” not that he was under arrest or on trial. Contemporarily, these broad standpoint was expressed in the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), which provide in Rule 5 that the aim of Juvenile Justice should be to “emphasize the wellbeing of the juvenile” and to ensure that “any reaction to Juvenile offenders shall always be in proportion to the circumstances of both the offender and the offence” and in Rule 17 that the disposition of Juvenile cases should be guided by consideration of “the needs of the Juvenile as well as the needs of the society,” among other things.

Apart from non-binding international standards on juvenile justice, the Beijing Rules represents the minimum conditions found acceptable by the international community for the treatment of juveniles who have run afoul of the law. However, being Nigeria is also a member of the international community and having ratified the Convention on the Rights of the Child (CRC) and the African Charter on the Rights and the Welfare of the Child, (CRWC) has being committed to building a fair and humane juvenile justice system that shall ensure the well-being, rehabilitation and reintegration of the juvenile whilst at the same time ensuring the protection of his/her rights. In addition to this, crime prevention strategies must be emphasized rather than interventionist strategies as the former are not only more cost effective but also more efficacious and enduring for the containment of delinquency in juveniles. The major piece of legislation made in dealing with the matters affecting children and young persons in Nigeria is “the Young Persons Act” (CYPA). The objective of this act was to make provision for the welfare of the young, treatment of the young offender, and establishment of juvenile court. The law also aimed at dealing with children in conflict with the law, children in need of care and protection, as well as children considered beyond parental control.

A crime is an act considered causing injurious effect and subject to punishment by the State (Cliner and Meir 1998). Crime is about breaking the law which is always punishable by law of the State. Deviance is clearly “about good and evil, morality and immorality, social rules and their violations, and approval and disapproval” (Goode, 1994). What is considered deviance in one society may not be considered deviance in another. The term delinquency is an act of undesirable and unlawful behavior committed by a young person within a society. in addition to this, and apart from section 2 of the Children and Young Persons Law of Anambra State [hereinafter referred to as “CYPL”], and other similar laws in South East Nigeria, which define “Juvenile” as including a child and a young person, the term ‘juvenile’ is not defined in any legislation in Nigeria. This notwithstanding, a juvenile can be defined as a person under the age of majority which is either seventeen or eighteen according to the jurisdiction. Black Law Dictionary defines juvenile as: “A person who has not reached the age (usually 18) at which one should be treated as an adult by the criminal justice system.” The CYPL in turn defines a “Child” to mean any person who has not yet attained the age of fourteen years and a “Young person” is a person who has attained the age of fourteen years but has not attained the age of seventeen years. A child committed an offence is regarded as young offender, and is referring to a child below the ages of 18 years who was committed or alleged to have committed a crime within a given society. However, both under the United Nations Convention on the Rights of the Child (CRC) and the African Charter on the Rights and Welfare of the Child (ACRWC), a child is defined as a person under the age of eighteen years. And more recently, the Child’s Right Act (CRA) which has been adopted as state law in many states in Nigeria has defined a child as a person who has not attained the age of eighteen years. This then means that a child is a person who has not attained the age of eighteen years.

Contemporarily, the institutional care for juveniles in Nigeria could be in remand homes, approved schools or Borstal institutions. Remand homes serve as detention/ custody sites (maximum of 3 months) for juveniles awaiting trial, or disposal after a guilty verdict. Children in need of care and protection and children beyond parental control are also commonly kept in the remand home while a social inquiry report is being prepared. Approved schools are more permanent educational facilities for children in contact with juvenile justice where they are placed for at least 3 years, while Borstal institutions are specifically designated for the institutionalization of offenders and other categories of children between the ages of 16-21, for a period of about 5-6 years. Juvenile justice administration can be described as a system of justice established by the government, through statutory enactments, to take care and charge of persons defined as juveniles. It presupposes a system which is established by government to take care of persons/people within a stipulated age bracket who happen to be involved in one crime or the other. As a system, it encompasses every process involved in the arrest, interrogation, detention, prosecution, trial, conviction and “sentencing” of a juvenile.

The theoretical framework of this study was based on the social learning theory developed by Albert Bandura 1963. Bandura attempts to understand people as conscious, thinking beings who can have an influence over their environment (Ashford, Lecroy, and Lortie, 2001). Bandura's cognitive emphasis in learning becomes obvious by examining his perspective on how observation can lead to learning. Observational learning occurs when people observe role models and learn new behavior as a result of those observations. According to social learning theory, models are critical in the development of personality. How do children learn to develop aggressive tendencies? Bandura thinks it has a lot to do with the kind of social role models children are exposed to. In his famous research experiment, Bandura demonstrated the dramatic influence of observational learning by exposing one group of children to a film that showed children displaying aggressive behaviours and exposed another group of children to a neutral film. Following the films, children were taken to a playroom and allowed to interact freely. Children who had seen exposed to aggressive models engaged in more aggressive behavior than did children who had been exposed to the neutral film. This study become classic because it demonstrated the negative influence that media can have on children's behavior (Bandura, Rose, and Rose, 1963).

However, the implication of this theory to this study is on the fact that the role of media in disseminating films that has negative influence on the behavior of children in the society of Kano tends to affect the children's negativity in engaging in delinquency, deviance, and criminal offences. In this context, learning occurs without any reinforcement for imitating what is being observed. In essence, therefore, observational learning is a kind of indirect learning. The learning process is considered cognitive because people must pay attention to the role models and process this information in their memory already received from the media.

### **Statement of the Problem**

Nigeria, as a member of the international community and having ratified the Convention on the Rights of the Child (CRC) and the African Charter on the Rights and the Welfare of the Child, (CRWC), is committed to building a fair and humane juvenile justice system that shall ensure the well-being, rehabilitation and reintegration of the juvenile whilst at the same time ensuring the protection of his/her rights. In addition, crime prevention strategies must be emphasized rather than interventionist strategies as the former are not only more cost effective but also more efficacious and enduring for the containment of delinquency in juveniles. This commitment necessitated the FGN to establish an effective system of justice for children in conflict with the law. However, urgent action is required to ensure that the principles relating to juvenile justice as enshrined in the relevant international standards and norms are respected at various levels of government in Nigeria. The basic principles that need to be considered in the light of the general principles of the Convention on the Rights of the Child and the African Charter on the Rights and Welfare of the Child, namely non-discrimination, best interest of the child, thus: the child should be treated humanely in a manner that takes into account the special needs of persons of that age, in matters related to deprivation of liberty should be used as a measure of last resort and for the shortest possible period of time; deprivation of liberty should never be unlawful or arbitrary. The child should be treated with dignity at all stages of the proceedings; and the child requires support from his/her family. The privacy of the child should be safeguarded at all stages of the proceedings. The child should be accorded the right to due process (presumption of innocence, right to a prompt and fair trial, right to appeal).It was on this basis that the researcher intended to conduct An Examination of Juvenile Justice Administration and Institutionalization of Young Offenders in Goron Dutse Remand Home, Kano State, Nigeria

### **Objectives of the Study**

- i. To find out the practice of Juvenile Justice Administration System in Kano State, Nigeria
- ii. To identify the institutional care services offered to young offenders in Kano State, Nigeria
- iii. To find out the challenges faced by the Juvenile Justice Administration System in Kano State, Nigeria

## Research Questions

- i. How is the Juvenile Justice Administration System practiced in Kano State?
- ii. What are the institutional care services offered to young offenders in Kano State?
- iii. What are the challenges facing the Juvenile Justice Administration in Kano State?

## Methodology

The study adopted a survey research design in which a population of 318 officials of ministry of justice, representatives of the Nigeria Police Force, magistrate court Judges, staff and inmates of Goron Dutse remand home were used. 175 Sample size for the study was drawn using Krejchic and Morgan (2010) table for determining sample size. Subjects were selected from the sample purposively. However, the researcher used focus group discussion and interview as instrument for data collection in the study. Instruments were validated and the reliability obtained using PPMC was at 0.69 level of coefficient. While the interviews were conducted with the Magistrate, staff and inmates of remand home, and officials in the magistrate courts, the FGD was conducted with the policemen attached to magistrate court and Goron Dutse remand home in Kano State. Data collected in the study was analyzed qualitatively by the researcher.

## Findings

An interview with a magistrate court judge confirmed that:

“There is no structured Juvenile Justice Administration in Kano State, rather the authorities made provision under the Law by appointing two Magistrate Courts charged with the responsibility of dealing with juvenile cases in Kano State. These Courts are Magistrate Court No. 18 situated at Higher Court, Audu Bako Secretariat, and 27 of No-Man’s Land Sabongari Kano. These Magistrate Courts dealt with the Cases brought forward by Police Commissioner. All juvenile cases within these Courts were treated in the chamber of the Magistrate. This is in compliance with the international provisions made for the protection of the Right of the Child”.

Whenever cases were brought to the Court, parents of the juvenile offenders must be present together with their lawyers appointed by them or the government. In matters related to capital offences the Magistrate will refer the case to the Higher Court where the Lawyer will apply for bail of the juvenile offender. A part from this, juvenile offenders charged with small offences were sent to remand home for detention for some days to allow further investigation. Sometimes the magistrate reconciles offender’s parents and victims in issues regarding petty stealing, and act of gross indecency. However, the interview with the staff of Goron Dutse remand home justified that;

“The children remand home Goron Dutse was restricted for personal remand of juveniles from respective families. This was done to control congestion of juvenile for remand. More so, 99% of the juveniles in custody were brought by the courts in the State. Some of these young offenders were detained without bail, while others are detained for few weeks; some have been incarcerated for punishment of their offences.”

The challenges faced by the Juvenile Justice Administration in Kano State were justified by FGD with the police, the officers in the remand home, and the magistrates, thus:

- a. There is the problem of children locked in police stations for longer period without trial
- b. There is no adequate legal framework for juvenile service
- c. Lack of standard on the institutional care
- d. Poor educational arrangement to compensate for disruption of studies
- e. Parents usually run away from their children especially when committed capital offences
- f. Children were subjected to violence and abuse while in the institutional care
- g. Lack of resettlement and after care programmes to secure the re-integration of children after their release from the institution.

## **Discussions**

The first finding of the study which revealed that there is no structured Juvenile Justice Administration in Kano State, rather the authorities made provision under the Law by appointing two Magistrate Courts charged with the responsibility of dealing with juvenile cases in Kano State. These Courts are Magistrate Court No. 18 situated at Higher Court, AuduBako Secretariat, and 27 of No Man's Land Sabongari Kano. This contradicts the commitments ratified by the Nigerian government on the Convention on the Rights of the Child (CRC) and the African Charter on the Rights and the Welfare of the Child, (CRWC), which is committed to building a fair and humane juvenile justice system that shall ensure the well-being, rehabilitation and reintegration of the juvenile whilst at the same time ensuring the protection of his/her rights.

Regarding the second finding of the study revealing the institutional care services offered for young offenders in Kano State is Remand Home Goron Dutse meant for detention, reformation, and education of young offenders. This explains why in the entire Nigeria today, in spite of election campaign promises, there are no known borstals or residential facilities for the reformation of juvenile offenders whose interest or welfare does not exist in the scheme of the government. This is why juvenile offenders are often detained together with adults who are in conflict with the law. Juvenile offenders are also either tried in open courts or they are remanded in prison custody indefinitely because the judicial officer is either totally ignorant of the procedure to be adopted or is confused about it. Either way, the juvenile offender suffers and this detracts from the philosophy of juvenile justice which is anchored on the recognition of the rights of the juvenile to survival, growth, protection and effective participation in the society. It destroys the guiding philosophy of correction, prevention and welfare of the juvenile. The few corrective institutions established by the Christian missionary organizations to cater for juvenile delinquents have dilapidated and no longer exist.

More so, the last finding of the study which revealed the challenges faced by the Juvenile Justice Administration in Kano State. This relates to those challenges identified by Obidimma and Obidimma (2012) in their study titled Challenges and Prospects of the Juvenile Justice Administration in South East Nigeria. Such justified that the Nigerian criminal justice system, of which the juvenile justice system is an integral part, has the police, the courts and prisons as its pillars. This is also part of Nigeria's colonial heritage. It is a truism that Nigeria inherited her judicial system from Britain which colonized her until 1960 when Nigeria regained her independence. The creation of the Nigerian criminal justice system by the British colonial government was in order mainly to promote and protect economic interests. Unfortunately, the successive Nigerian governments since independence have towed the line of the colonial government in institutionalizing oppressive and repressive justice system.

## **Conclusion**

Juvenile Justice Administration in Kano State is absent. There are no well-established and adequately equipped institutions and coherent programs for dealing with juvenile offenders and preventing juvenile delinquency. This is prior to the endorsement of the Child's Right Act, the legal and institutional framework were those inherited from the colonial government. The law predated the evolution of contemporary international standards and as a result, many of the laws on the treatment of juvenile offenders did not conform to those international standards. They therefore did not provide adequately for the rights of the child or young person brought within the criminal justice system; denied the child the benefits of humane treatment, and relevant educational, vocational and social opportunities for self-actualization. Today, after many years of political independence and with a new democracy anchored on freedom and human rights, there is need for a radical overhaul of the juvenile justice system in Kano State. This should be with a view to embarking on a pragmatic programme of action to achieve the desired changes. Despite the fact that the institution available for remand of the juveniles in Kano was objectively established to rehabilitate, re-educate, transform and punish young offenders in accordance of their criminal offences, it is important to note that the magistrate doesn't usually sentenced the juvenile for incarceration, rather they usually refer them for remand institution for education and socialization. In most juvenile cases young offenders were not judge like adults because of lack of specified policy on juvenile justice system in the State. Currently in Kano State there is a law about to be passed on Administration of Criminal Justice Law in Kano State (ACJL). When this law was passed the juvenile justice court will be institutionalized in the State and the

judges and magistrate will be given the mandate to sentenced juvenile for remand and imprisonment where applicable.

### **Recommendations**

From the above discussions the following recommendations were made:

- i. Kano State government should formulate a policy that will oversee the affairs of families in issues regarding broken-homes, single-mother families, step-fathering and other related issues through the ministry for women and social development and Kano State Hisbah Board as a powerful institution established in the State to help in matters related to family guidance services, moral trainings, etc. and Kano State government should establish the pre-requisite system of juvenile justice administration in line with the international standard which will oversee the affairs of juvenile within the culture and religious beliefs of the States,
- ii. Kano State ministry for education should set an evaluation mechanism that will provide checks and balance in relation to implementation of programmes at various schools meant for children in the State. There should be effective implementation of educational delivery system as in ECC, pre-nursery education, primary education, and secondary education, and
- iii. Government of Kano State should provide a system of control in media and publication among radio stations, television, and printed books circulating among juveniles. The religious institutions, religious leaders and leaders have a role to play here. Local and State committees, town halls and other avenues that can serve in the promotion of religious, cultural beliefs should be established and take charge by the communities.

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