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This is the maiden edition of the Kwara State Law Journal to bring to the reading public, academician legal discuss by seasoned researchers on different legal issues. This being the maiden edition, it is believed that the Editorial Board may need time to get used to the Journal. In regard, suggestions are welcomed from all stakeholders. Suggestions should be addressed to the Editor-in-Chief below.

I thank my Deputy Editors for their commitment and support with this maiden edition. I also thank all the members of the Editorial Board and the Editorial Committee, Contrary to popular belief, everyone who contributed in one way or the other to the Journal. I commend the Journal to all members of the legal community.

Prof. Abiodun Amuda-Kannike, SAN
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ROLE OF BORSTAL INSTITUTIONS IN REDUCING JUVENILE RECIDIVISM IN NIGERIA

By

Abdulraheem-Mustapha Mariam A.*

Abstract

It is argued that juvenile offenders are not "born criminals" but are victims of dysfunctional societal influences, the resultant effect of which is the conscious or unconscious internalisation of delinquent behaviour. They deserve opportunity for corrections and rehabilitations remedies. This is in line with the Nigeria criminal justice system's cardinal objectives of rehabilitation and reintegration of juvenile offenders into the society as law abiding citizens. To achieve these cardinal objectives, the Nigeria Child Rights Act (CRA), 2003; the Borstal Training Institutions and Remand Centres Act, 1962 were enacted to provide for the rehabilitation of juveniles who are in conflict with law or beyond parental control. Despite the legal regime, the author observes a disturbing trend in the increase in the rate of juvenile recidivism in Nigeria. Studies have shown an increase in crimes committed by children and those committed against them in Nigeria. Against this background, this paper examines the impact of Borstal training institutions' intervention towards the reduction of juvenile recidivism in Nigeria and the extent they have enhanced the socio-economic rights of the juveniles. The paper adopts analytical and qualitative research methodologies. It analysed the existing legal framework and models in order to identify whether or not there are lapses in the areas of juvenile rehabilitation in Nigeria. The paper's findings revealed that the legal regime has not been absolutely effective, underscored from the increase in the number of juvenile delinquency and juvenile recidivism in Nigeria. It also revealed that Borstal training institutions have not been able to perform their roles optimally in ensuring an effective and efficient rehabilitation and reintegration of juvenile delinquents into the society. The result of which is the increase in juvenile recidivism in Nigeria. The paper recommends proper implementation of the models identified in the CRA together and Family therapy models in order to achieve the rehabilitation objective of juvenile justice system in reducing juvenile recidivism.

Keywords: Juveniles, Delinquency, Borstal Training institution, Child Rights Act, Model, Recidivism

1. INTRODUCTION

Repeating offences by the juveniles in Africa but has become a major social problem. Humanitarian organisations and the w phenomenon, many factors seem to be juveniles and inmates in correctional

One of the basic objectives of the criminal offenders and their successful reintegration, especially, the children and young person the Nigerian criminal justice system. It t need of care and protection; and children for juvenile justice system is premise on t generally needs to be treated differentl creating a special mechanism for juvenile in the first instance, no individual is "born once juveniles thus, the need to treat ju delinquency cannot be separated from im delinquents ought to be treated as victims same way, juvenile justice system is be preventive treatment of young offenders on public and these negative consequences: offender various forms of offender treatment

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1. O. O. Oluwalanle, "The Impact of Socio-economic and Cultural Factors on Juvenile Delinquency in Nigeria", *Journal of the Nigerian Association of Criminal Justice* 12 (2005): 1-10.
2. O. O. Oluwalanle, "The Impact of Socio-economic and Cultural Factors on Juvenile Delinquency in Nigeria", *Journal of the Nigerian Association of Criminal Justice* 12 (2005): 1-10.
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5. O. O. Oluwalanle, "The Impact of Socio-economic and Cultural Factors on Juvenile Delinquency in Nigeria", *Journal of the Nigerian Association of Criminal Justice* 12 (2005): 1-10.

INTRODUCTION

Repeating offences by the juveniles in recent times has not only been on the increase in Africa but has become a major social problem to the society, governments, multinational humanitarian organisations and the world at large. Despite effort at addressing this phenomenon, many factors seem to be inhibiting the rehabilitation and reintegration of juveniles and inmates in correctional centres generally in Africa and Nigeria in particular.¹

One of the basic objectives of the criminal justice system in Nigeria is the rehabilitation of offenders and their successful reintegration into the society. In realising this objective especially, the children and young person, juvenile justice system was established within the Nigerian criminal justice system. It takes care of juveniles who violated the law; in need of care and protection; and children that are beyond parental control.² The rationale for juvenile justice system is premise on the fact that juveniles who commit criminal acts generally needs to be treated differently from adult offenders.³ The significance of creating a special mechanism for juvenile offenders cannot be over-emphasised because, at the first instance, no individual is "born criminal" and secondly, adult offenders were juveniles thus, the need to treat juvenile offenders specially. More so, juvenile delinquency cannot be separated from impact of ills in the society. Therefore, juvenile delinquents ought to be treated as victims of circumstances beyond their control. In the same vein, juvenile justice system is born out of the negative consequences of the punitive treatment of young offenders over the years under the guise of administering justice and these negative consequences spurred humanitarian and penal reformers to advocate various forms of lenient treatment for young offenders.

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²Senior Lecturer, Faculty of Law, University of Ilorin, Ilorin, Nigeria
³See generally, The Impact of Resource Allocation and Jail Term on Rehabilitation
⁴See generally, Department of Economics University of Nigeria, Nsukka (2004);
⁵See generally, *Criminology: Explaining Crime in the Nigerian Context* (Nsukka, Great AP Publishers LTD, 2010)
⁶According to Osaze, the law itself denies prisoners some civic rights as free citizens. They are not allowed to hold public offices as they are seen as being untrustworthy and unreliable. These, according to Osaze, are strong factors that militate against prisoners' reintegration within the community. See generally L E Osaze, *Behind the Wall*, Lagos, Civil Liberties Organization publishers (1996). See also, I W Orakwe, 'The Transformation Digest' (2011) 1
⁷The Child Rights Act, 2003, ss. 50 & 204.
⁸See generally, *Justice and Crime: A Critical Introduction*, (London, Saga Publication, 1999) 55 culled from E E O
⁹See generally, I C Chikwuma, *Juvenile Justice Administration in Nigeria: Philosophy and Practice*
¹⁰See generally, *Law Enforcement Education*, Lagos, 2001).

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BORSTAL INSTITUTIONS IN REDUCING JUVENILE RECIDIVISM IN NIGERIA

By

Mustapha Mariam A.*

Abstract

Offenders are not "born criminals" but are victims of circumstances, the resultant effect of which is the conscious or unconscious adoption of delinquent behaviour. They deserve opportunity for remedial remedies. This is in line with the Nigeria's fundamental objectives of rehabilitation and reintegration of the society as law abiding citizens. To achieve these objectives, the Child Rights Act (CRA), 2003; the Borstal Training Act, 1962 were enacted to provide for the care and protection of juveniles who are in conflict with law or beyond parental control. The author observes a disturbing trend in the high rate of recidivism in Nigeria. Studies have shown that juveniles who are committed against them in Borstal institutions, this paper examines the impact of Borstal institutions towards the reduction of juvenile recidivism in Nigeria. It has enhanced the socio-economic rights of the juveniles and qualitative research methodologies. It examines various models in order to identify whether or not the current regime has not been absolutely effective, the number of juvenile delinquency and juvenile offenders that Borstal training institutions have not been able to ensure an effective and efficient reintegration of juvenile delinquents into the society. The result of this study shows that the rehabilitation objective of juvenile justice is not being achieved.

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1. INTRODUCTION

Increasing offences by the juveniles in recent times has not only been on the rise but has become a major social problem to the society, governments, multi-national organisations and the world at large. Despite effort at addressing the problem, many factors seem to be inhibiting the rehabilitation and reintegration of juveniles in correctional centres generally in Africa and Nigeria. One of the basic objectives of the criminal justice system in Nigeria is the rehabilitation of offenders and their successful reintegration into the society. In realising this objective, the children and young person, juvenile justice system was established in the Nigerian criminal justice system. It takes care of juveniles who violated the law and protection; and children that are beyond parental control.¹ The juvenile justice system is premised on the fact that juveniles who commit criminal offences generally need to be treated differently from adult offenders.² The significance of having a special mechanism for juvenile offenders cannot be over-emphasised because, firstly, no individual is "born criminal" and secondly, adult offenders cannot be separated from impact of ills in the society. Therefore, juveniles ought to be treated as victims of circumstances beyond their control. The juvenile justice system is born out of the negative consequences of the treatment of young offenders over the years under the guise of administrative and these negative consequences spurred humanitarian and penal reforms which led to various forms of lenient treatment for young offenders.

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⁴ *The Child Rights Act*, 2003, ss. 50 & 204.
⁵ *Justice, Youth and Crime: A Critical Introduction*, (London, Saga Publication, 1999) 55 culled from E E O Olatunji and I C Chukwuma, *Juvenile Justice Administration in Nigeria: Philosophy and Practice* (Centre for Law Enforcement Education, Lagos, 2001).

Against the rehabilitation and reintegration objective of juvenile justice system, the question is whether or not these juveniles who come out of those correctional facilities actually reformed and capable of being reintegrated back into the mainstream society.

One of the Nigerian correctional institutions for the juvenile delinquents which is the main focus of this paper is the Borstal Training Institutions.⁴ Borstal training institution in Nigeria is fashioned after the English model. The government of the Federal Republic of Nigeria in its publication on crime and quality of life in Lagos in August 1980 postulated that the establishment of Borstal training institution is aimed at effecting reform by inculcating habits of industry, self-respect and self-control through manual labour, games, physical training and mental education in juveniles. Meaning that, the main target of the institution is the rehabilitation of juveniles.⁵

Regrettably, there has been increase in the rate of crimes in Nigeria today with the involvement of both adolescents and juveniles. This assertion can be justified from the alarming rate of juvenile delinquents in the correctional facilities for committing one crime or the other.⁶ Evidence from studies conducted in 2013 revealed that out of the 2115 custodial institution capacity, there were 1306 juveniles held in custody for offences ranging from property offences (30.72%); offences against person, offences against the state, moral offences and victimless offences among others.⁷ This position was confirmed by the author in a focus group sessions 1-3 at Abeokuta in Ogun State, Ilorin in Kwara State and Kaduna in Kaduna State⁸ where the key informants claimed that, it is not uncommon to see students discharged from Borstal institutions reverting to juvenile delinquent acts and some of them even commit crimes and eventually find their ways back to prisons. To them, this occurrence usually takes place not very long after the students have been discharged from the Borstal training institutions. This position is in

⁴ J Pitts, *The New Politics of Crime and Punishment: Youth Justice in England and Wales*, 71 (Roger Mathews & Jock Young, eds., 2007).

⁵ Presently, the applicable law is the Borstal Institutions and Remand Centre Act Cap B38 Laws of the Federation of Nigeria, 2004 which is a replication of the 1960 Act.

⁶ *ibid*

⁷ L Sametz, J Ahren, & S'Yuan, 'Rehabilitating Youth through Housing Rehabilitation' (1994) 45 (3), *Journal of Correctional Education*, 142-150.

⁸ A E. Idyotough, Report on Challenges of Borstal Institutions, Remand Homes, Reformatories and Approved Schools in Nigeria submitted to the Federal Department of Social Welfare, Federal Ministry of Women Affairs and Social Development, Abuja, Nigeria June 2013.

⁹ Focus group session at Abeokuta, Ilorin and Kaduna dated 12th March, 11th April, 8th May, 2018.

objective of juvenile justice system, the come out of those correctional facilities and be reintegrated back into the mainstream society.

for the juvenile delinquents which is the institutions.⁷¹ Borstal training institution in the government of the Federal Republic of Nigeria in Lagos in August 1980 postulated that the institution is aimed at effecting reform by teaching self-control through manual labour, and discipline. Meaning that, the main target

of crimes in Nigeria today with the this assertion can be justified from the correctional facilities for committing one offence in 2013 revealed that out of the 2115 juveniles held in custody for offences against person, offences against the property and others.⁷² This position was confirmed by informants claimed that, it is not rare for juveniles to revert to juvenile delinquency and eventually find their ways back into the institutions. This position is in

⁷¹ England and Wales, 71

⁷² Centre Act Cap B38 Laws of the

Rehabilitation' (1994) 45 (3).

⁷³ Homes, Reformatives and Social Welfare, Federal Ministry

1st April, 8th May, 2018.

andem with the existing literature like Danbazau,⁷³ Alemika and Chukwuma,⁷⁴ Nwadiaro⁷⁵ and Abdulraheem-Mustapha⁷⁶ that Borstal training institutions are not equipped to serve their statutory functions and the stated objectives of rehabilitation and reform are defeated.

Against this background, this paper aimed at examining the role of correctional facilities by limiting its scope to all the three Borstal training institutions in Nigeria in order to ascertain how Borstal intervention has reduced juvenile recidivism. The author purposefully selects these institutions because presently in Nigeria, they are argued to be the preferable juvenile correctional institutions that provide for both education and vocation trainings. To confirm this assertion, is a study that shows that Borstal training institutions ranked first in the juvenile justice administration with 663 out of 1,258 respondents representing (53%). With 554 (44%) out of 1,258 respondents, Remand Home was ranked 2nd in the Juvenile justice administration. With 517 (41%) respondents, Government Approved School was ranked 3rd in juvenile justice administration. This was followed by Prison with 501 (39.8%) and lastly the Police Cell with 457 (36%).⁷⁴

Furthermore, the paper interrogates the extent to which the Borstal training institutions' interventions have enhanced the economic and social well-being of the juveniles in Nigeria. To achieve its set objectives, the paper poses the following questions: (i) Is there adequate and effective legal framework in Nigeria that help juvenile delinquents to live a more positive life as opposed to recidivating to crime and or delinquent acts again? (ii) Are the Borstal training institution rehabilitative models effective to cause juvenile delinquents to live better lives free of criminal activity? (iii) If yes, are the models effective to address juvenile recidivism in Nigeria? (iv) If no, what model would be more appropriate to address juvenile recidivism in Nigeria and (v) To what extent has the legal framework and models complied with the international and regional instruments dealing with juvenile recidivism.

⁷³ B. Danbazau, *Criminology & Criminal Justice* (Nigeria Defence Academy Press, 1999) 48.

⁷⁴ Alemika and Chukwuma, (n. 3), 72.

⁷⁵ F. Nwadiaro, *The Criminal Procedure of the Southern States of Nigeria*, (1985) Ethiope Pub. Co. Benin-City 93

⁷⁶ M. A. Abdulraheem-Mustapha, *Child Justice Administration in Africa* (2019), Palgrave Macmillan, 120.

⁷⁷ Ibid. 35-36

Participants	Unit of Analysis
Key informants (n=3)	Staff of Bureau
Key informants (n=2)	Staff of Bureau
Key informants (n=2)	Staff of Bureau
Focus Group Sessions (2)	Academic staff
Focus Group Sessions (2)	Academic staff
Focus Group Sessions (2)	Academic staff
Focus Group Sessions (4)	Ministry of Child Care
Focus Group Sessions (2)	Ministry of Child Care
Focus Group Sessions (4)	Ministry of Child Care

2. BACKGROUND TO THE MATTER

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on Borstal training institutions' staff,¹⁹ Police officers,²⁰ The qualitative data were collected from Borstal training institutions in Lagos State and the proximal conclusion on the basis of the participants from

from various backgrounds including institutions' staff,¹⁹ Police officers,²⁰ The qualitative data were collected from Borstal training institutions in Lagos State and the proximal conclusion on the basis of the participants from

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led topic. Groups are typically 6-10 members. See *Journal of Research in Crime and Delinquency* (vol. 49, Number 1, 2012). The responsibility of providing information is on the Borstal staff. See *Journal of Research in Crime and Delinquency* (vol. 49, Number 1, 2012). The responsibility of providing information is on the Borstal staff. See *Journal of Research in Crime and Delinquency* (vol. 49, Number 1, 2012).

ed 4 March 2016.

Participants	Unit of Analysis	Occupation	Location	Age
Key Informants -15	Staff of Borstal institution	Teaching, Vocational and Administrative staff	Ibadan	23-25
Key Informants -15	Staff of Borstal institution	Teaching, Vocational and Administrative staff	Kaduna	24-25
Key Informants -15	Staff of Borstal institution	Teaching, Vocational and Administrative staff	Abokuta	24-25
Focus Group Session 1	Juvenile and Women's Centre	Police force	Ibadan	20-25
Focus Group Session 2	Juvenile and Women's Centre	Police force	Kaduna	20-25
Focus Group Session 3	Juvenile and Women's Centre	Police force	Abokuta	20-25
Focus Group Session 4	Ministry of Women Affairs and Child Development	Social Worker, Psychologist and Sociologist	Ibadan	25-26
Focus Group Session 5	Ministry of Women Affairs and Child Development	Social Worker, Psychologist and Sociologist	Kaduna	20-26
Focus Group Session 6	Ministry of Women Affairs and Child Development	Social Worker, Psychologist and Sociologist	Abokuta	20-26

2. BACKGROUND TO THE BORSTAL TRAINING INSTITUTIONS IN NIGERIA

The basis for the protection and rehabilitation of juvenile offenders has its background from the Constitution of the Federal Republic of Nigeria 1999 (as altered). Specifically, Section 35 (1) (d) of the Constitution which provides that:

Every person shall be entitled to his personal liberty and no person shall be deprived of such liberty save in the following cases and in accordance with a procedure permitted by law- in the case of a person who has not attained the age of eighteen years for the purpose of his education or welfare.

The intentment of this constitutional provision can be underscored from the fact that a child who is adjudged to be in conflict with the law, needs special care and protection or child beyond parental control should be specially treated for the purpose of reintegrating them back to the society. It is on this premise that the Borstal training institutions are established for the purposes of educating, rehabilitating and reforming the child offender for effective reintegrated back into the society. In order to realise this constitutional provision therefore, it becomes germane to create conducive environment for the

education and welfare of juvenile offenders. The essential welfare required for an errant child or young person is to reform his character and make him a better person. This position has been confirmed with the study of Ogbolumani,²² who opined that:

the law establishing approved schools demand that every inmate shall receive education according to his/her age and development and such education shall be at least the equivalent of that which he/she would receive in his/her own special circumstances were he/she attending school in the usual way of education.

However, education as a tool for achieving the ultimate reformation in the Borstal training institutions in Nigeria has not been accorded status of fundamental right. Education is not ordinarily enforceable in the Nigerian Courts as it falls within Chapter II of the Constitution of the Federal Republic of Nigeria 1999. Chapter II contains Fundamental Objectives and Directive Principles of State Policy which are not ordinarily justiciable. In particular, Section 18 of the Nigerian Constitution 1999 provides thus:

Government shall direct its policy towards ensuring that there are equal and adequate educational opportunities at all levels.

Government shall strive to eradicate illiteracy; and to this end, Government shall as when practicable provide-

- (a) free, compulsory and universal primary education;
- (b) free university education....

However, rehabilitation of a juvenile offender committed into Borstal training institutions has not optimally guaranteed in those institutions and as such a juvenile cannot ordinarily enforce his right to education. This paper therefore argues that non-justiciability of this educational objective is posing a threat to the realisation of the primary objective of reformation of juvenile delinquents incarcerated in the Borstal training institutions. It also poses a threat to Nigeria's efforts to align itself with her current developmental goals with that of the emergent global village. The provision of Section 18 under Chapter II of the Constitution contradicts the provision of Section 35 (1) (d) of the same Constitution as full realisation of rehabilitation of juveniles still remains a mirage. It is therefore argued in this paper that education of juveniles should be made fundamental right for the purpose of achieving education for all.

Aside the provision of the Constitution is the old Children and Young Persons Act 1958

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22 B O I Ogbolumani, 'Institutional Treatment of Juveniles' in T.O. Elias (ed.) *The Magistrate and the Offender* (University Press, Lagos 1972) 15; C.R. Nwagwu and E.N. Nwami, *Research Findings of Juvenile Justice Administration in Nigeria*. See also Rule 10 of the Approved Institutions Regulations made under the CYPA.

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 for all.
 Children and Young Persons Act 1958

10 (1) (b) (i) The Magistrate and the Officer-in-charge, Research findings of juvenile justice
 and the Regulations made under the CYA.

(as amended), which was enacted to make provision for the welfare of young persons, the
 treatment of young offenders and the establishment of juvenile courts. While Section 7
 deals with the remand or committal to custody of juvenile offenders, it specifies the
 conditions of custody or remand. It provides that:

A court on remanding or committing for trial a child or young person who is
 not released on bail, shall instead of committing him to prison, commit him
 to custody in place of detention²² provided under this Ordinance and named
 in the commitment, to be there detained for the period for which he is
 remanded or until he is then delivered in due course of law.

It appears from the above that the intent of the law is to ensure that young offenders are not
 detained in prisons, except in exceptional circumstances. However, inadequate remand
 centers, approved schools and Borstal training institutions led to the detention and
 imprisonment of young offenders in the prisons.²³ More importantly, those remand
 homes, approved schools and Borstal training institutions are not equipped to serve their
 statutory functions. This means that the stated objectives of rehabilitation and reform are
 defeated. According to the above UNICEF study, official figure of juvenile offenders
 shows that:

Out of 40,000 juveniles held in 147 juvenile institutions across the country
 in 2003, over 60% were awaiting trial, while 73% of the juvenile in custody
 were first trial, while 73% of the juvenile in custody were first offenders and
 27% were juvenile recidivists.

After Nigeria ratification of many international and regional legal instruments like the
 United Nations Convention on the Rights of the Child and the African Charter on the
 Rights and Welfare of the Child among others and has domesticated most of these
 provisions in her Child Rights Act (CRA), 2003.²⁴ CRA is an Act that consolidates and

²¹ The places of detention referred to in many Sections of CYA are remand homes, approved institutions including
 Borstal institutions and prisons. A state or local authority or a local government council with prior approval of
 competent authority "may establish remand homes and may make rules for the management, upkeep and inspection
 of such homes." See Sections 15 and 18 of CYA.

²² *Alomika and Chukwura (r. 3)*.

²³ See UNICEF, report on the Profile of Existing Diversion Programmes in Nigeria

²⁴ http://www.unicef.org/nigeria/publications_diversiondi-22042017-20000000_28_May_2017

²⁵ Child Rights Act, Cap C. 50 Laws of the Federation of Nigeria 2004. This is a Federal Act which seeks to incorporate
 the contemporary principles, philosophy and standards of juvenile justice administration into the Nigerian legal system
 as a equally seen as an attempt to provide a comprehensive uniform law on the protection of child rights nationwide.
 However, as a Federal Act on a subject, which is not within the exclusive legislative competence of the Federal
 Government, the Act (with the exception of the Federal Capital Territory, Abuja which has direct application) can
 only become binding on States if it is approved by a simple majority of all the States or if in the alternative,
 interested States pass their own version with or without reference to the Federal Statute. See B Ovworaye, M Wabara-
 free, *Children and Juvenile Justice System in Lagos State of Nigeria* in H C Okeke, *Juvenile Justice Administration*
 in Nigeria and International Standards on the Rights of the Child (Lagos: Justice Administration in Nigeria, 2003).

amends the legal framework relating to juveniles in conflict with law and children in need of care and protection. It provides for proper care, protection and treatment by catering for the child's development needs. It attempts to adopt a child-friendly approach in the adjudication and disposition of matters in his/her best interest and secure his/her ultimate rehabilitation through various institutions established under this enactment.

In Section 15 of the Act, a child is entitled to free, compulsory and universal primary education. Also, the Act in its Sections 1, 234, 236, 238, 245 and Part XXII specifically provides for the objectives of institutional treatment for rehabilitation of juveniles and post release of juveniles from custodial institutions. The Act promises a uniform standard for the concerns of the rights of children. However, the situation is not encouraging. Currently, CRA has been promulgated into law in twenty-three states out of thirty-six states.²⁷ The failure to have all the thirty-six states of the federation domesticating CRA occasions, to a great extent, ununiformed application of the provisions of the Act with particular respect to access to education.

Further, the Borstal Institutions and Remand Centres Act (BIRCA)²⁸ was enacted to provide for both education and vocational trainings of juvenile delinquents in the Borstal training institutions with the aim of enhancing the economic and social rights of juveniles in order to reduce juvenile recidivism. This is in tandem with Regulation 16 (b) of the Prisons Act.²⁹ Section 3 of the Prisons Act authorises the Minister to declare any building or place as Borstal Institution where "offenders who were not less than sixteen but under twenty-one years of age on the day of conviction may be detained and given such training and instructions as will conduce to their reformation and the prevention of crime."³⁰ Furthermore, BIRCA specifies a maximum of three years of institutionalisation in the Borstal training institution and with a possible additional one year of aftercare supervision.³¹ Instructively, Borstal training institution is designed with three models,

that is, the educational model Milner³² opines that there are the encouragement of a peer through which the inmates responsibility and self-cor educational and vocational content."

However, Borstal training and the Act is silent as to sixteen years. This paper defines a child as "any primary objective of reform either male or female. In Nigeria located at Abeokuta too far apart to cater for the service centres" under fairly well managed in the juveniles into community tailoring, photography, installation, etc, as well as Education (ordinary level deteriorated" and were in

27 Child Rights Act has been promulgated into Law in only twenty-three States which are Abia, Anambra, Bayelsa, Ebonyi, Ekiti, Imo, Jigawa, Kwara, Lagos, Nassarawa, Ogun, Ondo, Plateau, Rivers, Taraba, Kogi, Oyo, Benue, Ogun, Edo, Delta, Cross River, Akwa Ibom <www.nicel.org/wcm/WICARO_Nigeria_Juveniles_CRA.pdf> accessed 02 October 2019. It leaves thirteen States without Child Rights Law and these States one way or the other are still using the Children and Young Persons Laws of their respective States.

28 Borstal Institutions and Remand Centres Act, Cap 938, Laws of Federation of Nigeria, 2011.

29 Prisons Act, Cap 928, Laws of the Federation of Nigeria, 2011.

30 The law also declares Borstal Remand Centre as a place for the detention of persons not less than sixteen but under twenty-one years of age who are remanded or committed in custody for trial or sentence.

31 Order 103 of the Nigeria Prison Standing Order, 2008 established the After-Care Unit of the Welfare Department in the Nigeria Prison Service which is saddled with the responsibility to reduce re-offending among students discharged from Nigeria Borstal training institutions. The Standing Order went further to buttress that after care is the continuous and integrated management of offenders, from the offenders' first point of contact with correctional services to their successful reintegration into the community and the completion of their legal order. After care requires that justice and human service agencies cooperate and coordinate their activities prior to release, during transition and for some period after release to assess and assist person with multiple needs. See Oyebolant, B.O.L., Institutional Treatment of Juveniles in T.O. Elias (ed.) *The Magistrate and the Offender*. See also Alembika, E.E.O. and Chikwura L.C., *Juvenile Justice Administration in Nigeria: Philosophy and Practice*

32 See generally Sections 1, 234, 236 Prisons Act Standing Order, 2008 the Borstal Institution, Gatum, "BORSTAL: A Better, Cheaper and good habit formation of a field work conducted by the a

33 Milner, A., *The Nigerian Prison*

34 See Child Rights Act, 2003, §

35 Kaduna, Abokuta and Horn, of Young Offenders in Nigeria (1989) 216-217. See also Ogh

36 This can be confirmed from: "No fewer than 200 juveniles amongst over 2,400 inmates,

37 Alembika, E.E.O., *A Study of* (B.Sc. Sociology Original Es

38 Abasi, P.L., *Juvenile Delinquency: The Nigerian Prison Service*

39 Human Rights Monitor, *Abi Kaduna*, 1997

ERCA" was enacted to protect the rights of juveniles. Section 16 (a) of the Act states that any building for persons under sixteen but under twenty and given such training for the prevention of crime, "is a place of institutionalisation in the first year of aftercare" and with three models.

...the welfare department
...and among students
...after care is the
...with correctional services
...after care requires that
...transition and for
...B.O., Institutional
...J.O. and Chidambaram

However, Borstal training institution provides facility for only male juvenile delinquents and the Act is silent as to what happens to juvenile delinquents who are below the age of sixteen years. This paper therefore argues that the Act limits the operation of CRA which defines a child as "any person below the age of eighteen years."¹ This also negates the primary objective of reformation and reintegration of juvenile delinquents who may be either male or female. In addition, there are only three Borstal training institutions in Nigeria located at Abeokuta, Ilorin and Kaduna.² These three are expectedly too few and too far apart to cater for the teeming youths now languishing in adult prisons/correctional service centres³ under inhuman and deplorable conditions, though, these facilities were fairly well managed in the 1970's.⁴ In order to realise the goal of effective reintegration of juveniles into community after release, there were provisions for vocational training in tailoring, photography, welding, building (masonry or bricklaying), electrical installation, etc, as well as formal educational instruction, up to General Certificate of Education (ordinary level). However, by the 1980's, facilities and training had deteriorated⁵ and were virtually non-existent in the 1990's.⁶

- 32 See generally Sees. 1, 234, 236, 238, 245 and Part XXII of the Child Rights Act, 2003. See also Order 38(a) of the Prisons and Correction Order, 2011. This assertion was confirmed by the *Kagame* conspicuously displayed on the wall of the Board of Institutions, Kaduna State upon entry which depicted the fundamental aim of the institution, it read: "BORSTAL: 'Better, Orientation, Reformation, Social Training and Acceptable Life: The care, protection, training and good habit formation of children.' The Borstal Institutions are therefore model institutions for delinquent youth. Field work conducted by the author, 2015.
- 33 Milner, A., *The Nigerian Penal System* (Sweet and Maxwell, London, 1972).
- 34 See Child Rights Act, 2003, Sect. 238.
- 35 Kodura, Abeokun and Harin. See *Adunfa J. N., 'From Punishment to Treatment: Humanistic Approach to the Sentencing of Young Offenders in Nigeria and Children Under the Nigerian Law'* (Vol. 6, Federal Ministry of Justice Publications, 1999) 216-217. See also Ogholusiemi, B. O. I., *Institutional Treatment of Juveniles in T.O. Elias (ed.) The Magistrate with the Offender*.
- 36 This can be confirmed from the report gathered from *The Vanguard Newspaper* of September 5th, 2008 at p.10 that: "No fewer than 200 juveniles are currently languishing in Port Harcourt Prison as they have been put behind bars amongst over 2,600 inmates, in six) wards over 1,800 of the adults and children are awaiting trial."
- 37 Aleemka, E.E.O., *A Study of Socio-Cultural and Economic Factors in Delinquency Among Kaduna Borstal Inmates* (Unpublished Sociology Original Essay, University of Ibadan, 2004; Kaduna, Nigeria, 2014).
- 38 Abasi, P.T., *Juvenile Delinquency and the Handling of Young Prisoners in Nigerian Borstal Institutions'* in *The Nigerian Prisoners Service under the Public*, (Nigerian Prisoners Service, Abuja, 1987).
- 39 Human Rights Monitor, *Administration of Juvenile Justice: the Example of The Borstal Training Institution Kaduna*, 1997.

In spite of all the above initiatives by the government, studies have shown that Nigeria has witnessed an increase in crimes committed by children. For instance, the involvement of teenagers/youths in social vices as typical cases can be found in the North Eastern part of Nigeria where militancy called "Boko Haram" has become a serious threat to peaceful existence and a large number of the people have been displaced from their communities.⁴⁰ With the increasing rate of juvenile crimes and changing social dynamics, it is necessary to probe the prevention and intervention strategies put in place in Nigeria to reduce juvenile delinquency by taking Borstal training institutions as a case study.

It has to be reiterated that, by the provisions of UN Rules for the Protection of Juveniles Deprived of their Liberty and also mostly emphasised by the Beijing Rules, the institutionalisation or confinement at any stage of the proceedings shall be a last resort and for the shortest period of time.⁴¹ The rationale for this is the belief that confinement seldom protects the interests of the child. Custodial punishment can only be imposed if the offence is of a serious nature and a custodial sentence is only justified if the offence is of a violent nature or is a sexual crime and it is of the opinion of the Court that a custodial punishment is necessary to protect the public from danger and an offender refuses to serve previously imposed community sentence.⁴²

Rehabilitation model is based on social learning theory, delivered through programmes aimed at empowering juvenile offenders to take more control of their lives, behaviours and to make more pro-social choices. This is achieved by helping them (juveniles) to learn necessary skills such as listening and communication, critical and creative thinking, problem-solving, self-management and self-control among others.⁴³ This would in-turn translates to socio-economic incentive for community and national development. A juvenile offender that is given optimal reformation as part of socio-economic rights from Borstal training institution will become a better advocate of social-economic engineering. Arguably, a well rehabilitated and corrected juvenile today is the leader of tomorrow. Therefore, the future of the State and the advancement in its social, economic and political infrastructural levels is hinged on the level of care, welfare, protection and education given to the child in the Borstal training institutions.

40. Okeoma DC Nwosio, *Is Physical Security Enough for the Survival, Progress and Happiness of Man?* An inaugural lecture delivered at the University of Ibadan on Thursday, 29 February, 2014 (Ibadan, Nigeria: Ibadan University Press Publishing House, 2013); Christopher Bamidele "Terrorism in Nigeria: The Rise of Boko Haram," *The Whitsand Journal of Diplomacy and International Relations*, (2012), <http://blogs.uhi.ac.uk/diplo/2012/09/terrorism-in-nigeria-the-rise-of-boko-haram/>, Accessed October 5, 2016.

41. See Rules (1) UN Rules for the Protection of Juveniles Deprived of their Liberty and Rules 15, 17 and 19 of the Beijing Rules.

42. See Stephen J. Mill, *The Age of Criminal Responsibility in an Era of Violence: Has Britain Set a Vandalism?* (1995) 28(2) *Journal of Transnational Law Vandalism* University Nashville.

43. McGuire J, *What Works: Reducing Reoffending* (McGuire, J. (ed), *Offender Rehabilitation and Treatment: Effective Programmes and Policies to Reduce Re-offending* (Chichester: Wiley 2002) 15.

Rehabilitation is victimisations" as outcome of success is a critical component author is not unmi Approved school delinquents. How correctional facility that would reduce suitable for juvenile resources and me earlier study on training institutions school, Police ce This can be glea and educational

Despite the exis young persons' Borstal institution and child protection children is not complete crime geared towards juvenile offence abiding citizen

44. Ibid
45. Conlon B, *Hours Correctional Tools* (Document [D-])
46. Borstal Institute (53%) With 517 (41%) This was follow See Abidunsoe (PhD thesis, 2007) 47
48. See generally Communal Re

studies have shown that Nigeria has a high rate of juvenile delinquency. For instance, the involvement of juveniles in armed robbery is a serious threat to peaceful co-existence in their communities.⁴² In view of the existing social dynamics, it is necessary to put in place in Nigeria to reduce juvenile delinquency as a case study.

While the Protection of Juveniles Act, 1966, is based on the Beijing Rules, the Act provides that proceedings shall be a last resort and this is the belief that confinement and punishment can only be imposed if the offence is only justified if the offence is a crime of the Court that a custodial sentence is warranted if an offender refuses to serve

the sentence, delivered through programmes of control of their lives, behaviours and attitudes by helping them (juveniles) to develop critical and creative thinking, and training others.⁴³ This would in-turn promote the social and national development. A juvenile who is deprived of social-economic rights from the state is a leader of juvenile today is the leader of tomorrow in its social, economic and political life. Therefore, the state has a duty of care, welfare, protection and rehabilitation.

⁴² See *Report of the National Human Rights Commission on the Violation of Human Rights in Nigeria*, 2014 (Ibadan, Nigeria: National Human Rights Commission, 2014), 10-11; *Report of the National Human Rights Commission on the Violation of Human Rights in Nigeria*, 2014 (Ibadan, Nigeria: National Human Rights Commission, 2014), 10-11; *Report of the National Human Rights Commission on the Violation of Human Rights in Nigeria*, 2014 (Ibadan, Nigeria: National Human Rights Commission, 2014), 10-11.

⁴³ See *Report of the National Human Rights Commission on the Violation of Human Rights in Nigeria*, 2014 (Ibadan, Nigeria: National Human Rights Commission, 2014), 10-11; *Report of the National Human Rights Commission on the Violation of Human Rights in Nigeria*, 2014 (Ibadan, Nigeria: National Human Rights Commission, 2014), 10-11; *Report of the National Human Rights Commission on the Violation of Human Rights in Nigeria*, 2014 (Ibadan, Nigeria: National Human Rights Commission, 2014), 10-11.

Rehabilitation is therefore advocated because it can reduce further offending and victimisations⁴⁴ as studies have shown that reduced recidivism rates are secondary outcome of successful education programmes in youth corrections and as such, education is a critical component of an overall plan for rehabilitation of juvenile offenders.⁴⁵ The author is not unmindful of government efforts in providing correctional facilities such as Approved schools, Borstal training institutions and Remand homes to cater for juvenile delinquents. However, this paper makes a case for Borstal training institution as the best correctional facility that can oversee the rehabilitation process for juvenile delinquents that would reduce the likelihood of recidivism. It is posited that the institution is more suitable for juvenile delinquents to have realistic rehabilitation training because it has resources and means needed in reshaping and preparing juvenile for a better future. In an earlier study on the subject, responses from interviewed respondents rated Borstal training institution first among other institutions like the Prison, Government approved school, Police cell and Remand home in the administration of juvenile justice in Nigeria.⁴⁶ This can be gleaned from the two-phase training given by the institution viz: vocational and educational trainings.⁴⁷

Despite the existence of correctional facilities, there has been increased in the number of young persons' getting involved in crimes to the extent that the corrective institutions, Borstal institution in particular, are now over-stretched with only minimal care available and child protection becomes more of charity than a commitment.⁴⁸ Protection of such children is not seen as a right but as charity or welfare. Thus, this paper argued that a complete crime prevention strategy cannot be achieved without effective measures geared towards addressing the problem of recidivism. Studies have shown that, many juvenile offenders, after a term of committal, fail to reintegrate into the society as law-abiding citizens because of the failure to curb recidivism among the juvenile delinquents

⁴⁴ Ibid.

⁴⁵ Gordon B. Harris S, Negel J, Hillman M, & Hanson R, 'Education: Don't Leave Prison Without It', *Correctional Today*, 76 (1), 48-49, 51-52. Retrieved June 10, 2014, from Criminal Justice Periodicals database (Document ID: 1443969751).

⁴⁶ Borstal institution was ranked 1st in the juvenile justice administration with 665 out of 1,258 respondents representing (53%). With 554 (44%) out of 1,258 respondents, Remand Home was ranked 2nd in the juvenile justice administration. With 517 (41%) respondents, Government Approved School was ranked 3rd in juvenile justice administration. This was followed by Prison with 501 (39.8%) and lastly the Police Cell with 457 (36%).

⁴⁷ See Abdulrahman-Mustapha M.A., *An Analysis of the Framework for Juvenile Justice Administration in Nigeria* (PhD thesis, Faculty of Law, University of Ilorin, 2014).

⁴⁸ Ibid.

⁴⁹ See generally Ladan M.T., *Right of the Child in Nigeria: An Overview in Individual Rights and Fundamental Responsibility in Nigeria*, (National Human Rights Commission, Abuja, Nigeria, 1998).

being a major problem confronting the criminal justice system in Nigeria.⁴⁹

3. BORSTAL TRAINING INSTITUTIONS AND RECIDIVISM

Incarceration of juvenile offenders in the Borstal training institutions in Nigeria is to undergo education and training in order to reduce juvenile offenders' capability to commit future offences. However, the rate at which juveniles are repeating undesirable behaviours after releasing from Borstal institutions has been a global phenomenon. They find it difficult to rehabilitate and be useful citizens. Hence, they return to old ways by committing new crimes. Recidivism is now a common phenomenon among inmates in the Nigerian correctional service centres and Borstal training institutions. Soyombo⁵⁰ reported that the prevalence rate of criminal recidivism in Nigeria in 2005 was 37.3%. Also, Abrifor⁵¹ estimated the prevalence of recidivism in Nigeria prisons at 52.4% in 2010. Since then, there has not been any indication that the trend has declined as this confirmed the position of Akinseye-George in a study conducted at Kuje Prison that at least 20% of Kuje Prisoners were children and that the Kuje Prison which is located within the territory, Abuja had several children inmates who were arbitrarily assigned adult age by the police in order to justify their detention in the prison.⁵²

Wilson⁵³ also reported that 81% of male criminal offenders and 45% of female criminal inmates were re-arrested within 36 months of discharge/release from the prison custody. The overall analyses of the rate of recidivism among convicted inmates from 2001-2005 indicated a total of 194,926 prisons inmates, out of which, 72,707 (37.3%) were recidivists. This figure is in line with Soyombo's findings which estimated the cumulative prevalence rate of recidivism in Nigeria to be 37.3% in 2005. However, the subsequent estimations from 2006-2008 put the cumulative prevalence rate of recidivism in Nigerian Prisons to be 52.4%.⁵⁴ Based on these findings, it could be concluded that there is a constant increase in the rate of recidivism among inmates in Nigerian Prisons, especially among male inmates and young offenders. Crimes committed by recidivists were mostly

theft and other minor size history as juveniles.⁵⁵ Th reintegration seems to administrators.⁵⁶ High rec back to society as law-resettlement is poorly euc as housing and addicte government scheme of fu this goes a long way in ex is because they still ca Therefore, society still p-making reintegration imp

Instructively, the effort c training institutions is g Nigeria by focusing on d Child Development in K training institutions situa not the role of Borstal t This is necessary in ord so as to provide a way fo

While using the analyti reveals that, most of th arrest the acts of juveni the key informants at al sessions '1-3' at Abeol discharged from Borst some of them even oc According to them, the discharged from the E exiting literature that functions and the state:

49 See See Oanyi, K. K., 'Socio-cultural factors affecting reintegration of discharged prisoners in Anambra State, South East and Nigeria' (2013)4(10) *Mediterranean Journal of Social Sciences* 775. Studies conducted by Thompson, K. C. and Morris, R. J., 'Predicting recidivism among juvenile delinquents' Comparison of risk factors for male and female offenders' (2003)3(1) *Journal of Juvenile Justice* 36-47 revealed that recidivism rate amongst juvenile offenders has remained high and stable with estimates of reoffending ranging from 30-60% in Stephens O.A. and Norum M.N., 'Recidivism and Emotional Intelligence of Male Recidivists in Lagos State, Nigeria' (2014)5(3) *Journal of Psychology* 115-124

50 Soyombo, O., *Sociology and Crime Control: That We May Live in Peace*, 2009.

51 Abrifor, C. A., Atici, A. A. & Muoghalu, C. O., Differences, Trend and Pattern Recidivism Among Inmates in Selected Nigerian Prisons: *European Scientific Journal*, 2012

52 Akinseye-George, Yemi, *Juvenile Justice in Nigeria* (Abuja, Nigeria: Centre for Socio-Legal Studies, 2009)

53 Wilson, H., *Curbing Recidivism in Our Society*, 2009. Available at http://www.pioneerjournal.com/article.php?title=Curbing_Recidivism_in_Our_Society&id=2765.

54 Ibid

55 Ibid
56 Ibid

theft and other minor sterling and burglary, while few of the respondents had crime history as juveniles.¹⁴ They finally hold the views that the importance of prisoners' reintegration seems to have been ignored by policy makers and correctional administrators.¹⁵ High recidivism rate indicates that inmates are not prepared to come back to society as law-abiding citizens. This is because major issues about their resettlement is poorly coordinated and has failed to address social exclusion issues such as housing and addiction problems that could lead people back into crime. The government scheme of funding a prisoner upon discharge seems no longer a priority and this goes a long way in explaining the high rate of recidivism in the Nigerian prisons. This is because they still cannot find their footing in the society even after discharge. Therefore, society still perceives them as social misfits who should be avoided thereby making reintegration impossible.

Interactively, the effort of this paper through critical examination of the role of Borstal training institutions is geared toward finding solutions to the juvenile recidivism in Nigeria by focusing on the Borstal staff, Police force and Ministry of Women Affairs and Child Development in Kaduna State, Kwara State and Ogun State where the three Borstal training institutions situated. Therefore, this paper addresses the question as to whether or not the role of Borstal training institutions has reduced juvenile recidivism in Nigeria. This is necessary in order to evaluate the current status of juvenile recidivism in Nigeria so as to provide a way forward.

While using the analytical and qualitative methods, the fieldwork conducted in this paper reveals that, most of the participants consider Borstal training institutions as a place to arrest the acts of juvenile delinquents before they graduate into criminals. However, all the key informants at all the three Borstal training institutions as well as the focus group sessions '1'-3' at Abeokuta, Ilorin and Kaduna claimed that it is common to see students discharged from Borstal training institutions reverting to juvenile delinquent acts and some of them even commit crimes and eventually find their ways back into prisons. According to them, this occurrence usually takes place not very long after they have been discharged from the Borstal training institutions. This position is in tandem with the existing literature that Borstal institutions are not equipped to serve their statutory functions and the stated objective of rehabilitation and reform are defeated.

55 Ibid.
56 Ibid.

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<http://www.pioneerpublisher.com/article.php?id=9>

It was expressed by most of the participants in focus group sessions '4' '6' at Abeokuta, Ilorin and Kaduna that conditions encountered by students on release from Borstal training institutions fatally condemn them to relapse because they are under law enforcement officers' surveillance which makes them to be apprehensive and see themselves as been labeled by the society. This situation usually compels students discharged from Borstal training institutions to revert to juvenile delinquency. This position supports the assertion of Chinwe and Akpan that in practice, juvenile justice administration in Nigeria is more punitive than reformatory and rehabilitative and that the staff of Borstal training institutions is drawn from prison staff who are trained to handle adult criminals. Hence, the staff is not used to the 'large-hearted approach' required in the case of juveniles who should be handled as if they are in their own homes.

Most of the participants especially, all the key informants at Abeokuta, Ilorin and Kaduna observed that there are currently three Borstal facilities in Nigeria situate at Kaduna, Abeokuta and Ilorin. However, key informants '1' - '25' specifically observed that only the Borstal institution in Ilorin seemed to be effectively operational at moment and that even if all the three facilities were to be in operation, they would still be grossly inadequate to accommodate the large number of children and young persons who are caught in conflict with the law. It is therefore a very severe situation to have only three Borstal training institutions serving the entire country.

This pattern of findings is similar to the focus group sessions '4' - '6' who expressed that the shortage of Borstal facilities is responsible for the remand of juveniles in prison custody and lamented that Police officers often falsify the ages of juveniles to pass them off in court as adults, in order to avoid adhering to the legal requirements for their treatment especially in States without Borstal institution. These findings conform to the position of Abrifor et al.⁵⁷ Uma, Falobi,⁵⁸ Wilson⁵⁹, Soyombo⁶⁰ and Ngwuoke⁶¹. In their studies, they have indicated that recidivism is the return to illegal activity after being released from incarceration. It has been revealed from their studies that more than a quarter of those that re-offended are under the age of 21 years⁶² and that it is juvenile delinquents that usually

⁵⁷ Abrifor, C. A., Atter, A. A. & Nwagwu, C. O., 'Differences, Trends and Patterns: Recidivism Among Inmates in Selected Nigerian Prisons' 129(2) *European Scientific Journal*

⁵⁸ Falobi, P., 'Empowering Prison Inmates in Stephen O. A. and Noana M. Ne: Recidivism and Emotional Intelligence of Male Recidivists in Lagos State, Nigeria' <http://www.ijournalsonline.com> accessed 12 October, 2019

⁵⁹ Wilson, H., *Carrying Recidivism in Our Society*, *ibid*

⁶⁰ Soyombo, O., *Sociology and Crime Control: Thus We May Live in Peace* (An inaugural Lecture Delivered at the University of Lagos, University of Lagos Press 2009)

⁶¹ Ngwuoke, C. U., *Criminology: Explaining Crime in the Nigerian Context*, (Nsukka: Green AP Publishers LTD 2010)

⁶² Studies conducted at Ikoyi Medium Security Prison (Lagos State) was selected from Zone A, Kaduna Medium Security Prison (Kaduna State) from Zone B and Port-Harcourt Medium Security Prison (Rivers State) from Zone E, Agosi Medium Security Prison (Oyo State) and Epe Medium Security Prison (Epe State) were selected from Zones F and G respectively have shown that 57% (523) out of 917 of recidivists were those convicted or imprisoned for any crime before as juveniles. And 80.4% (426) out of 529 population sampled 567 were with the view that they have not been confined in a Remand home before as a juvenile.

graduate into adult crime; majority of children in confinement prisons and as the child criminals invariably expose recidivism.

4. CHALLENGES AND REDUCTION OF

Borstal training institutions offenders.⁶³ In Nigeria, prison/correctional service rehabilitative ideals of B staff is trained to handle approach required in their own homes.⁶⁴ This paper and 235 of the Child treatment as a strategy confirmed further by sampled representing vocational training.⁶⁵

Both the interview phase of provision for non-law. They observed justice measures and such as community application of non-law children in the Borstal institution aside the participants.

It was also revealed '1' - '6' at Abeokuta psychologist nor so

⁶³ See the Nigerian Prison

⁶⁴ See Chinwe R. Nwae

⁶⁵ *ibid*

⁶⁶ *ibid*

prisons '4' '6' at Abeokuta, and release from Borstal and they are under law apprehensive and see usually compels students juvenile delinquency. This practice, juvenile justice rehabilitative and that the who are trained to handle approach required in the times.

in Ikorodu, Ilorin and Kaduna. It is situated at Kaduna, only observed that only the moment and that even the grossly inadequate to are caught in conflict by three Borstal training

4. It was expressed that the facilities in prison custody handles to pass them off in efforts for their treatment according to the position of 4. In their studies, they after being released from a quarter of those that are delinquents that usually

4. See the Nigerian Prisons Service Annual Report 46, (1986).

4. See Chinwe R. Nwanwa and Naomi E.N. Akpan, *Research Findings of Juvenile Justice Administration in Nigeria* 42-44.

4. See Chinwe R. Nwanwa and Naomi E.N. Akpan, *Research Findings of Juvenile Justice Administration in Nigeria* 42-44.

graduate into adult criminals. Further in their studies, it was revealed that the great majority of children in conflict with the law were held together with adults in the regular prisons and as the children advance in age behind bars, their association with adult criminals invariably expose them to the danger of aggravated criminal tendencies and recidivism.

4. CHALLENGES FACING BORSTAL INSTITUTIONS IN REFORMATION AND REDUCTION OF JUVENILE RECIDIVISM

Borstal training institutions are becoming grossly inadequate for the treatment of young offenders.⁵¹ In Nigeria, the staff of Borstal training institutions is drawn from prison/correctional service staff. This is seen as a serious handicap to the reformation and rehabilitative ideals of Borstal training for juveniles. This is in view of the fact that prison staff is trained to handle adult criminals. Hence, the staff is not used to the large hearted approach required in the case of juveniles who should be handled as if they are in their own homes.⁵² This paper therefore argues for the implementation of Sections 233, 234 and 235 of the Child Rights Act which specifically provides for non-institutional treatment as a strategy to reduce juvenile recidivism in Nigeria. This position was confirmed further by Ajamika and Chukwura⁵³ that less than half of the population sampled representing 180 (48.3%) of the juveniles had access to education and vocational training.⁵⁴

Both the interview phase of the work as well as the focus group sessions lamented on lack of provision for non-custodial alternatives for children who come into conflict with the law. They observed that, despite the statutory authorisation of the use of restorative justice measures and such other means of diverting juveniles from custodial sentences such as community service, suspended sentence, etc, there is little evidence of the application of non-custodial and diversionary measures for reducing incarceration of children in the Borstal institution. This is one of the factors that causes congestion of the institution aside the challenges of shortage of Borstal facilities earlier identified by the participants.

It was also revealed in the course of the researcher's discussion with focus group sessions '4' - '6' at Abeokuta, Ilorin and Kaduna, that neither did the Police, social worker, psychologist nor sociologist possess the specialised skills and facilities for the 'treatment'

51. See the Nigerian Prisons Service Annual Report 46, (1986).

52. See Chinwe R. Nwanwa and Naomi E.N. Akpan, *Research Findings of Juvenile Justice Administration in Nigeria* 42-44.

53. Ibid.

54. Ibid.

of child offenders nor do they possess the necessary skills for diverting juvenile offenders from the criminal justice system. In one of the facilities visited by the researcher, social welfare workers had no formal training in social welfare and had never undergone any training. This finding is also buttressed with responses garnered from some participants interviewed particularly Borstal officials in Ilorin and Kaduna to the extent that: there were no budgetary provision for any form of training, no enough personnel, inadequate facilities and as such lip-service is paid to the existence of after-care services and provision for community based corrections is apparently not in existence.

In addition to the above findings, the focus group session also reveals lack of funding which appears to be the main reason for lack of materials and failure to replace worn-out equipment and machines used for reformation and rehabilitation.

There is also challenge of lack of qualified personnel to operate these machines and engage the prisoners in meaningful course of training has also been identified as a major factor. At the end, a prisoner may be discharged without being reformed or rehabilitated. The government scheme of funding a prisoner upon discharge seems no longer a priority and this goes a long way in explaining the high rate of recidivism in the Nigerian prisons. This is because they still cannot find their footing in the society even after discharge. Therefore, society still perceives them as social misfits who should be avoided thereby making reintegration impossible.

There seems to be no variation in the views expressed by the participants and the studies conducted by Alamika and Chukwura; and Abdulsameem that the objectives of Borstal training institutions are compromised by lack of proper planning and implementation; gross under funding; inadequate staff-in qualitative and quantitative terms; and lack of necessary training facilities in the workshops and educational programmes.

4. CONCLUSION AND RECOMMENDATIONS

From the foregoing, it is concluded that there is a sufficient legal regime to protect the interest of juvenile delinquents in Nigeria. However, this legal regime has been adjudged by the participants of this research to be ineffective as the number of juvenile delinquency and juvenile recidivism are unabated in Nigeria. The law as a social change has been discussed to be the only instrument to aid and assist the socio-economic interest of juvenile delinquents in Nigeria. Despite the fact that in Nigeria, there exists Borstal institutions in the guise of providing both education and vocation training to enhance and empower the sustainability of delinquent child in Nigeria not to recidivate, the participants of this research observed the alarming rate of juvenile recidivism especially in Prisons due to inadequate number of Borstal institutions in Nigeria especially in most

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It is equally should be in and staffed dynamics in

67 Yong J.N, 'Ad Rehabilitative Journal of So

many skills for diverting juvenile offenders from the facilities visited by the researcher, social welfare and had never undergone any programmes garnered from some participants in Lagos and Kaduna to the extent that; there was no enough personnel, inadequate existence of after-care services and programmes not in existence.

The session also reveals lack of funding for materials and failure to replace worn-out machines for rehabilitation.

Personnel to operate these machines and training has also been identified as a major problem without being reformed or rehabilitated. Recidivism seems no longer a priority in the society even after discharge. Recidivism who should be avoided thereby

expressed by the participants and the studies which reveal that the objectives of Borstal are proper planning and implementation; staff and quantitative terms; and lack of recreational programmes.

CONCLUSIONS

In a sufficient legal regime to protect the law, this legal regime has been adjudged to be the number of juvenile delinquency in the law as a social change has been in the socio-economic interest of the state in Nigeria, there exists Borstal to provide vocational training to enhance and prevent in Nigeria not to recidivate, the rate of juvenile recidivism especially in the institutions in Nigeria especially in most

of the states where it does not exist. This revealed the inadequacies, deficiencies, flaws and other related problems inherent in the process of reformation and rehabilitation of juveniles in the Nigerian Borstal institutions.

The participants further adjudged that those Borstal institutions in existence have not been able to articulate their roles in ensuring an effective and efficient rehabilitation, reformation and reintegration of juvenile delinquents into the society as law abiding citizens with overall result of increase in juvenile recidivism.

The participants attributed the Borstal institutions' shortcomings to inadequacy of funding, facilities, lack of qualitative personnel and equipment as well as training and welfare packages for the key players or human elements for those institutions. To this end, the need to explore other therapeutic modelling paradigms becomes paramount.

Two major model approaches are thus identified to be possible premises for reappraising the situation. Darbonze advances the importance of these models by advancing that juvenile delinquents would be more participatory in Group therapy. To him, it creates a foundation for commonalities among juvenile delinquents and they would be able to draw on each other common experiences of the other group mates which in turn, can help reduce the juvenile delinquents from recidivating.⁶⁷

The Group therapy and Family therapy models allow for strong social bonds. They also allow the juvenile delinquents to challenge themselves in order to figure out issues they deal with and overcome. Family therapy further allows the whole family to be rehabilitated because they get the opportunity to process the situation of their former delinquent child. It is therefore advanced that these two options alongside the education, vocation training and aftercare models identified in the Nigerian laws would aid the juvenile delinquents to be less likely to recidivate because the models will rebuild their strong foundation.

It is equally recommended that deliberate effort and commitment in the way of policy should be initiated by government to ensure that Borstal institutions are well equipped and staffed with personnel of requisite training to meet the modern demands and dynamics in the treatment of juvenile delinquents in Nigeria. Also, strict compliance with

⁶⁷ Yong J.N, 'Advantages of group therapy in relation to individual therapy for juvenile delinquents' in Darbonze Kelle, *Rehabilitative Methods and the Effect on Juvenile Delinquents* (1971) *Corrective psychiatry and Journal of Social Therapy* 34- 60

the provisions of the three models identified in the Child Rights Act aside the above Group and Family therapy models identified will also create a new status for reintegration of juvenile delinquents as law-abiding citizens.

The studies of Yusuf, Edem, Adeleke and Olaitan that adequate and effective students' personnel services, students' welfare services, students' social recreational services and students' library and health services are essential tools and necessary if the reformatory aspect of the delinquents students in the Borstal training institutions is to be enhanced and as such these could improve delinquents students quality of life and help in reducing recidivism are similar to both the interview phase of the work, as well as the focus group sessions.

There is need for effective rehabilitation programmes in terms of education, vocational training, individual and group counselling, psychiatrist and psychological treatment,⁶⁸ Students' Personnel Services,⁶⁹ Student Welfare Services,⁷⁰ Student Social Recreational Services,⁷¹ Student Library Services,⁷² and Health Services.⁷³

Finally, there is the need to establish more Borstal institutions in Nigeria and need to ensure that Borstal institutions' educational programmes are revamped by governments at all levels in order to bring sound, quality and functional education to the juvenile delinquents in Nigeria. It is the expectation of the researcher that if the recommendations are implemented, there will be a successful reintegration of juvenile delinquents into the society. This in the long run will surely reduce the rate of juvenile recidivism in Nigeria.

68 Paul Holland and Wallace J Mlyniec, 'Whatever Happened to the Right to Treatment? The Modern Quest for a Historical Promise' (1995) 68 Temple Law Review 179-183

69 Yusuf, S., 'Students' personnel services and academic performance in Ilorin: south local government area secondary school, Kwara State' (M. Ed thesis Department of educational management, University of Ilorin 2011)

70 Ibid

71 Edem, D. A. *Introduction to educational administration in Nigeria* (Ibadan: Spectrum Book 1998) See also, Ojo, F., *Human resource management: theories and issues* (Lagos: Paraf Publishing, inc. 1988)

72 Adeleke, A. A., 'Use of library resources by academic staff of the Nigerian polytechnics' (2005) 12(2) *Journal of library science* 15-24.

73 Olaitan, G.I., 'Relationship between provision, utilization of students' services and academic achievement in secondary schools in Ilorin metropolis' (M. Ed thesis, Department of Educational Management, University of Ilorin 2003)

IMPLICATIONS

This article is intended to address delinquency in Nigeria. Secondly, it is the President. The rule of law and the rule of this will give jurisdictions of this paper citizens' right argument of the seeing that the

Keywords: Nations

1. INTRODUCTION

On the 26th of August 2018, President Muhammadu Buhari declared open the new capital city of Abuja, Nigeria.¹ He was quoted as saying: "We are committed to security and national

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1 O Festus, 'Still on the Path of Progress', *The Nation*, 28 August 2018, accessed on 28 August 2018

