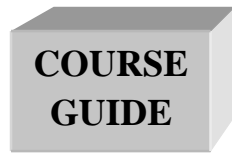




NATIONAL OPEN UNIVERSITY OF NIGERIA

COURSE CODE : CSS361

**COURSE TITLE:
JUVENILE INSTITUTIONS AND JUVENILE
CORRECTIONS IN NIGERIA**



CSS361
JUVENILE INSTITUTIONS AND JUVENILE
CORRECTIONS IN NIGERIA

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Introduction

CSS 361: JUVENILE INSTITUTIONS AND JUVENILE CORRECTIONS IN NIGERIA

This course is a three-credit unit course for all students of Social Sciences.

The course shed light to all and sundry as regard the subject matter of juvenile Institution and juvenile corrections in Nigeria.

This course guide enables you to know what the course is all about. What you ought to know in each unit. What course material you need to use and how you can work your way through in this course. It also highlights the necessity for tutor-marked Assignments. Periodic tutorial classes are also very sacrosanct to this course.

Course Aim

The basic aim of CSS361: Juvenile institutions and juvenile corrections in Nigeria are to expose students of Social Sciences to the rudiments of juvenile justice administration in Nigeria; its techniques and processes. This broad aim will be consummated through:

- Knowing the meaning of juvenile justice and the background on juvenile justice administration in Nigeria;
- *The history of Child welfare and juvenile experiences; and*
- *The role of community and family.*

Course Objectives

In each of the unit, we have specific objectives. It is advised that students. Go through these objectively, before reading through the unit. In doing this, you could be sure that you have covered what the prerequisites of that unit are.

But to achieve the aim set out in this course, the overall objectives for the course as a whole would be emphasized.

On successful completion of the course you should be able to:

- Define and know the meaning of juvenile justice administration in Nigeria;
- Enumerate and discuss the processes and fields of juvenile justice system;
- Understand the history of child welfare in Nigeria.

- Understand the basic Concepts in juvenile delinquency act.
- Discuss juvenile experiences
- Define the role of community and family as regard the subject matter.
- Discuss the remand homes and foster institutions
- Discuss the mode of treatment of offenders in juvenile institutions.
- Discuss the welfare homes
- Discuss the topic “should the juvenile justice system be abolished.
- Discuss the non – institutional treatment method of juvenile offender
- Explain the problem of overcrowding of juvenile institution, a way out.

Working through This Course

To complete the course, you are required to read the study units and other related materials. Each unit contains self-assessment Exercises and Tutor-marked Assignments. These exercises are to aid you in understanding the concepts of the course by testing your understanding and discussions set out in the main content section of each unit. You are required to submit the Tutor-marked Assignments for Assessment purposes. At the end of the course, you will be required to write the final examination. Below are the components of the course and what you are expected to do.

Course Materials

- Course guide
- Study units
- Assignments file
- Relevant textbooks including the ones listed under each unit

Study Units

There are thirty two units (of five Modules) in this course. They are listed below:

Module 1

- | | |
|--------|-----------------------------|
| Unit 1 | Introduction to Topics |
| Unit 2 | Objectives of the Study |
| Unit 3 | Main Concept of the Study |
| Unit 4 | Meaning of Juvenile Justice |

- Unit 5 Definition of the Administration of Juvenile Justice
- Unit 6 Scope and Administration of Juvenile justice in Nigeria
- Unit 7 The History of Child Welfare in Nigeria
- Unit 8 Juvenile Experience
- Unit 9 Role of Community and the Family

Module 2

- Unit 1 Introduction to the Topics
- Unit 2 Objectives of the Study
- Unit 3 Main Concept of the Study
- Unit 4 Meaning of Treatment of Offenders and Juvenile Institutions
- Unit 5 The Remand Homes
- Unit 6 The Foster Institutions
- Unit 7 The Welfare Homes

Module 3

- Unit 1 Introduction of the Topics
- Unit 2 Objectives of the Study
- Unit 3 Designing a Model System
- Unit 4 Frame Work for Individual Treatment
- Unit 5 Case Management System and Monitoring Evaluation, Feedback, Improvement of ITP

Module 4

- Unit 1 Introduction to the Topic
- Unit 2 Objectives of the Study
- Unit 3 Main Concept of the Topic
- Unit 4 Critics of the System – Juvenile Justice System
- Unit 5 Summary of the Topic Discussed

Module 5

- Unit 1 Introduction to the Topic
- Unit 2 Objectives of the Study
- Unit 3 Main Concept in Non–Institutional Treatment Method of Juvenile Offender
- Unit 4 Identification of the Problems of Overcrowding of Juvenile Institutions
- Unit 5 Summary of the Topic Discussed

Textbooks and References

Some books and web sites have been recommended in each of the units. You may wish to purchase the books for further reading.

Assessment

There are two types of assessment in this course. The first one is the Assignment file. In this file, you will find all the details of the work you must submit to your tutor for marking. The marks you obtain in these assignments will make up your final marks. The assignments must be submitted to your tutor for formal Assessment in accordance with the deadline stated in the presentation schedule and the Assignment file. The Assignments submitted to your tutor will account for 30% of your total score. The second one is the written Examination. This will be discussed in details on Final Examination and Grading.

Tutor-Marked Assignments (TMA)

There are twenty three tutor-marked Assignments in this course. Every unit has a tutor-marked Assignment. You will be assessed on four of them but the best three performances from the Tutor Marked Assignments (TMA) will be used for your 30% grading. The Assignments for the units in the course are contained in the Assignment file. When each Assignment is completed, send it together with a TMA form to your tutor. Ensure that each Assignment reaches your tutor on or before the deadline given in the Assignment file. If, for any reason you cannot complete your work on time, contact your tutor before the Assignment is due to discuss the possibility of an Extension. Extensions will not be granted after the due date unless there are exceptional circumstances warranting such.

Final Examination and Grading

The final examination for CSS361 Juvenile Institutions and Juvenile corrections in Nigeria will be of three hours duration and have a value of 70% of the total course grade. All areas of the course will be examined. Find time to read the units all over before your examination. The examination will consist of questions, which reflect the kind of self-assessment Exercises and tutor-marked Assignments (TMA) you have previously encountered. All areas of the course will be assessed.

Course Marking Scheme

TABLE 1: COURSE MARKING SCHEME

ASSESSMENTS	MARKS
Assignments	Four submitted, best three accounts for 30% of course marks.
Final Examination	70% of overall course marks.
Total	100% of Course Marks

Presentation Schedule

The dates for submission of all assignments will be communicated to the student. The student will also be told the date for completing the study units and dates for examinations.

Course Overview

Unit	Title of Work	Weeks Activity	TMA
	Course Guide		
Module 1			
1	Introduction to the Topics	Week 1	Assignment 1
2	Objective of the Study	Week 2	Assignment 2
3	Main Content of the Study	Week 3	Assignment 3
4	Meaning of Juvenile Justice	Week 4	Assignment 4
5	Definition of the Administration of Juvenile Justice	Week 5	Assignment 5
6	Scope and Administration of Juvenile Justice in Nigeria		
7	The History of Child Welfare in Nigeria		
8	Juvenile Experiences		
9	Role of Community and the Family		
Module 2			
1	Introduction to the Topics	Week 5	Assignment 1
2	Objective of the Study	Week 6	Assignment 2 & 3
3&4	Main Content of the Study & Meaning of the Treatment of Offenders	Week 7	Assignment 4
5&6 & 7	The Remand Homes, The Foster Institutions and the Welfare Homes	Week 8	Assignment 5
Module 3			
1	Designing a Model System	Week 9	Assignment 1

2	Frame Work for Individual Treatment	Week 10	Assignment 2
3	Case Management System and Monitoring Evaluation, Feedback, Improvement of ITP	Week 11	Assignment 3
Module 4			
1	Critics of the System-Juvenile Justice System	Week 11	Assignment 1
2&3	Summary of the Topic Discussed	Week 12	Assignment 2&3
Module 5			
1 &2	Introduction to the Topic & Objectives of the Study	Week 13	Assignment 1&2
	Main Content: Non Institutional Treatment Method of Juvenile Offenders	Week 14	Assignment 3
	Identification of the Problems of Overcrowding	Week 15	Assignment 4

How to Get the Most from This Course

In distance learning programmes, the study units replace the University classroom lectures. This is one of the great advantages of distance learning. You can read and work through specially designed study materials at your own pace, and at a time and place that suits you best. Think of it as reading the lecture instead of listening to the lecturer. In the same way, a lecturer might give you some reading to do, the study units tell you when to read, and which are your text materials or reference books. You are provided exercises to do at appropriate points, just as a lecturer might give you an in-class exercise. Each of the study units follows a common format. The first item is an introduction to the subject matter of the unit, and how a particular unit is integrated with other units and the course as a whole. Next to this is a set of learning objectives. These objectives allow you to know what you should be able to do by the time you have completed the unit. The learning objectives are meant to guide your study. The moment you are through with reading and learning the lecture in a unit, you must go back and check whether you have achieved the objectives of that unit. If you make this a habit, you will significantly improve your chances of passing the course. The main body of each unit guides you through the required reading from other sources. This will usually be either from the reference books or from a reading section.

The following is a practical strategy for working through the course. If you run into any trouble, telephone your tutor. Remember that your tutor's job is to help you. When you need assistance, do not hesitate to call and ask your tutor to provide assistance.

Read this course guide thoroughly, it is your first assignment .Organize a study schedule. Design “Course Overview” to guide you through the course. Note the time you are expected to spend on each unit and how the Assignments relate to the units. Whatever method you choose to use, you should decide on and write in your own dates and schedule of work for each unit.

- Once you have created your own study schedule, do everything possible to stay faithful to it. The major reason that students fail is that they get behind with their course work. If you get into difficulties with your schedule please, let your Tutor know before it is too late to get help.
- Turn to Unit 1, read the introduction and objectives for the unit.
- Assemble the study materials. You will need your set books and the unit you are studying at every point in time.
- Work through the unit. As you work through the unit, you will know what sources to consult for further information.
- Up-to-date course information will be continuously available there.
- Well before the relevant due dates (about 4 weeks before due dates) access the Assignment file on the NOUN website and down load your next required assignment. Keep in mind that you will learn a lot by doing the Assignment carefully. They have been designed to help you pass the Examination. Submit all Assignments not later than the due date.
- Review the objectives for each study unit to confirm that you have achieved them. It you feel unsure about any of the objectives, review the study materials or consult your Tutor.
- When you are confident that you have achieved a unit’s objectives, you can start on the next unit. Proceed unit by unit through the course and try to pace your study so that you keep yourself on schedule.
- When you have submitted an Assignment to your Tutor for marking, do not wait for its return before starting on the next unit. Keep to your schedule when the assignment is returned; pay particular attention to your Tutor’s comments, both on the Tutor-marked Assignment form and the written comments on the ordinary Assignments.

- After completing the last unit, review the course and prepare yourself for the Final examination. Check that you have achieved the unit objectives (listed at the beginning of each unit) and the course objectives (listed in the Course Guide).

Facilitators/Tutors and Tutorials

You will be notified of the dates, times and location of these tutorials, together with the name and phone numbers of your tutor. Your Tutor will mark and comment on your assignments. Keep a close watch on your progress and on any difficulties you might encounter and provide assistance to you during the course. You must take your Tutor-marked Assignments to the Study Centre well before the due date (at least two working days are required). They will be marked by your Tutor and returned to you as soon as Possible. Do not hesitate to contact your Tutor on Telephone or e-mail for help. Contact your Tutor if:

- You do not understand any part of the study units or the assigned readings.
- You have difficulty with the Exercises.
- You have a question or problem with an Assignment or with your Tutor's comments on an Assignment or with the grading of an Assignment.

You should try your best to attend the tutorials. This is the only chance to have face-to-face contact with your Tutor and ask questions which are answered instantly. You can raise any problem encountered in the course of your study. To gain the maximum benefit from course tutorials, prepare a questions list before attending them. You will learn a lot from participating in discussion activity.

Summary

This course guide gives you an overview of what is expected of you in the course of this study. The course teaches you the basic underline philosophy of juvenile and how this knowledge could be applied in the field of juvenile justice, its meaning, background on juvenile, its administration system in Nigeria. It also establishes the ethical roles guiding your duty as a Sociologist or criminologist.

We wish you success in the course and hope that you will find it interesting and useful.

Course Code CSS361
Course Title Juvenile Institutions and Juvenile Corrections in
 Nigeria

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MODULE 1 MEANING OF JUVENILE JUSTICE AND THE HISTORY OF CHILD WELFARE IN NIGERIA

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- 2.0 Objectives
- 3.0 Main Content
 - 3.1 Meaning of Juvenile Justice
 - 3.2 Definition of the Administration of Juvenile Justice
 - 3.3 Scope of the Administration of Juvenile Justice in Nigeria
 - 3.4 The History of Child Welfare in Nigeria (Background on Juvenile Justice Administration in Nigeria)
 - 3.5 Juvenile Experiences
 - 3.6 Role of Community and the Family
- 4.0 Conclusion
- 5.0 Summary
- 6.0 Tutor-Marked Assignment
- 7.0 References/Further Reading

1.0 INTRODUCTION

Nearly every society since the dawn of history has looked on youth crime as a serious problem, and our society is no different. The underlining philosophy of Juvenile justice as the history of child welfare in Nigeria became very interesting and of concern for all because it touches every of human life; the government, the homes/family and the stake holders. The various issues that will be examined in this unit are geared to introduce you to the meaning of juvenile justice, background on juvenile justice administration in Nigeria (the history of child welfare), and juvenile experiences; as well as the role of community and family.

2.0 OBJECTIVES

At the end of this unit, you should be able to:

- define or state clearly the meaning/Definition of Juvenile justice
- understand the history of child welfare in Nigeria (the background, the Nigeria experience of child welfare)
- explain the role of community and family
- and lastly, have a thorough understanding of the whole unit; that is, the underlining philosophy of juvenile justice.

3.0 MAIN CONTENT

3.1 Meaning of Juvenile Justice

Juvenile court codes/administration which exist in every state, specify the conditions under which the state may legitimately intervene in a juvenile's life. State Juvenile codes, as part of the Parents patria, or rehabilitative philosophy of the juvenile court, were enacted to eliminate the arbitrary nature of juvenile justice. Beyond those rights already afforded them by the constitution and to deal with the youth more leniently they were seen as not fully responsible for their behaviour.

The Re-poff report (1955) aptly expresses the logic of this argument:

The original juvenile Court Act enacted in the district of Columbia... was devised to afford the juvenile protections in addition to those he already possessed under the federal constitution. Before this legislation enactment, the juvenile was subject to the same punishment for an offence as an adult. It follows logically that in the absence of such legislation the juvenile would be entitled to the same constitutional guarantees and safeguards as an adult. If this is true, then the only possible reason for the Juvenile Court Act was to afford the Juvenile safeguards in addition to those he already possessed. The legislation was to enlarge and not diminish those protections (re-poff 1955 pg. 224).

Juvenile court usually specifies that the court has jurisdiction in relation to three categories of juvenile behaviour - delinquency, dependency and neglect.

First, the court may intervene when a youth has been accused of committing an act that would be a misdemeanor or felony if it were committed by an adult.

Secondly, the court may intervene when a juvenile commits certain other acts that are not defined as criminal if committed by adults - status offenses.

Third, the court may intervene in cases involving dependency and neglect. If the court determines that a child is being deprived of needed support and supervision, it may decide to remove the child from the home for his or her own protection. The problem with these broad categories is that they lack precise criteria for determining the types of behaviour that qualify as juvenile delinquency.

An examination of the various juvenile court statutes shows how a diversity of definitions of delinquent behaviour have developed. Some statutes define a “delinquent youth” as one who has committed a crime or violated probation; others define a “delinquent child” in terms of such behaviour as “association with immoral conduct” (Hustler and Sestak, 1977). A juvenile, then, could be considered a delinquent in some juvenile codes yet not in others, for behaviour that have been defined as delinquent

SELF ASSESSMENT EXERCISE 1

What is Juvenile Justice Administration? And why was it established? Briefly explain three categories of juvenile behaviour for which the Juvenile court might intervene.

3.2 Definition of the Administration of Juvenile Justice

Definition

From the historical colonial linkage to the British legal system through the current political dispensation and from the Nigerian context, a juvenile is defined as a child or young person under 17 or 18 years depending on the state where the offence is committed. The concept of the age of criminal responsibility should be harmonised with a view of adopting a single age of less than 18 years. Juvenile Justice is recognized as including not only those in conflict with the law, but also juveniles who require care and protection.

Report on the Northern Zonal consultative conference on juvenile justice administration (Kano; 2002), despite Nigeria being a signatory to the international instruments relating to Juvenile justice Administration, the juvenile justice sector remains a weak area with little or no priority from the judicial system.

Furthermore, the dearth of juvenile courts and often poor legal representation during prosecution results in many children being kept in custody with adults. Participants noted that in the Nigerian Justice system, the definition of the age of criminal responsibility contained in section 50 of the penal code of Northern Nigeria is ineffectual because of the operation of the various children and persons legislations.

A strong emphasis was placed on the significant input required by probation/social welfare services by legislation with regards to the best interest of the child. To date, there are very limited Juvenile Custodial institutions and several juvenile offenders are confined in remand homes, approved institutions, borstal or in prison. However, under the

Sharia penal code and Criminal procedure code operative in some Northern states, especially Zamfara, juvenile offenders still enjoy some protection under the law.

Generally at the state levels, most residential correctional youth institutions serve as punitive labour camps where children become hardened when they come out. Other issues raised by the participants and are worthy of note included:

- Government to provide adequate funds for young offenders to have improved access to skill acquisition and recreational facilities.
- Sensitization and appeals to public and stakeholders to help in creating more youth friendly programmes to reduce the number of juvenile cases for courts.
- The issue of incompatibility between age of taklif or puberty under the sharia penal code and the provision of eighteen years of age under the CRC was resolved. Taklif under the sharia is flexible and its interpretation is expected to take into consideration a number of factors, such as scientific, environmental and nutritional factors.
- This flexibility should be an advantage, but becomes problematic where judges are conservative in interpretation and application of the law for the purpose of justice.
- Need for continuing judicial education for sharia court judges and their personnel to update them on the challenges in juvenile justice administration.

3.3 Scope of the Administration of Juvenile Justice in Nigeria

Juvenile Justice Administration is the system of justice world over which is applicable to juveniles and which is different from the justice system applicable to adults.

However, this concept paper acknowledges the complexity of juvenile administration, which cannot be limited to situations, where conflict with the criminal law has arisen. It covers many spheres including delinquency prevention, law enforcement, adjudication and rehabilitation.

Children can come into contact with the juvenile justice system for many different reasons, including those requiring the pronouncement of protection/welfare measures in respect of juveniles who commit status offences such as truancy, vagrancy or being beyond parental control.

Therefore, some situations faced by children placed in residential facilities occur because:

- a) They are physically, mentally or emotionally ill or handicapped.
- b) They are abused, neglected, exploited or abandoned
- c) They have no family or have been separated from their family.

They should not be covered by the same standards applicable in cases where the juvenile is in conflict with the law. To avoid further confusion, a differentiated procedure from the judicial system or response in place for children in conflict with the law as well as access to different residential facilities should apply to protect them from arbitrary treatment and placement.

To this end, the national conference, (Abuja 2002), proposed the followings with the view to facilitate reform and changes in the administration of juvenile justice in Nigeria:

These recommendations have covered the following areas:

i Prevention

The right of children should be made known to children, parents and all other actors through the media and other accepted methods of communication:

1. Education should be brought into effects as a transforming agent for the child;
2. poverty eradication programmes should be implemented effectively;
3. Civic education should be introduced and or developed in the school curriculum;
4. participation of juveniles in planning and in the implementation of interventions related to juvenile justice should be encouraged, in particular through peer education;
5. preventive family counseling should be made available to families and children;
6. Family support services should be encouraged in order to strengthen responsibilities of the parents;
7. Training of social workers on counseling techniques should be enhanced;
8. Youth friendly facilities should be established to serve as an outlet for information and counseling for children and youth;
9. Complaint mechanisms should be established for juveniles who are physically, sexually or psychologically abused and for those who are at such risk and civil remedies should be provided.

ii. Arrest/Pre-trial Detention

1. Arrest and pre-trial detention should be used as a measure of last resort;
2. Juveniles should be separated from adults;
3. Juveniles should not be remanded in custody for longer than 48 hours, unless accused of homicide.

iii. Diversion

1. Diversion programmes should be offered by social workers, child psychologists or other suitable professionals;
2. Relevant sections of the draft Children's Bill should be reviewed in order to spell out the principles, objectives, processes, procedures and structures of the available diversion options;
3. Traditional methods of handling juvenile cases by community leaders should be documented, recognized by law and further developed, if found suitable;
4. Database on respective activities and network should be built by NGOs;
5. Awareness raising campaigns should be organized, including through the media, to change public perception of diversion as a part of a juvenile justice process;
6. Diversion options should take into account the needs of the victim and the cost of his/her prejudice and facilitate mediation between the parties interested where the victim's request appears not to be proportional with his/her injury, loss or damage;
7. Training and guidelines package for diversion schemes should be developed.
8. Stakeholders should receive training and enjoy the assistance of referring to written guidelines on diversion schemes;
9. Available structures for supervising diversion programmes should be adequately resourced.

iv. Juvenile Court

1. Court procedures should be less formal when dealing with juveniles;
2. Juveniles courts should be established in separate building if possible;
3. Where there is no separated building, magistrates should conduct the proceedings in camera;
4. Magistrates selected to handle cases involving juveniles should be trained and retrained;
5. juveniles and their parents should be supported throughout the proceedings by social workers and psychologists etc;

6. Legal aid should be provided to juveniles;
7. Courts should consider in a more systematic manner the right to bail in juvenile cases;
8. Peer juries or youth courts should be established as appropriate;
9. Death sentence and life imprisonment should not be imposed on juvenile offenders;
10. Corporal punishment should be eliminated and expunged from our legislative instruments.

v. Alternative Sentencing

1. Non-custodial sentencing should be used in cases, except where it is not suitable;
2. Alternatives, in particular community services, life skills programmes, and victim-offender mediation and family group conferences should be developed.
3. Appropriate alternatives should be developed for girls

vi. Institutions

1. Children should not be held in prison for minor offences, except for serious cases;
2. The relevant juvenile justice agencies should pay unannounced visits to prisons and cells to monitor their compliance with international standards and norms;
3. Adequate resources for the approved schools (including vocational education and training) should be provided;
4. Privatization of juvenile institutions should be considered as a way of improving efficiency and management of juvenile detention;
5. Law enforcement agents should not always wear uniforms when dealing with juveniles;
6. All personnel concerned with juveniles should receive specialized training.

vii. Reintegration

1. The media should be sensitized and trained on the rights of the child and on the applicable standards and laws related to cases involving children in conflict with law such as prohibition of the release of the name of the identity, and the picture of the child;
2. Names of the institutions or facilities for juveniles should be more child friendly;
3. Resettlement programmes (such as material or start-up packages) should be made available to juveniles upon their release;
4. Psychosocial treatment and counseling should be made available to juveniles.

THE WAY FORWARD

As a follow up to the national Conference on Juvenile Justice Administration in Nigeria, a National Working group should be set up and be included in the Working group:

1. Federal ministry of Justice
2. Federal ministry of Women Affairs and Social Welfare
3. Federal Ministry of Sports and Social welfare
4. Federal Ministry of Education
5. Judiciary
6. National Human Rights Commission
7. The Nigerian Police Commission
8. Nigerian Prison Service
9. Chairman House of Representatives Committee on Human Rights
10. Youth Representatives
11. Legal Aid Council
12. Nigerian Bar Association
13. Centre for Human Rights, (All higher Institutions)
14. Constitution Rights Project
15. Prisoners Rehabilitation and Welfare Action

As observers: UNICEF, Penal Reform International and other development partners.

The mandate of the Working Group on the Administration of juvenile justice in Nigeria should be to co-ordinate the effective implementation of the recommendations above.

SELF ASSESSMENT EXERCISE 2

1. Define the concept Juvenile Justice.
2. Discuss the scope of Juvenile Justice Administration, Citing Nigeria as a case study.
3. What are the basic recommendations to ensure an effective dispensation of Juvenile Justice?

3.4 The History of Child welfare in Nigeria (Background of Juvenile Justice Administration in Nigeria)

As earlier pointed out Juvenile Justice System in Nigeria is weak and has been given very little priority, despite the fact that the country is a signatory to the major international instruments relevant to the administration of Juvenile Justice. As agreed; by the participants (Abuja Report 2002), the reason for this is the history of the penal system of Nigeria.

Background of Juvenile Justice Administration in Nigeria (Child Welfare)

The current system of juvenile justice cannot be understood without reference to Nigeria's justice administration systems which were entrenched by the British, Nigeria's colonial master "whose system operates with an oppressive penal institutions whose aim was to deter and punish offenders, as their disobedience to law was deemed detrimental to colonial interest.

"Reformation of such offenders, even if they were juveniles, was the least of the problem of the colonial administration. With political independence and with democracy anchored on freedom and human right in place, the need has arisen, perhaps more than ever before, for Nigeria to "radically review its entire juvenile Justice system of administration" The concept of juvenile justice is being "anchored on the recognition of the rights of the child to survival, growth, protection and effective participation in the society". (Abuja report 2000). Its guiding philosophy in both traditional and modern societies has been corrective, preventive and advocacy oriented. However, the advent of colonialism and the growth of urbanization created new social problems such as over population resulting from rural-urban drift. This in turn led to an unconscious creation of an urban underclass populace that increasingly began to neglect the welfare of their offspring. As a result, these urban poor children resorted to violence, crime and other youthful misdeeds.

In response, the colonial government and Christian Missionary organizations set up "approved schools" and remand homes to cater for delinquent juveniles. But the growth in the number of young persons getting involved in crimes continued unabated, to the extent that the corrective institutions set up to reform these young offenders are now over-stretched with only minimal care available. Which is why a critical examination of the existing framework with a view to addressing areas of shortcomings in it as well as embarking on a pragmatic programme of action to achieve desired changes has become imperative?

The Nigerian Experience

The first technical session of the Conference focused on juvenile justice issues in Nigeria. (Abuja Report; 2002). It was strongly noted that since the ratification of the Convention on the Rights of the Child (CRC) and the Africa Charter on the Rights; and the Welfare of the Child in Nigeria, domestication of these international treaties has not been completed. For over a decade, the Children's Bill has passed through several political handling and it is yet to see the light of the day.

The main law, the Nigeria's Children and Young Persons Act (CYPL) adopted in 1943, stated as its purpose "to make provision for the welfare of the young and the treatment of young offenders and for the establishment of juvenile court". It deals with children in conflict with the law, children in need of care and protection and children considered beyond parental control.

According to this law, Nigeria does not have a jointly nationally defined age of criminal responsibility but has adopted age demarcations under which responsibility may or may not be assigned depending on the offence and the circumstances. A child below the age of 7 years is not criminally responsible for any act or omission. A child less than 12 will not normally be held responsible for his or her actions unless it can be proved that at the time of committing the offence the child had the capacity to know he or she ought not to do so. A child below the age of 12 years is incapable of committing an offence involving carnal knowledge. However, a child above 12 years is fully responsible for his or her actions but must be tried in a juvenile court until the age of 18. Therefore, incarceration is not an option available to the juvenile court in sentencing a child offender below the age of 13yrs.

However, the reality offers a different picture: children are detained in prison and police detention centers often with adults for minor offences that include being beyond parental control; most of the juveniles courts use existing courts structures for their trials; many options of the diversionary measures enshrined in the law are not utilized; conditions of detention including institutions fall short of conformity with the principles enshrined in the law.

Overview of the Juvenile Justice Administration Research Report

The findings of the juvenile administration research undertaken by the Constitutional Rights Project were complemented by the attestation made by an ex young inmate. In his remarks, there was clear evidence that major gaps exists in Nigeria between acceptance of standards and their implementation, enforcement and respect of laws.

The main problems highlighted in the research report are:

- an inappropriate legal framework, that does not meet the standards of international law;
- non-implementation of legislation that is appropriate and beneficial;
- over reliance on deprivation of liberty/institutionalization with little regard to the seriousness of the offence, including for the children who have not committed an offence;

- children locked up in adult prisons and/or with adults in police cells;
- poor standards in custodial centers;
- children subjected to violence and abuse while being detained;
- inappropriate use of custody and abuse by some parents of the correctional facilities to avoid their responsibilities towards children;
- long delays between arrest, remand and trial leading to long pre-trial detention in remand homes or other form of custody;
- insufficient use of alternatives to custody/to institutionalization (foster care for example)
- severed contacts with parents and relatives while in detention;
- No resettlement/after care programmes to secure the reintegration of the children released from prisons or correctional facilities.

Against this background, the research report recommended amongst others that:

1. The age of criminal responsibility should be raised from the current seven years, while the police, parents and or relatives should be discouraged from falsifying the ages of children;
2. Prevention measures both at the national and community levels should be emphasized as a preventive way of getting young people out of crime. One way to do this is to get young person's actively engaged in sporting activities and other recreational activities;
3. Pre-trial diversion programmes, such as pre-trial community service, vocational or life skills training programmes, victim-offender mediation or family group conferences should be encouraged. Nigerian juvenile justice system should de-emphasize the use of police and prison custody while detention should be as a last resort and must not exceed 48 hours;
4. All children, particularly those who committed criminal offences, should benefit from legal representation so that their rights can be well-protected;
5. The police must always inform parents or guardians whenever their wards are arrested;
6. Juvenile offenders should be detained separately from adult criminals;
7. Groups should be set up to monitor juvenile justice administration and agencies;
8. Institutionalization and detention should be used as a last resort;
9. An urgent effort must be made to prevent remanding of juveniles in prisons which is more a punitive than a reformative or rehabilitative measure;

10. There is also a need for more juvenile centers to be built to decongest existing ones. Where possible, existing institutions should be renovated and their facilities upgraded to make them more habitable;
11. With regard to capacity building, it was found that there is an overwhelming need for training of handlers of juvenile offenders on the rights of the child and in the treatment of juvenile cases from arrest to discharge;
12. While the committal of children should be discouraged, more personnel should be recruited especially in vocational and skills-acquisition programmes in order to achieve the objective of reformation and rehabilitation of juvenile offenders;
13. In as much as the research report also indicated the need for institutional reforms, accordingly, NGO's, community-based organizations (CBOs) religious organizations and philanthropists should be:
 - a) Involved in funding institutional efforts to meet international standards and protect the rights of children; and
 - b) They should also be involved in the provision of educational and vocational programmes, as well as in the advocacy for non-custodial programmes for the treatment of juvenile offenders.

Similarly, the public should be enlightened, educated and reoriented on the need to avoid stigmatization and alienation of juvenile offenders.

SELF ASSESSMENT EXERCISE 3

1. What can you deduce as the obstacles of child welfares in Nigeria?
2. State and explain briefly how to curb Nigerian youth from delinquent acts.

3.5 Juvenile Experiences

During the conference, children were invited to present papers and interestingly, their presentations and papers highlighted that the family and community have crucial roles to play in the administration of juvenile justice. The present state in which adults fail to live up to their responsibilities calls into sharp focus the need to re-examine the real parameters of juvenile justice in Nigeria.

In line with the children's appeal, the then Minister of Justice and Attorney General of the Federation, Mr. Kanu Agabi agreed that parents should also be made to face the law for neglecting their children and should be penalized for playing down their parental roles and

responsibilities. He passionately stressed that the decision to have children should go hand in hand with the ability to care for them.

This is a moral duty required of all who bring a child into the world. It is no longer a question of juvenile justice but a question of what standards adults are setting for children to follow. Official corruption, armed robbery and violence at all levels have negative influence on children and undermine the work on combating juvenile delinquency.

The active participation of children in all aspects of the conference was an eye opener to participants on the importance of allowing young ones to freely contribute their views on issues that concern them.

In view of the above proposition, an abridged submission of former delinquent youth narrated their ordeals:

"You know, I never had a father or, at least I didn't know him. I have a good mother, but she had a hard life. At times, we barely have enough food to eat. The last time I was released from fair filed, I made up my mind to stay out of trouble. My friends kept coming around with their schemes, and I told them to get out of my face. Then, my mother needed surgery, and there wasn't any money. My friends wanted to hit (rob) a liquor store, and I went along. But we got caught, and I ended up here.

"The death penalty came as a real surprise to me", says Wayne Thompson. "I thought it was a thing of the past. When I was on the street, I ran around a lot. The only time I watched TV was on Saturday mornings for the cartoons. I never watched the news. I didn't learn about the death penalty until I was in jail.

Wayne Thompson tries not to think about being executed. "you think about that, and you're going to be moping around like an old maid". He says. "you have to develop a positive attitude if you want to change Besides, if I let myself go, I'll pull my whole family down".

young to Die?"
(Parade Magazine, 1986)

The International Framework

The convention on the Rights of the Child (CRC), to which 191 states have become parties, remains the principal building treaty that sets out all the rights to which governments have agreed that children are entitled.

In addition, the papers presented emphasized three additional sets of

rules adopted by the global community, which provide greater detail on the operation of juvenile justice:

- The United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules)
- The United Nations Rules for the Protection of Juveniles Deprived of their Liberty.
- The United Nations Guidelines for the Prevention of Juvenile Delinquency (the Rights Guidelines).

1. The Convention on the Right of the Child

Most provisions in the rights of the child are very relevant to juvenile justice, in the sense that respect for rights such as the right to education, to protection against abuse and exploitation, the right to freedom, adequate information, adequate standard of living and appropriate moral guidance helps keep children from becoming involved in crime. It leads to the conclusion that any meaningful attempt to prevent juvenile crime must involve promoting and protecting all rights for children. The main thrust of the Convention is to support the role of the parents or the family as the primary caregivers and to prevent institutionalization whenever possible.

The most relevant provisions of the CRC on the administration of juvenile justice are included in articles 37, 39 and 40.

Articles 37 specifically protect children deprived of their liberty. No child shall be deprived of liberty unlawfully or arbitrarily. Accordingly, this article adds that arrest, detention or imprisonment “shall be used only as a measure of last resort and for the shortest appropriate period of time”. This right applies regardless of the reason for the deprivation, that is, whether the child is detained for investigation, awaiting trial, convicted or placed for purpose of care and protection. In addition article 37 prohibits the torture or other cruel treatment or punishment of any child, capital punishment or life imprisonment without possibility of release of persons below eighteen years of age.

Article 40 lists rights, which belong to children “alleged as, accused of, or recognized as having infringed the penal law”. It applies to all phases of the juvenile justice process from the suspect who is being questioned to the child who has been sentenced, including children waiting for trial and those who are on trial. It relates to matters such as the minimum procedural safeguards to be guaranteed at all stages of penal proceedings (due process rights); the establishment of laws, procedures, authorities and institutions specifically application to children alleged as, accused of, or recognized as having infringed the penal law, including a

minimum age for criminal responsibility, diversion and the availability of alternatives to institutional care (superior order, counseling, probation, foster care, education for example).

The third article closely related to juvenile justice is article 39, which recognizes the right to rehabilitation and social reintegration of children victims of neglect, exploitation and abuse.

2. The United Nations Standard minimum rules for the administration of juvenile justice (Beijing Rules)

The Beijing Rules was the first international comprehensive statement to focus specifically on juvenile justice administration. It aimed at developing a juvenile justice system that should be fair and humane, emphasizing the well-being and rehabilitation of the juveniles. It ensures that the reaction of the authorities is proportionate to the circumstances of the offender as well as the offence. Although it is not a treaty per se, many of its provisions have become binding on states by virtue of their incorporation in the Convention on the Rights of the Child. The rules encourage:

- The use of diversion from formal hearing to appropriate community programmes;
- Proceedings to be conducted in the best interests of the juvenile by respecting the right to due process and the requested procedural safeguards;
- Careful consideration before depriving a juvenile of liberty;
- Specialized training for all personnel dealing with juvenile cases;
- The consideration of release both on apprehension and at the earliest possible occasion thereafter.

3. United Nations Guidelines for the prevention of juvenile delinquency (Riyadh Guidelines)

The Guidelines stress the importance to pursue a child-centered orientation in any preventive programme. A successful prevention of juvenile delinquency required efforts on the part of the society to ensure the well-being and harmonious development of adolescents, with respect for and promotion of their personality from early childhood. Young persons should have active partnership within society and should not be considered as mere objects of control. Designed policies should consider that youthful behavior or conduct that does not conform to overall norms and values is often part of the maturation and growth process and tends to disappear spontaneously with transition to adulthood.

However, labeling a young person as ‘deviant’, delinquent’ or ‘prodelinquent’ often contributes to the development of a consistent pattern of undesirable behaviour by young persons. Thus, community-based services and programmes should be developed for the prevention of juvenile delinquency, particularly where no agencies have yet been established. Formal agencies of social control should only be utilized as a means of last resort.

In between are the United Nations Standard Minimum Rules for the Administration of juvenile justice, whose provisions cover everything from the moment of arrest to sentencing by the court (including alternatives to the court procedure), and the Tokyo Rules dealing with alternatives to custodial sentences. All these aspects, from prevention to disposal and social reintegration, are integral components of a juvenile justice policy.

All the regional level, the African Charter on the Rights and Welfare of the Child that entered into force in 1999 contains in its article 17 detailed provisions applicable to juvenile justice.

This regional instrument, which places the child at the centre of the family and community, includes similar provisions to the CRC. Together with the CRC, these rules provide a comprehensive framework of juvenile justice. At one end of the spectrum are the United Nations Guidelines for the Prevention of Juvenile Delinquency (known at the “Riyadh Guidelines”) covering all levels and forms of prevention of juvenile delinquency, including social reintegration? At the other end are the Rules on protection of Juvenile Deprived of their Liberty, which sets out standards applicable when a juvenile is confined to any facility. The rules apply whether penal, correctional, educational or protective, and whether on the grounds of conviction or suspicion of having committed an offence, or simply being deemed “at risk”.

International Perspectives and Experiences of Other Countries

Country papers from South Africa, Namibia, Iran along with PRI and UNICEF global experience provides a very good base for exchange of ideas on international perspectives.

UNICEF’s Perspective

Addressing the problems of residential care and deprivation of liberty for children in conflict with the law, UNICEF highlighted the over-reliance world wide on deprivation of liberty as a punishment and as educational or “welfare/protection measure” of children who come into conflict with the law.

Whenever possible, children should be kept out of the justice system and that custody or institutionalization should be used as a last resort and for the shortest possible time in line with the international applicable standards. UNICEF is committed, in the framework of its protection mandate, to develop a three-pronged basic approach by:

- Advocating for, and facilitating, less resource to deprivation of liberty/less use of custodial sentences by notably promoting alternatives to deprivation response to juvenile offenders.
- Promoting the development of appropriate “diversion” schemes that enable juveniles to be dealt with by bodies other than the formal court system, whenever possible, and that do not involve custodial outcomes;
- Promoting responses to offenders based on restorative justice, both through diversion schemes and through the courts.

South Africa

Facts were presented from the United Nations Child Justice Project, a technical project to the government of South Africa for the implementation of a new child justice system. This project seeks to assist the Government and the non-governmental sector in the development of adequate responses to young offenders by notably enhancing capacity and use of programmes for diversion and appropriate sentencing, increasing protections of young people deprived of their liberty; increasing capacity with respect to probation services.. the government is also assisted in establishing a monitoring structure and procedure for the child justice system.

The Child Justice Bill, still under approval, specifically takes into account these approaches and has been developed within the realities of the national contexts, building on existing strengths and processes that worked. This Bill provides a new system which places a great deal of emphasis on protecting children from detention by handling cases within the first 48 hours after the child is apprehended, and encouraging alternatives to arrest and imprisonment, assessment and preliminary inquiry, diversion options and a child justice court.

Namibia

A Children’s Act Workshop in 1994 first highlighted the absence of an appropriate juvenile justice system in Namibia. As a result, the Juvenile Justice Forum was established to investigate alternative to the retributive justice model in terms of which children (people under 18) were tried and sentenced to imprisonment, usually for petty crimes. The

recommendations emphasized the necessity of a juvenile program that should be based on a Restorative Justice approach.

The Legal Assistance Centre, a non-governmental organization launched the Juvenile justice project (JIP) as a pilot project in 1995. Its first activity was to carry out pre-trial screening of juveniles at the Windhoek Magistrate's court with a view to finding alternatives to incarceration. The pilot project successfully elicited change to the system, and the permanent project was launched in 1996 with such activities as screening of juvenile offenders, implementation of diversion option and life skills programmes, monitoring human rights abuses during pre-trial, especially in police cells.

In addition, Juvenile justice flora were further established in other regions of the country, Inter-ministerial Committee on Juvenile Justice (IMC), involving all the professionals and other role players involved in the field, was also established.

Iran

The experience from Iran was very welcomed at the conference as it focused on Juvenile Justice within the provisions of the Sharia penal law. Examples of verdicts on juveniles being promoted as alternatives sentences to custody were presented such as community service order, part time prison (night-time prison for example) with obligation to go to school or to follow vocational training, suspended sentences, execution of the sentence at home under the supervision of a parent without the authorization of leave, suspended sentence with probation. Most of the sentences pronounced so far concern juveniles who were not dangerous to the society and had no previous criminal files. Most of the sentences were pronounced with the consent of the victims.

Some judges use the *ta'zirat*¹ laws, which include all the crimes not classified under the other three branches of *Shi'I* penal law (*hodud* laws, *qesas* laws, *diyat* laws) and under which punishments are not defined, to pronounce alternative sentences.

In each case, the idea is to avoid imprisonment for the juvenile. For apart from the fact that *Sharia* does not recognize imprisonment as proper punishment for offences, cases involving juveniles must be handled so carefully that at no point should society take recourse to imprisonment as a mitigation for the offence that the juvenile may have committed.

SELF ASSESSMENT EXERCISE 4

State briefly and explain the minimum standard measure set out by International Community on Juvenile justice administration/handling.

3.6 The Role of Community and the Family in Juvenile Administration

According to Idris and Ejikeme {2005}, “young people aged 10-19, account for a major proportion of Nigeria’s population, making them a force for profound change.

Majority of those that exhibit juvenile delinquency fall within this age strata. Urgent measures are needed to curb the incidence of delinquency to save the future of these youth. They need the support of their families, communities and the nation, if we are to prevent the perils of the future.

Introduction

The role of the community in the correction of juvenile delinquency cannot be overemphasized in the process of addressing this menace. Since all of us live in a community, then it is obvious that there cannot be a far-reaching panacea to the problems of juvenile delinquency without recourse to the community. All facets of the community are involved in this endeavor. The family, the clan, the village, the local government, state government, the federal government, religious bodies, cultural association, and the non-governmental organization etc, are to be actively involved. The problem of juvenile delinquency stares all of us in the face. It is a problem that is assuming alarming dimension in recent times. The destruction that this social problem can bring to the society is better imagined than experienced. There is no facet of the society that is left out. The rural and urban areas, the poor and the rich are equally affected.

What is juvenile delinquency? According to the Oxford Advance Learners Dictionary of Current English, delinquency is defined as “Crime, usually not of a serious kind especially as committed by young people”. The Chambers Dictionary sees the delinquent as “an offender especially a young criminal, a person lacking in moral and social sense without showing impairment of intellect”. Delinquency is a general non-conformist behaviour; it is a part of the general terminology which sociologists call deviance, (Williams: 1986). Deviance is a behaviour that is contrary to the acceptable norms of the society.

Sociologists argue that what is normal and abnormal are not as clear as it may appear. What is normal at one time, in one place may be abnormal

or deviant in another time or place. There was the story of how Louis XIII of France was introduced to sexual activity before he was age seven; and how he first had sex with his wife at the age of fourteen while his wife was thirteen. Some people see this as perversion or different kind of normality. Crime, on the other hand is any act of deviance that breaks the criminal law. Juvenile delinquency in general terms relates to trouble and troublesome youths. According to encyclopedia Americana {1995}, the term “deviance” was coined in 1818 by the society for the prevention of pauperism and initially was used to describe the disapproved activities of neglected immigrant children who roam the streets of New York City. The word “delinquency” was derived from the Latin word ‘delinquere’ meaning ‘neglect’.

Nature and Types of Juvenile Delinquency

Juvenile delinquency encompasses two distinct types of behaviour. Firstly, we have criminal activities committed by the youths: robbery, murder, and rape and secondly, activities such as, alcohol, sexuality prohibited to children but not adults. The details of the above acts and others are as follows:

Robbery: This is an alarming manifestation of juvenile delinquency today. It spans through such acts as pilfering, stealing and armed robbery.

Murder: So many murder cases in our society are committed by the youth. Sometimes these acts are carried out to achieve some other objectives.

Rape: This is an act involving using force to have sexual intercourse with the opposite sex. In Nigeria today, it is a common practice among students in tertiary institutions.

Alcoholism: Excessive consumption of alcohol is a common delinquent behaviour exhibited by our youth. This act aggravates some other delinquent behaviors.

Sexuality: In those days sexual activity was a preserve of the adults. Today there are reports of sexual activeness among our youth even in primary schools.

Drug Abuse: The youth are found to be involved in taking dangerous drugs such as marijuana, heroine, cocaine, opium and barbiturates. This has affected many in very adverse ways.

Fighting and Brutality: This is perhaps one of the commonest delinquent behaviors. Fighting whether among peers on the street or school has been a perpetual problem of our youth.

Prostitution: This is commonly associated with girls. There had been media reports of girls aged between fourteen and seventeen engaged in commercial sex activities, (UNICEF: 1997).

Cultism: This is a delinquent behaviour ravaging our educational system, particularly the tertiary education sector. Sometimes their activities are seen in secondary schools.

Incorrigibility: It is a delinquent behaviour in which children refuse to be corrected in extreme disobedience to parents.

Running from Home: Abscondment from home is a serious problem in our society today. There has been a series of media reports of youth abandoning their homes. Juvenile delinquency is a social problem that is impossible to calculate. A research shows that more than 90% of all American juveniles have committed acts which could be adjudged as delinquent. In Nigeria the extent of juvenile delinquency may not be as high as in the U.S.A. but definitely it is a major problem today. Most incidence of juvenile delinquency has been found among youth between 15-17years. Years back, juvenile delinquency had been seen as a male activity. Today the females are not left out. In fact, the gap is too narrow. Delinquency is even found among individuals of all income, education and people of all status in the society. Initially, it constituted a greater part of delinquent urban problems, but today, its incidence is increasing in the rural areas.

Causes of Delinquency

There are so many causes of delinquency, some of these are itemized below: (i) Biological Theory- The biological theory was the first development to explain delinquency with body shape, gland dysfunction, heredity and physical malfunctions as possible causes. This approach has been criticized for not giving convincing arguments to prove its points. (ii) Psychological Theory- This focuses on environments that govern behaviour. According to Sigmund Freud, the conflict that occurs in human mind between human drives and social control is a major cause. Problems experienced during childhood may determine how the individual resolves conflict in the mind and act in a delinquent manner.

Behaviouralists stress the reward systems as a cause. If delinquent acts are rewarded, the behaviour must continue, but if punished, they will

avoid it, Sheldon (1980). (iii) Sociological Theories:- The sociologists argue that social disorganization is rapidly changing areas in major explanations of delinquent behaviour. Where social institutions breakdown social controls are weakened. In the absence of strong social controls immature youths form spontaneous groups. They involve in all manners of activities legal or illegal to satisfy unfulfilled needs, Norbert (1978). Problems of the social structure, when individuals are unable to reach through legitimate means the success goals define by society there is pressure to engage in illegitimate behaviour perceived to provide success, wealth or recognition. Other causes included (a) Social background, (b) Bad company, (c) Broken homes, (d) Culture and societal approvals, (e) Unemployment, (f) Urbanization; community value is lost in this process, (g) Industrialization, particularly as it affects the incursion of foreign films, communication and (h) Parental over-indulgence or negligence.

Correction of Juvenile Delinquency

The community involvement- The resources of the community must be mobilized to accomplish the three goals of prevention, treatment and control of juvenile delinquency. Why there had been increase in cases of juvenile delinquency in recent years is not unconnected with the breakdown of African Community values.

This is an examination of diverse factors associated with juvenile delinquency. These factors contribute in perpetuating the problem of juvenile delinquency.

- A) **Influence of Contacts with delinquents:** The sociological explanation concerning the recruitment and initiation of most juvenile into the delinquent sub-culture focused upon the hypothesis of differential association which asserts that delinquent behaviour is learned. Sutherland (1955) from a group of offenders tries to ascertain the extent to which intimate social contacts with delinquents lead most juveniles to learn and participate in delinquent activities.
- B) **Delinquent Peer Influence:** this is the extent to which association with a group of friends leads to attachment and participation in most activities of the group. On the other hand, inadequate or weak supervision of juveniles to delinquency. Effective supervision of juveniles is regarded as the extent to which parents are aware of the activities of their children.
- C) **Influence of The School:** The school system dispenses the skills and values needed in the contemporary society a major

arena in which the young can demonstrate competence and gain status. The school can also be viewed as an arena in which strain and anti social behaviour occur. A number of studies have explained the relationship between schools and delinquency. Funham and Afpert (1987) and Robin and Ratcliff (1980) in their U.S studies observed that students who drop out of school like those who indulge in truancy, are more likely to be delinquent than those who remain in school until the completion of their education. The prevalence of property crime in Nigeria tends to influence the conduct and bahviour of students.

- D) Influence of The Family:** Weinberg (1964), Famington (1972), Oloruntimehin (1973), and Peil (1977) noted that families are important in the socialization of persons by development of children. Control of young persons is handled mostly by families. The type of household in which young people grow up influences the extent to which they become delinquent and the type of offence they are likely to commit. Thus, family disorganization is regarded as a factor which contributes to juvenile delinquency. Family disorganization takes two forms. First, divorce and separation of married couples leads to broken homes. Secondly, the death of one or both parents leads to single parenthood or orphanage respectively.
- E) Environmental Influence:** Gutking (1965); Milvier (1972) and Bamisaiye (1974) noted that the environment can contribute to the type of delinquent act juveniles are likely to be engaged in. also, urban living has contrasted with rural living by being associated with greater incidences of offence against property. The heterogeneity of the city is in part a product of the migration of several people with diverse ethnic background. Rural-Urban migration usually brings about changes in people's relationship in the community. Clinard and Abbot (1973), also observed that urban life is characterized by conflicts of norms and often emphasized material goods and individualism. This means that even intimate personal groups, such as the extended family and kin group have less control over young people in towns than those who have been socialized into the norms and values or rural communities. Modern urban society is supportive of delinquency because of its anonymous and permissiveness.

Sheldon (1980) talked about communal child rearing among the Ngoni tribe of Malawi "in large and small communities, the life of the child... was regulated by an organized society women acting in concert". In such a community the rates of juvenile delinquency is bound to be below expectation.

The most promising prevention and control method is the neighborhood or community involvement. Where a sense of community exists everyone shares responsibility for guiding the youth. If a child is involved in misconduct the family is notified and feels the need to apply corrective measures. Other specific areas of control by the community are as follows; Creation of job opportunities, an idle mind is the devil's workshop is a popular saying. Job opportunities should be created to keep our youth out of idleness.

School- Strict moral education should be introduced in our schools so that students can have adequate instruction on issues that bother on morality, Dambazau (1996) maintained that this is the surest way to arrest juvenile delinquency.

Religious groups- religious groups have a lot to offer in this direction. The word of God should be thoroughly passed to the youth in their congregation. This will go a long way in influencing the behaviour of the youth.

Counseling- this is a vital remedy to the problems of juvenile delinquency. Professional counselors should be employed and posted to different schools so that delinquent children can be taken to them for possible advice. The government both at local or state levels should take the issue of the youth development as a priority. Recreation centers should be built for the youth, so that they have a place to while-away their time and let out excess energy, when the need arises.

The living conditions of the people must be improved. The ongoing Poverty Alleviation Programme should be intensified to reduced absolute poverty in Nigeria. Many of the activities of the youths considered delinquent today arose out of poverty, for example, child prostitution and stealing. Government should also ban the importation of certain films that will infringe negatively on the morals of our youths. Even the domestic film that glorifies criminality should be banned. Both the government and the community should promote adequate sanction against delinquent behaviors. Adequate and appropriate punishment should be meted out to delinquent juveniles. This should be the case since the reward system plays a key role to reinforcing delinquent behaviors.

Public Enlightenment- There should be adequate enlightenment in both electronic and print media on the adverse effects of delinquent behaviour. Programmes should be sponsored on the television stressing the importance of hard work, truthfulness, and honesty in every life endeavor. Innovation Programme on the media should be encouraged. The government should put in place a well articulated juvenile justice

system like in the United States. It is a network of agencies that identify, classify and treat juvenile in trouble. The whole chain starts with detection of the delinquent behaviour, custody, screening, the juvenile court and institutionalization relating to adequate institution of reform and the aftermath, which deals with counseling activities to avoid recourse to delinquent behaviour.

The family should enhance proper upbringing of children. Our traditional values should be respected. A situation where our traditional values are jettisoned for a foreign one is not good. Parents should also ensure they have the number of children they can adequately take care of; this is because lack of adequate care of children is a major cause of delinquent behaviour.

SELF ASSESSMENT EXERCISE 6

1. State briefly and explain nature and types of juvenile delinquency.
2. Cite the theoretical frame work that explains causes of delinquency.
3. Explain in clear terms some of the ways of correcting juvenile delinquency

4.0 CONCLUSION

The problem of juvenile delinquency remains the greatest hindrance to the advancement of our youths. Rao {1997}, “Adolescence should be the time of greatest hope and promise in life. It can be a springboard producing self-confident young adults equipped with the knowledge they need to create a successful future for themselves and their societies or it can be a point at which everything goes wrong when all their promise and potential are lost”. This statement is very instructive to the dangers that increased juvenile delinquency portends for the society. Our youths today are the adults of the future.

It is risky for any society to watch its youths waste away. This will amount to joking with the future; the consequences of this will be too great for the society. According to UNICEF {1997}, the current generation of young people is the largest in history. One out of every six people on the planet is between 10-19years of age. In Nigeria, the proportion of this group of people is significantly higher. Any investment in arresting the increasing wave of juvenile delinquency is a worthwhile investment aimed at avoiding a future calamity; more so when these juveniles constitutes a formidable part of our population.

General Recommendations

To this end, the recommendations can be classified:

- (1) Rights of Children in Conflict with the Law and Minimum Standards,
- (2) Formal Judicial Proceedings in Juvenile Justice Administration,
- (3) Restorative Justice and Traditional Child Conflict Resolution Practice,
- (4) Stigmatization and Re-integration of Children in Conflict with the Law. The children also formed a small group to develop an appeal.

Following the meeting of the working groups, recommendations have been submitted in plenary for further inclusion in the concept paper. This report summarizes key recommendations that will be further developed and detailed in the concept paper.

Public Education:

1. The rights of children should be made known to children, parents and all other actors through the media and other accepted methods of communication.

Adherence to Juvenile Justice Standards:

2. The inherent right of the child as a human being should be recognized throughout all juvenile justice processes:
3. The option of diversion should be promoted as a preferred method in juvenile administration:
4. At no point in time should children be detained with adults;
5. Parents should be held responsible for neglect of their children leading to juvenile delinquency;
6. Stigmatization associated with being in a remand home should be minimized;
7. Corporal punishment should be eliminated and expunged from legislative instruments
8. Death sentences and life imprisonment should not be imposed on juveniles;
9. All government at both Federal and State levels should ensure that the standards and norms in Juvenile Justice Administration are faithfully implemented;
10. The domestication of the CRC and legislative implementation of its principles should be speedily effected;

11. The relevant Juvenile Justice Agencies should pay unannounced visits to prisons and Police cells to monitor their compliance with Juvenile Justice standards and norms.

Legal Reform:

- 12 The implementation of the CRC in the domestic order should be speeded up;
- 13 At the State level, stakeholders should pay unannounced visits to prisons and cells to ascertain the presence of children.

Capacity Building of Actor:

- 14 Capacity building is required for stakeholders, particularly the police, Judiciary and prisons to ensure their effective adherence to local and international standards on juvenile justice administration.

Child Participation

- 15 Youth/juvenile juries to be managed by children should be established;
- 16 Child participation in planning and implementation of all juvenile justice interventions should be ensured;
- 17 Complaint mechanisms should be instituted for juveniles who are physically, sexually or psychologically abused and for those who stand at such risk.

Prevention:

- 18 Education should be brought as a transforming agent of the child;
- 19 Poverty eradication programmes should be implemented.

Improved Efficiency and Management:

- 20 Privatization of juvenile institution should be considered as a way of improving efficiency and management of juvenile detention;
- 21 Specialized courts should be established for the trial of juvenile cases and where possible these should be located separately from the regular court system;
- 22 Judges/Magistrates who handle matters involving juvenile should be given specialized training and continuous education;
- 23 Law enforcement officials should preferably not wear uniforms when dealing with juvenile;
- 24 Multi-sect oral approaches should be standardized through the establishment of an inter-agency both national and state

- 25 Civil remedies should be available to juvenile whose rights are infringed;
- 26 Political will should be exerted for the effective implementation of a juvenile justice policy;
- 27 Youth friendly facilities should be established to serve as an outlet for information and counseling for children and the youth;
- 28 Logistics and funding should be made available by the state and other donor agencies to place juvenile justice on the path to easy administration.

Strengthening family responsibility:

- 29 Families should be supported to meet the special needs of their children, but in all cases must be made ultimately responsible for the well being of their children.

Advocacy

- 30 There should be effective partnership with the media to ensure that serious violation of child rights are brought to the public domain and to the attention of state and private officials;
- 31 Human rights groups such the Nigeria Bar Association should begin to advocate more vociferously for children and in that context treat children's rights and expose any violation against their rights;
- 32 Action can be taken pending adoption of the law;
- 33 It is possible to adopt positive aspects of religion into juvenile justice administration Sharia law for instance could be used to promote the well being of juvenile.

Promotion of Psycho-Socio Treatment of Juvenile

- 34 Psycho-socio treatment of juveniles should be considered seriously. Incentive packages should be developed to encourage people to enter into the field of child psychology in view of the shortage of such expertise.

5.0 SUMMARY

Overview of Juvenile Justice and the History of Child

Welfare in Nigeria

The state of juvenile justice and history of child welfare in Nigeria was presented from the colonial period to the present. Under the children and Young Person's Law {CYPL} of Lagos, a person under the age of

14years is classed a child, a person aged 14 but under the age of 17years is a young person, while a juvenile offender is a person under the age of 17years who commits an offence.

It was observed that the three types of juvenile custodial institutions in Nigeria, namely, remand homes, approved institutions or schools and borstal institutions were in short supply in Southern Nigeria and where they existed were characterized by understaffing and a lack of infrastructure.

Lessons learnt by Children in Conflict with the Law – Voices of Children a highly visible children's participation was a prominent feature of the conference, and they shared a number of thought provoking testimonies, experiences and encounter with law enforcement agencies.

The adult participants affirmed the need for children's participation on issues that concern them, and emphasized that all outcomes and activities should be tailored towards the best interest of the child. In concluding the children's presentation, the following points were clearly highlighted:

- Children are vulnerable and therefore need protection from anti social activities.
- Children should be given due attention.
- Children are intelligent, know their responsibilities and should be given opportunities.
- Nations should think first and foremost of children
- God takes care of those who take care of children.

The children were however reminded that along with rights come duties and responsibilities.

Juvenile Justice Research Report, National Conference on Juvenile Justice in July 2002 and the Draft Concept Paper

The findings of the Juvenile Justice Research Report and recommendations were presented at the Ibadan conference much as they were in Kano. (See list of JJA research report findings and recommendations in Kano Northern Consultative Meetings report).

The conference delegates, having considered the main conclusions from the Juvenile Justice research Report, confirmed their agreement with the recommendations.

The meeting followed a similar outline to the Northern Zonal Conference, and the research report was followed by a presentation of

the outcomes of the July 2002 National Conference on Juvenile Justice and the draft concept paper.

The second day of the conference commenced with a presentation of the work of Penal Reform International in the field of juvenile justice, followed with a talk by UNICEF on the international conventions on juvenile justice administration. (see UNICEF paper from Northern Zonal Conference, Kano).

Group Work and Recommendations on the Draft Concept paper for juvenile justice Administration in Nigeria

The delegates were then divided into six groups to critically review the outcomes of the draft concept paper. The emphasis was again on recommendations that included 'SMART' (specific, measurable, achievable, realistic and time-bound) principles.

Six groups were formed, with briefs to consider the following aspects of the concept paper:

- Group 1: Scope of Juvenile Administration
- Group 2: Prevention
- Group 3: Arrest/Pre-Trial Detention
- Group 4: Juvenile Court
- Group 5: Institutions

While approving the majority of the draft paper, some of the key comments and recommendations emanating from the group feedback included:

- Establishment of JJA Working Groups at all levels including local government and community level.
- Increased funding for JJA in Nigeria, with timely release of funds by government.
- Capacity Building for JJA personnel
- Promote alternatives to institutionalization of juveniles in conflict with the law.
- Need for the establishment of Special Children Homes for the custody of children in need of care. (Delinquents and children with special needs).
- Establishment of Children's Commission to cater for children's matters.
- Establishment of pilot juvenile courts.
- Establishment of juvenile-friendly centers in rural/urban areas.
- Creation of social welfare committees at the National Assembly and State Houses of Assembly.

- Ensuring adequate budget lines for JJA by government.
- Formulation of a national family policy and implementation of existing child and youth policies.
- Development assistance for youth-led and youth-oriented organizations.
- Establishment of peer education on JJA for in-school and out-of-school juveniles.
- Establishment of accessible juvenile centres.
- It was proposed that the term 'Court' within the JJA system could be replaced with either 'penal' or 'Committee.
- Adequate funding of law enforcement agencies within the JJA system.
- Establishment of police juvenile service arm comprising specially trained officers who can work with social services department amongst others.
- Mandatory training for all law enforcement agencies and social workers on the issues, policies and practices relating to JJA.
- Total separation of juveniles from adults and between sexes in all aspects of the juvenile system.
- Encouragement and development of mediation and reconciliation processes.
- Enlightenment and sensitization campaign on JJA through media participation.
- Provision of mandatory legal aid for juvenile offenders by Government, NGOs and Civil Society Organizations.
- The establishment of peer juries and youth courts was questioned, with reservations expressed about the maturity within the socio-cultural environment to accommodate the idea.
- Adequate funding of the judiciary for a functional, independent juvenile court system presided over by specialized, trained magistrates.
- The elimination of corporal punishment was not universally condemned, with some arguing for the retention of reasonable corporal punishment as a corrective measure for an overindulgent child.
- Need for constant monitoring of JJA custodial establishments by stakeholders.
- The privatization of juvenile institutions was challenged by some as a means of improving efficiency, with government (supported by NGOs) urged to make an effort to improve existing facilities and provide for new ones where there are none.
- Juvenile in custodial institutions should be assisted to attend public schools as a means to reintegrating them into the larger society.
- Vocational equipment should be adequately provided for custodial institutions.

- A comprehensive review of the children and young person's legislation, across all states and in line with the UNCRC and the African Union Charter on the Right and Welfare of the African Child.

6.0 TUTOR-MARKED ASSIGNMENT

1. What is juvenile justice Administration?
2. What are the causes of juvenile delinquency, explain two theories that justify the causes.
3. State and explain types of juvenile delinquency.

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MODULE 2 TREATMENT OF OFFENDERS AND JUVENILE INSTITUTIONS

CONTENTS

- 1.0 Introduction
- 2.0 Objectives
- 3.0 Main Content
 - 3.1 Meaning of Treatment of Offenders and Juvenile Institutions
 - 3.2 The Remand Homes
 - 3.3 The Foster Institutions
 - 3.4 The Welfare Homes
- 4.0 Conclusion
- 5.0 Summary
- 6.0 Tutor-Marked Assignment
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1.0 INTRODUCTION

Treatment of offenders and juvenile institution is very captivating and it covers every aspect of discipline, punishment and re-integration of juvenile delinquent back into the society as a system. The various issues that will be examined in this unit to introduce to you treatment of offenders and various cultural or constitutionally approved institution to combat delinquent. Among these are the remand homes, foster institutions, welfare homes, release service for juvenile offenders and draw a remarkable conclusion in a capsule form.

2.0 OBJECTIVES

It is strongly conceived that by the end of this unit, you should be able to appreciate and know better on how to manage or treat juvenile offenders.

3.0 MAIN CONTENT

(toolkit– Treatment of offenders in india)
Treatment of Juvenile Offenders

Juvenile Crime

- Juvenile violent crime is at its lowest level since 1987, and fell 30% between 1994 and 1998.
- on average, juveniles were involved in 25% of all serious violent victimizations (not including murder)
- In 1999, law enforcement officers arrested an estimated 2.5 million juvenile

Juvenile accounted for:

- 16% percent of all violent crime arrests
- 32% of all property crime arrests
- 54% of all arson arrests
- 42% of vandalism arrests
- 31% of larceny-theft arrests
- 33% of burglary arrests

Juvenile Court Cases

- The nation's juvenile courts disposed of more than 1.7 million delinquency cases in 1997.
- The overall delinquency caseload was 48% larger in 1997 than it was in 1988, and four times as large as it was in 1960 (Delinquency" offenses are those committed by a juvenile which would be crimes if committed by an adult)
- Nationwide, it is becoming easier to try juveniles in adult criminal court
- Between 1992 and 1997, 44 states and the District of Columbia passed laws making it facilitating the transfer of juveniles to the adult system
- Two states -Vermont and Kansas--provide statutory provisions for trying children as young as 10 years old in adult criminal court
- The number of juvenile cases waived into adult criminal court peaked in 1994 when 11,700 cases were transferred.
- By 1997, this number was down to 8400
- In 1996, juvenile courts waived jurisdiction over 1% of all formally processed delinquency cases, sending the juvenile offenders involved to adult criminal court
- Thoughts?

Juvenile in Corrections**Conclusion:** The juvenile system does work?

- A 1996 Florida study found that youth transferred to adult prisons had approximately a 30% higher recidivism rate than youth who stayed in the juvenile system
- Thoughts?

The goal of juvenile justice is to deter/prevent juvenile from entering the juvenile justice system by:

- diminishing risk factors
- promoting protective factors
- This is preferable to punishing them
- However despite this, some juvenile will commit crimes for which they will be sentenced to out-of-home placement.
- Most juvenile justice systems rely heavily on the use of restrictive out-of-home placement as a sanction for delinquent behavior.

This has several negative consequences for a juvenile justice system:

- out-of-home placement is exceedingly expensive (\$48,400)
- it increases the number of juvenile in institutions, which are already dangerously overcrowded
- does little to correct delinquent behavior.
- Large percentage of serious juvenile offenders continues to commit crimes and reappear in the juvenile justice system (91% California Youth Authority Graduates)
- Researchers estimate that the recidivism rate for untreated serious juvenile offenders is about 50 percent

Introduction

- The ineffectiveness of restrictive practices has prompted juvenile justice practitioners and researchers to explore innovative, research-based programs that help recently released juvenile reenter the community.
- Researchers have hypothesized that providing transitional and reiterative supervision and services to youthful offenders would reduce the high rate of recidivism among parolees
- In turn, a reduction in recidivism would reduce overcrowding and the expenses associated with out-of-home placement.
- Aftercare
- Reiterative services that prepare out-of-home placed juvenile for reentry into the community
- Establish the necessary collaborative arrangements with the community to ensure the delivery of prescribed services and supervision
- Aftercare
- two key components of the aftercare concept distinguish it from the traditional juvenile justice model.
- First, offenders must receive both services and supervision
- Second, they must receive intensive intervention
- while they are incarcerated
- during their transition to the community

- when they are under community supervision
- This second component refines the concept of reiterative services to include services that occur before release as well as after release

Aftercare: Intervention

- Recent literature reviews and meta-analyses demonstrate that intervention programs can effectively reduce delinquency in juvenile (Lipsey, 2000; Lipsey, 1992; Andrews et al., 1990).

Juvenile Intervention Programs should address the following:

- Targeting specific dynamic and criminogenic characteristics.
- Requiring staff and offenders to make frequent contact
Using Cognitive-Behavioral Interventions
- Implementing a plan that is strictly adhered to by trained personnel.
- Targeting offenders with the highest risk of recidivism.

Aftercare: Community Restraint

- Refers to the surveillance and control of offenders who are enrolled in alternative or intermediate sanction programs

Community restraint activities include:

- Contact with parole officers or other correctional personnel
- Urine testing for the use of illegal substances,
- Electronic monitoring
- Employment verification
- Intensive supervision
- House arrest
- Residence in halfway houses.
- Research indicates that community restraint alone does not effectively reduce recidivism; evidence suggests that combining community restraint and treatment may effectively reduce juvenile recidivism.
- It should also be noted that community restraint programs do not seem to lead to more arrests, at least for high-risk offenders
- For example, the cost of placing youth in a state training school or private facility was roughly \$83,400 for a 2-year period, and the cost of placing youth in the Challenge program was approximately \$60,500—a savings of more than \$10,000 a year.

Aftercare:

- Over the years, several experimental comprehensive aftercare programs have been created.

The most prominent of these include:

- Philadelphia Intensive Probation Aftercare Program
- Juvenile Aftercare in Maryland Drug Treatment Program
- Skillman Intensive Aftercare Project
- Michigan Nokomis Challenge Program.
- Evaluations of these programs have produced mixed results mostly because of poor program design and implementation rather than a faulty concept.
- Intensive Aftercare Program Model (IAP)
- IAP is an intensive community-based research and demonstration initiative supported by OJJDP.
- The IAP model seeks to reduce recidivism among high-risk parolees by better preparing them for release into the community.
- IAP is based on data-driven research that shows that a highly structured and enhanced transition from confinement to the community would benefit parolees in areas such as family and peer relations, education, jobs, substance abuse, mental health, and recidivism without negatively affecting the community.
- Intensive Aftercare Program Model (IAP)

The five elements of the case management system provide explicit guidance for successful transition and aftercare. These elements are described below.

- Risk assessment and classification.
- Individualized case planning that incorporates family and community perspectives.
- A mix of intensive surveillance and services.
- A balance of graduated incentives and consequences.
- Links with community resources and social networks.
- Currently it is estimated that juveniles account for up to 1/5th of the rapes and 1/2 of the cases of child molestation committed in the US each year.
- The majority of cases of juvenile sexual aggression appear to involve adolescent male perpetrators
- Juvenile sexual offending appears to traverse racial and cultural boundaries.
- Number of causal factors explains the developmental origin of juvenile sex offending:

- Maltreatment experiences
- Exposure to pornography
- Substance abuse
- Exposure to aggressive role models
- the estimated risk of juvenile sex offending leading to adult offending may have been exaggerated by an over-reliance on retrospective research studies

- As with their adult counterparts, juvenile sex offenders appear to fall primarily into two major types: those who target children, and those who offend against peers or adults.

Juvenile who sexually assault children, and those who target peers or adults, share certain common characteristics. These include:

- High rates of learning disabilities and academic dysfunction (30-60%).
- the presence of other behavioral health problems, including substance abuse, and disorders of conduct (up to 80% have some diagnosable psychiatric disorder).
- Observed difficulties with impulse control and judgment
- A number of encouraging clinical reports on the treatment of juvenile sex offenders have been published.
- They provide empirical support for the belief that the majority of juvenile sex offenders are amenable to treatment and achieve positive treatment outcomes.
- In perhaps the best controlled study to date, Borduin, Henggeler, Blaske, and Stein (1990) compared "multisystemic" therapy with individual therapy in the outpatient treatment of sixteen adolescent sex offenders.
- Using re-arrest records as a measure of recidivism (sexual and non-sexual), the above two groups were compared at a three year follow-up interval.
- Results revealed that youth receiving multisystem therapy had recidivism rates of 12.5% for sexual offenses and 25% for non-sexual offenses,
- While those youths receiving individual therapy had recidivism rates of 75% for sexual offenses and 50% for non-sexual offenses.
- Program evaluation data suggest that the sexual recidivism rate for juvenile treated in specialized programs ranges from approximately 7%-13% over follow-up periods of two to five years.

Juvenile Sex Offender: Treatment

The following have been found by many providers to be important in the effective treatment of juvenile sex offenders:

- The establishment of positive self-esteem and pride in one's cultural heritage.
- The teaching and clarification of values as they relate to a respect for self and others, and a commitment to stop interpersonal violence. Maximally effective programming may include promoting a sense of healthy masculine identity, egalitarian male-female relationships, and a respect for cultural diversity.
- The provision of sex education and an understanding of healthy human sexuality, and the correction of distorted beliefs about appropriate sexual behavior.
- The enhancement of social skills to promote greater self-confidence and social competency.
- The teaching of the impulse control and coping skills needed to successfully manage sexual and aggressive impulses.
- The teaching of assertiveness skills and conflict resolution to manage anger and resolve interpersonal disputes.
- The provision of programming designed to enhance empathy and promote a greater appreciation for the negative impact of sexual abuse on victims and their families.
- The teaching of relapse prevention.
- How do you think that adult programs would differ from Juvenile Programs?
- Wilderness Camps
- Similar in concept to Boot camps
- Developed about 15 years ago
- Sometimes called the Short Term Model, or Trek, Challenge, Sierra II, etc.
- Juvenile offenders complete a programmed and supervised cycle of days ranging from 14 to 90-plus days in wilderness.
- Wilderness camps spend virtually no time on traditional camp activities like arts and crafts, and instead focus on challenging campers to discover more about themselves and their world.
- After graduation, the camper returns to his or her family. Normally, the organization does some follow-up care for up to one year to help the juvenile rejoin his or her family.
- Organizations that operate wilderness camps are legally run as profit or nonprofit, and are often supported in part or totally by the various states in connection with the courts.
- The success rate of these camps averages about 80%

One evaluation concluded that:

- (1) During the treatment phase of the Sierra program there is an 84% decrease in criminal activity.
- (2) There is a significant increase in self-esteem and in school attendance.
- (3) There is significant decline in negative remarks made by teachers including those regarding inattentiveness, students not being prepared for class, and students not working up to potential
- Poor parenting practices are strong risk factors for juvenile delinquency.
- Numerous studies have illustrated the effectiveness of parenting skills classes/training in reducing risk factors

These parenting programs also strengthen protective factors such as:

- family cohesion and functioning
- positive family communication
- consistent parenting practices.

A number of models of family therapy have reduced these family risk factors including:

- Functional Family Therapy
- Multisystemic Family Therapy
- Brief Structural/Strategic Family Therapy
- Multidimensional Family Therapy
- Purdue Brief Family Therapy
- Parenting Classes
- Family therapy can be successful at engaging and retaining high-risk families, particularly when done in the home.
- For many families not at the highest risk levels, more cost-effective parent education approaches produce outcomes comparable to family therapy.
- One promising family-based approach is parent training, such as the Systematic Training for Effective Parenting (STEP) model of training.
- STEP develops parenting skills through a guided training program that has been used for many years.
- Parenting Classes - Outcome
- Moderate effect sizes were found which diminished with the passage of time.
- The STEP program was found to be more effective with couples than with mothers or with mixed parent groups.

- In addition, the program was found to be more effective with younger, less educated parents with younger children
- It was found that exposure to the STEP program was associated with larger effect sizes for abusive and drug-addicted parents

3.1 Meaning/Definition of Treatment of Offenders and Juvenile Institutions

Juvenile delinquency, legal term for behavior of children and adolescents that in adults would be judged criminal under law. In the United States, definitions and age limits of juvenile vary, the maximum age being set at 14 years in some states and as high as 21 years in others. The 16- to 20-year age group, considered adult in many places, has one of the highest incidences of serious crime. A high proportion of adult criminals have a background of early delinquency. Theft is the most common offense by children; more serious property crimes and rape are most frequently committed in later youth. The causes of such behavior, like those of crime in general, are found in a complex of psychological, social, and economic factors. Clinical studies have uncovered emotional maladjustments, usually arising from disorganized family situations, in many delinquents. Other studies have suggested that there are persisting patterns of delinquency in poverty-level neighborhoods regardless of changing occupants; this "culture of poverty" argument has come into disrepute among many social scientists. The [gang](#), a source of much delinquency, has been a common path for adolescents, particularly in the inner cities. Not until the development, after 1899, of the juvenile court was judgment of youthful offenders effectively separated from that of adults. The system generally emphasizes informal procedure and correction rather than punishment. In some states, psychiatric clinics are attached, and there has been a tendency to handle cases in public welfare agencies outside the court. Juvenile correctional institutions have been separated from regular prisons since the early 19th century and although most are inadequate, some have developed intensive rehabilitation programs, providing vocational training and psychiatric treatment. The parole system, foster homes, child guidance clinics, and public juvenile protective agencies have contributed to the correction of delinquent and maladjusted children. Especially important for prevention is action by community groups to provide essential facilities for the well-being of children. On an international level, delinquency rates are highest in the more economically and technologically advanced countries.

Juvenile Delinquency refers to a variety of anti-social behaviour of a child and is defined somewhat differently by different societies, though a common converging tendency may be noted in those forms socially unacceptable tendency of the child at any given time. There are a number of acts included in juvenile delinquency but are non-criminal

acts if otherwise done by adults. Acts like smoking, drinking, absenting oneself from home are acts which are permissible for adults but would be treated as delinquent acts if committed by children or adolescents.

In India the problem of Juvenile delinquency is not as acute as is in the western world. Generally such tendencies are more often found in children staying in slums, children of prostitutes and beggars, neglected children and children in broken homes. Citing India as a case study before reference back home; our country, Nigeria.

Like any other country India also seeks to tackle the problem of Juvenile delinquency on the basis of three fundamental assumptions:-

1. Young offenders should not be tried, they should be rather corrected;
2. They should not be punished but be reformed;
3. Exclusion of delinquents from the ambit of the court and stress on their non-penal treatment through community based social control agencies such as Juvenile Justice Board, Observation Homes, Special Homes.

In India there are various institutions which are presently engaged in handling juvenile offenders. Institutions such as Observation homes, Children's home, Special Homes, Shelter Homes, Reformatory Schools and Borstals are meant to eliminate prison sentence to children and adolescents under a particular group.

Let us observe separately the role played by each of these institutions.

Observation Schools:- The juvenile who need only a short-term custody during inquiry or trials are kept in a observation home. This institution is also used for custody of under trial children and juveniles in conflict with law about which inquiry is pending or who is awaiting trial or removal to an appropriate Home or Borstal.

Special Homes:- Juvenile Justice Act 2000 also provides for setting up Special Homes for custody for delinquent juveniles. Basic amenities such as accommodation, medical care, education and vocational training are available to delinquent juvenile in these Homes.

Certified Schools:- Certified Schools are a modified form of the nineteenth century Reformatories or Industrial Schools for homeless, destitute and delinquent children. The schools are now run by the State to cater for the needs of delinquent children of different age, sex and religion. The purpose of these approved schools is to provide training to those juvenile who are unfit for release on probation. The schools are open educated and trained for normal living. The duration of the stay

and training in this school varies according to inmate's requirement depending upon the discretion of the School Administrator. Normally it ranges from a minimum of six months to maximum of three years. It has been observed that on a whole two third of the inmates return to normal life after release. These schools also provide training facilities for inmates to make them proficient in different trades so that they can engage themselves in some useful occupation.

Bortals:- This is yet another correctional institution for long term treatment of juvenile offenders. *The Bortals is a British name for the Reformatory Schools.*

Bortals are institutions where adolescent offenders receive training in lieu of imprisonment so that they can be reformed under conditions which are different from those of prisons. The training is exclusively meant for adolescents between the age group of fifteen and twenty-one. Only such offenders who are found punishable with imprisonment are sent to these schools. After release, the offenders remain subject to supervision and recall for next two years from the date of his release. The confinement in borstal is sufficiently deterrent to a potential offender.

Despite rigorous training it can hardly be stated that the system has delivered positive results. This is evident from the fact that in the recent times several inmates have escaped from the borstals. The causes which impede the success of Borstals are increase in the number of inmates, lack of adequate facilities for psychiatric treatment and want of sufficient number of institutions to cater to the needs of juveniles.

Regulatory System

In India Borstals have been established under the Borstal Schools and Reformatory Schools Act 1897.

In Maharashtra State there are five pieces of social legislation the aim of three of which is to protect children and to prevent juvenile adolescents and young adults from becoming habitual criminals. They are the Bombay Children Act, 1948, the Bombay Borstal Schools Act, 1929 and the Bombay Probation of Offenders Act, 1938. The remaining two viz., Bombay Prevention of Begging Act, 1959 and the Bombay Habitual Offenders Act, 1959, deal with prevention of crime and treatment of offenders. While the Children Act deals with children below 16 years of age, the Borstal Schools Act is mainly applied to adolescents between 16 and 21 years of age and the Probation of Offenders Act provides for offenders of any age especially those between 21 and 25 and those who have not committed offences punishable with death or transportation for

life. The Licensing Act is also being implemented. Under the provision of this Act every social welfare institution is required to obtain license to safeguard the interest of children, girls, women, etc.

The Bombay Children Act consolidates all previous laws relating to the custody, protection, treatment and rehabilitation of children and youthful offenders and also relating to the trial of youthful offenders. It also gives protection of four principal classes of children: viz.

- (1) Those who are neglected; destitute or living in immoral surroundings and those in moral danger;
- (2) Uncontrollable children who have been reported as such by their parents;
- (3) Children, who have been used for begging and other purposes by mercenary persons; and
- (4) Young delinquents who either in the company or at the instigation of older persons or by themselves have committed offences under the various laws of the land.

Such children are taken charge of either by the police or by officers known as "Probation Officers" and in most cases are kept in "Remand Home".

Remand Homes

A Remand Home is primarily meant as a place where a child can be safely accommodated during the period its case is being considered. It is also meant to be a centre where a child's character and behaviour can be minutely observed and its needs fully provided for by proper and careful consideration. After prolonged inquiries regarding their home conditions and antecedents have been completed, they are placed before special courts known as Juvenile courts and dealt with according to the provisions of the Children Act. If the home conditions are found to be satisfactory and if what is needed is only friendly guidance and supervision, then the children are restored to their parents and placed under the supervision of a trained Probation Officer. If the home conditions are unwholesome and uncongenial, the children are committed to institutions known as "certified schools" or "Fit Person Institutions". A fit person institution in relation to the care of any child means any association or body of individuals whether incorporated or not established for or having for its object the reception or protection of children or the prevention of cruelty to children and which undertakes to bring up or to give facilities for bringing up any child entrusted to its care in conformity with the religion of its birth. In the institution the children receive formal education and training according to their individual aptitudes such as in carpentry, smithy, book binding,

tailoring, agriculture, poultry farming, gardening, cane work, and knitting, etc. Youthful offenders, when implicated in any offence along with adult offenders, have to be tried separately in Juvenile courts. The technique employed in Juvenile courts is entirely different from that in other courts. Juvenile courts are held in Remand Homes. Penal terms such as 'sentence' and 'conviction' are substituted by the term 'commitment' and the term 'punishment' has been dropped from the enactment in describing the treatment to be meted out. The children are regarded as innocents and victims of circumstances or of the wrong treatment received from adults.

Concluding Remarks

Progressive criminology propagates the use of non-institutional treatment of offenders. The loss of liberty, separation from the family and the social environment in institutions often results in unwanted consequences. Considering this, Rule 19 of the UN Standard Minimum Rules for the administration of Juvenile Justice (1980) aims at restricting institutionalization in quantity and in time. Rule 19 lie down that the placement of juvenile in an institution shall always be a disposition of last resort and for the minimum necessary period. Art. 3 of the Convention on the Rights of the Child (CRC) mandates the State to ensure that the institutions responsible for care or protection of children shall conform with the standards established by competent authorities. Art. 19 of that Convention further mandates that the State shall take all appropriate legislative, administrative, social and educational measures to protect the child in all respects, while in the care of parents etc. or any other person. Art 40 of that Convention recognizes the state's duty to treat the child offender in a manner consistent with the child's sense of dignity and worth, which reinforces the child's respect for the human rights and fundamental freedoms of others. Rule 26 of the Beijing Declaration says that the juvenile shall receive care, protection and all necessary assistance, e.g. social, educational, vocational, psychological, medical and physical, which they require due to their age, sex, personality and in the interest of their wholesome development.

Children in conflict with the Law

The Nigerian Experience (adopted from the work of Professor Isabella Okegbue, Nigerian Institute of Advanced Legal Studies, Lagos).

Summary

This case study seeks to address three specific themes, namely, pre-trial and diversion; trial and sentencing; and children deprived of liberty. The study examines the practical operation of different aspects of the

juvenile justice system in Nigeria from pre-trial proceedings to committal. This is embarked upon with a view to determining how far these proceedings are in compliance with international standards, the problems and constraints which may limit compliance and the most likely measures which may be taken to secure compliance.

The study relies on case profiles of juvenile in conflict with the law, interviews with personnel in the system and the personal observations of the author. It is focused primarily on Lagos State, which is one of the most populous cities in Nigeria and is the commercial nerve centre of the country. For a fuller picture, data is also included from a national study which was conducted by the Nigerian Institute of Advanced Legal Studies in 1995 and of which the author was Project Coordinator.

The study addresses such areas as the various categories of children involved with the system of juvenile justice; the socioeconomic characteristics of juvenile offenders; the treatment of juvenile offenders by the police; the structure of the juvenile court; the trial proceedings; the disposition measures commonly resorted to; the legal protections available for children deprived of their liberty; the social welfare services; the institutional facilities available for children deprived of their liberty and their operations; conditions of custody; the funding of the juvenile justice system; the staffing situation, and the extent of NGO participation in the juvenile justice system.

Situational context

Nigeria is one of the most populous countries in Africa and had a population of 109.4 million in 1995 and is growing at an annual rate of 3% and is expected to double by the year 2017. Almost half the population (45%) is below the age of 16. The country is endowed with a wide variety of natural resources, including vast crude oil reserves, but the economy is over dependent on crude oil production, and the collapse of oil prices in the 1970s had a devastating impact. Nigeria also carries a huge internal and external debt burden, estimated in 1996 at N 1,000 billion (roughly \$45 billion). The situation is worsened by the rate of inflation which increased from 45% in 1992 to 73% in 1994, although it dropped to 28% in 1996. Largely due to the decline in oil revenue, physical and socioeconomic structures as well as social services have failed to keep up with the population explosion and rapid urbanization and have deteriorated badly.

Despite a recent improvement in some economic indicators, such as a GDP growth of 5.4% per annum, Nigeria is still one of the poorest countries in the world, with a GNP per capita of \$280 in 1994. UNDP reported in 1996 that Nigeria ranked 137 out of a total of 172 countries

on the Human Development Index. Seventy percent of Nigerian households are poor, while 40% are "core poor". The effect of this poverty is most apparent in children. The infant mortality rate is 91 per 1,000 live births, while the under-5 mortality rate is 147 per 1,000, one of the highest in the world. Many children are underweight, stunted or wasted, and many homes do not have electricity, running water or access to health services. Only 65% of primary school age children were enrolled in school in 1995, and barely half of those enrolled go on to secondary school. Poverty is responsible for a large number of dropouts as well as of the perceived irrelevance of formal education to immediate and long-term needs. Unemployment figures are somewhat unreliable, but the available data indicate an unemployment rate of 16% among urban based youths between 15-24 years old and a national average rate of 6.7% among this group in 1995.

The unstable political system in Nigeria has further contributed to the doleful economic picture. Nigeria has been under military rule for 27 of its 37 years of independence. This period has been characterized by coups, countercoups and attempted coups and by the various crises attendant upon the forceful transfer of power or the violent suppression of attempts by other groups to compete for power. Laws and policies repressive of human rights and personal freedoms have been enacted, transparency and accountability have vanished, the rule of law has been undermined and social and economic policies have been inconsistent and unsustainable.

Legal framework

The Children and Young Persons Act II is the major piece of legislation dealing with matters affecting children and young persons in Nigeria. its stated purpose is "to make provision for the welfare of the young and the treatment of young offenders and for the establishment of juvenile courts." This Act was first enacted in 1943 by the British Colonial Government for application in any part of the Protectorate of Nigeria on the order of the Governor-in-Council. It was specifically enacted for Lagos in 1946 and was extended to the Eastern and Western Regions of Nigeria in that year. A very similar law was enacted for the Northern Region of the country in 1958. On the introduction of a state structure in the country, Lagos State (in common with many others) enacted its own Children and Young Persons Law (hereinafter referred to as the CPYL) which is almost identical to the 1943 legislation.

Since then Nigeria has become a signatory to the Convention on the Rights of the Child, and in order to comply with the obligations assumed there under a Children's Decree which is much more comprehensive in its terms has been drafted to incorporate international standards on the

rights of the child and juvenile justice. The draft was sponsored by the Federal Ministry of Women Affairs and Social Development in collaboration with the Federal Ministry of Justice and with the active support of UNICEF. It has not yet been enacted into law and is currently undergoing a cultural compatibility review. Until it is enacted the current law in Lagos State remains the CYPL.

The word "juvenile" is nowhere defined in any piece of legislation in Nigeria. The CYPL defines a "child" to mean a person under the age of 14, while a "young person" is defined as a person who has attained the age of 14 and is under the age of 18. Except in respect of some punishments, there is little practical significance to these distinctions and for ease of reference it is proposed that whenever the word "child" or "juvenile" is used in this presentation, it refers to a person under the age of 18 who may be dealt with under the special provisions of the CYPL.

Under the terms of the CYPL there are three categories of children who may become involved with the system of juvenile justice and these are:

- i) Children in conflict with the law;
- ii) Children in need of care and protection;
- iii) Children beyond parental control.

Children in need of care and protection are, generally speaking, those who have been abandoned or left destitute by their parents. Children beyond parental control are brought to the attention of the authorities by their parents. There is no legal definition of this group of children but in many such cases the child is alleged to have engaged in minor criminal activity, usually directed at family members and neighbors, which has not been reported to the police. Truancy and running away from home are also common complaints. Both these categories of children are handled by the juvenile court in the exercise of its civil jurisdiction.

While most juvenile offenders are children who have committed offences under laws which are also applicable to adults, children who play truant may be brought before the juvenile court in the exercise of its criminal jurisdiction. Under the CYPL any child of primary or secondary school age who habitually fails to attend class or is found loitering on the streets or is found in any eating or drinking place, shop or public place of entertainment during school hours may be apprehended by the police or any other authorized person, be arraigned before a juvenile court and "if found guilty" be sent to a remand home for a period of not more than three months.

Age of criminal responsibility

Rather than adopt a single age of criminal responsibility, Nigeria has adopted various age demarcations under which responsibility may or may not be assigned depending on the circumstances of the offence. Thus, a child below the age of 7 is not criminally responsible for any act or omission. A child between the ages of 7-12 will not normally be held responsible for his actions unless it can be proved that at the time of committing the offence he had the capacity to know that he ought not to do it. A male child under the age of 12 is always assumed to be incapable of having carnal knowledge and therefore cannot be held responsible for offences requiring that element. A child above 12 is fully responsible for his actions; however such a child remains subject to criminal proceedings in a juvenile court until the age of 18.

Dimensions of the problem

It is difficult to determine the numbers of children involved in the system of juvenile justice in Nigeria. Crime statistics only relate to juvenile offenders and statistics from juvenile detention facilities represent only those children who are deprived of their liberty which is but one of several intervention options available to the courts. Perhaps the most comprehensive data would be that compiled by the courts, but record keeping in the court system is in shambles and such data are generally not available.

In respect of children in conflict with the law, the juvenile share of total criminality has remained below 10%. (The 1994 Annual Police Report details the arrest of 295 juvenile nationwide in that year, down from 717 cases the previous year.) Most of the offences are male dominated, although hawking is predominantly a female offence. In the Institute study, out of a sample of 351 children in criminal custody 84.3% were male. The sample was limited to children between the ages of 8-17 and more than four-fifths (81.5%) of the respondents were between 14-17. The offences they had been accused of were stealing/burglary (57.3%), assault/fighting (9.7%) wandering/truancy (8%) and murder/manslaughter (4.9%). Other offences included illicit drug use (1.7%), prostitution (0.9%) and rape (0.3%).

Figures indicate that most children in criminal custody come from large families at the lower end of the socioeconomic scale. While these facts would also appear to be true of children in the general population, it is significant that far more of the children in this group lived with both parents than did children in criminal custody before their arrest. Similarly, a larger number of children in the general population were in attendance at school. Those children who had not been in school before

their arrest were engaged in occupations such as street or market trading, bus conducting, load carrying, farming, begging, apprenticeship or domestic work. It is noteworthy that many of these activities are defined under the CYPL as being evidence that the child is in need of care and protection. Thus, the commission of offences by these children is indicative of a lack of effective protection of children under the law.

Bisi's ordeal

When she was 13 years old "Bisi" was brought to Lagos by a distant relative to seek employment as a domestic help. She found employment with a family where she was responsible for the care of two young children and general household duties. After about a year, her employers suspected her of stealing certain household items and hauled her off to the police station where she denied the allegation. The police beat her with an iron rod and threatened to kill her if she did not confess. After several hours of this she was placed under arrest and locked up in a police cell at 2 a.m. The two adult female inmates of the cell subjected her to the usual initiation rites that new inmates are put through. She was beaten up and forced to fan them until daybreak. They afterwards became quite protective of her.

Bisi remained in police custody for three weeks before her first appearance in the juvenile court where she saw her guardian for the first time since her arrest. The magistrate wanted to grant her bail but her guardian refused to stand surety and she was sent back to police custody. Nobody is really sure why she was immediately remanded to the Girls Remand Home, but the probation officer who was later assigned to the case feels that this was probably due to the inexperience of the lay magistrate who had just been appointed.

Bisi spent another six weeks in police custody before her second court appearance. During this period she was not ill treated but remained confined in the police cell. Her guardian showed no interest in her fate, and, during the entire time she was in custody, Bisi was fed by the other inmates in the cell who shared their food with her.

On her second appearance, the Court remanded Bisi to the Girls Remand Home. She remained in custody there for a further eight months making several court appearances before the case was struck out for want of prosecution. Neither the complainant nor the investigating police officer showed up after the first court appearance.

Pre-trial procedures

While the CYPL is silent on the mode and procedure for the arrest of children, the 1979 Constitution prohibits torture and inhuman or degrading treatment and requires that every person must be informed in writing and within 24 hours of the facts and grounds for his arrest. All arrested persons have the right to remain silent until after consultation with a legal practitioner or any other person of their choice and must be brought before a court of law within 24-48 hours of arrest. Any person who is unlawfully arrested or detained may sue for his liberty either through habeas corpus proceedings or by means of a constitutionally based procedure provided under the Fundamental Rights (Enforcement Procedure) Rules.

Most of these constitutional provisions, especially those related to time requirements, have been suspended by military decrees, and Bisi's experience has become fairly typical of children who come into conflict with the law. This is borne out by the Institute study which found that 40% of children in criminal custody stated that their arrest involved the use or threat of physical force while almost 45% stated that they were subjected to various forms of pressure to admit to the offence they were charged with.

The CYPL enjoins the police (subject to certain exceptions) to grant bail to arrested juvenile who cannot immediately be brought before a court, but children commonly spend long periods of time in police custody while the charge is investigated. In the Institute study only one-fifth (21.9%) of the respondents spent less than 24 hours in police custody before their first appearance in court. Almost three-fifths (59.3%) spent from a few days to one month in police custody; 12.6% spent from 1-3 months, while 5.6% spent from 3 months to one year in custody. When social workers become aware of such cases, they intervene to secure the remand of the child to a remand home. Severe understaffing means that social workers are unable to embark on a quest of discovery in the police stations, and they are limited to intervening in those cases which are reported to them.

The police are under no legal obligation to notify parents of the arrest of their children, and 41% of the children in the Institute study stated that they were denied contact with their family and friends while in custody awaiting trial. However, even when parents are contacted they are often of limited assistance to the child because of their ignorance and the trepidation with which contacts with the police are usually viewed. Legal representation is also desirable and might curb some of the excesses of the police but given the socioeconomic background of many

of these children this is generally unaffordable. Legal aid is only available in respect of a narrow range of criminal offences.

The Children's Decree proposes the introduction of a right to free legal aid in the hearing and determination of any matter concerning a child and further provides that whenever a child is arrested his parents or guardian should be immediately notified or as soon thereafter as possible. The police are enjoined to consider the issue of release without delay and to handle contacts with the child in such a way as to avoid harm and promote the best interests and well-being of the child. It is further stipulated that detention pending trial should be used only as a measure of last resort and for the shortest possible period of time.

The Children's Decree also provides for the establishment of specialized Children Units in the Nigeria Police Force which should be made up of police officers who are trained specifically to deal with children and matters related to children. Some specialized police units already exist but their members have received no special training and do not demonstrate any particular expertise in handling juvenile offenders.

Specific provision is made for the introduction of pre-trial diversion measures so that in "non-serious" cases the police, prosecutor or any other person dealing with a case involving a child offender may dispose of the case without resorting to formal trial by using other means of settlement including supervision, guidance, restitution and compensation. Police investigation and adjudication before the court are to be measures of last resort. It does appear however that there should be a requirement that the child admit to the offence before diversion measures are adopted. A further measure might also be introduced requiring the police to notify the Social Welfare Department whenever a juvenile is arrested. Social workers could help trace family members, by their presence curb police excesses, assist to monitor the welfare of the child in police custody, participate in the diversion decision and, in those cases where diversion is not considered appropriate, ensure the speedy arraignment of the child before the juvenile court.

The Boys Remand Home, Oregun

The Boys Remand Home Oregun is located in a busy industrial suburb of Lagos. The compound is large and overgrown and the single storey buildings are tucked in a corner of the compound. The facility was constructed as a government office complex in 1976 and was converted to its present use when the old home dating from 1942 was demolished to make way for the construction of a highway.

The Remand Home has the capacity for 200 inmates. During a recent visit it had 40 inmates on roll (18 criminal cases, 14 beyond parental control and 8 in need of care and protection). Their ages ranged between 9-17. Most of the children are either awaiting trial or have been remanded for the preparation of a social inquiry report. The preparation of the report often takes as long as 6-72 months. The children mix together freely and there is no attempt to segregate the different groups beyond dividing them by age for the purpose of sleeping arrangements. In the mornings after completing their chores the children attend remedial classes. Some of them have never attended school before this. The two classes for senior and junior boys are run by volunteers from a church group which also supplies books and materials. A graphics class and a barbing class are also run by volunteers and a social club has indicated its intention of introducing tailoring and shoe-making classes. The social club provided the uniforms which the children wear. Instruction in basic hygiene is provided by the Warden.

In the afternoons the children engage in some recreational activities such as table tennis, football, cards and ludo. Prayer meetings are usually held in the evenings. The children sleep in two large dormitories. However, there are very few beds and a sour smell emanates from the dirty foam mattresses stacked in a corner. Apparently some of the children still wet the bed. The Warden is currently engaged in repairing a stack of broken iron bunks and is trying to source new mattresses from the community. He also plans to have a WC installed in each dormitory as the children are locked in at night and currently make do with a bucket.

The premises appear scrupulously clean, and despite the lack of running water the toilets are exemplary. Maintenance appears patchy, and the Warden explains that he relies on assistance from the members of a church group to which he belongs who contribute their time or money to effect repairs. For instance, a plumber from the church recently repaired all the toilets which were blocked and non-functional before the Warden was posted in the Home seven months ago.

Water is fetched from a bore-hole which was sunk by a medical NGO. Medical services are also paid for by the same group which has arranged for the treatment of sick children at a private facility in town. The group has recently indicated its intention to set up a small clinic staffed by a nurse within the premises.

The children eat three times a day on a diet of Nigerian staples, but the nutritional value of the meals is somewhat questionable. The Warden relies on eggs for protein as meat and fish are too easily pilfered by staff. He can keep count of the eggs. The children are not allowed out of the premises except for court appearances. Visits from friends and family

are usually allowed once every three weeks but some of the children do not receive visitors.

The Warden is the only trained social worker employed in the Home. An Assistant Warden recently joined the staff, but she has had no formal training in social work. The other staff are support personnel, namely, a storekeeper, night guard, cook and day caretaker. There is no night caretaker to sleep with the children at night so the warden sleeps on the premises. Ten years ago there were 9 social workers and 23 support staff to cater for about 60 inmates.

Pre-trial conditions

A child who has been denied bail by the police or the court is committed to custody in a Remand Home unless he is so "unruly" or "depraved" that it is considered that he cannot be so safely committed, in which case he may be committed to prison. A Remand Home serves primarily as a place of detention for juveniles awaiting trial, although a juvenile offender may also be committed to a remand home after being found guilty by a juvenile court. A Remand Home further serves as the centre where a child may be detained after a criminal charge against him has been proved while a social inquiry report is prepared to assist the court in its determination of the most appropriate form of intervention. Although the CYPL provides that a child may be released on bail while the report is prepared, in practice this rarely happens and the child is invariably remanded to a home. Children in need of care and protection and children beyond parental control are also commonly remanded to the Remand Home while a social inquiry report is prepared.

All the probation officers interviewed were of the view that their investigations would be hampered when the child remains in the home environment. In their view, the child would remain under the influence of his parents and would not open up to them; they would not be able to obtain a true picture of the home background and circumstances of the offence which might involve parental neglect or instigation, etc. The time taken to prepare the report depends on several factors, including the cooperation of the parents and the child, the availability of resources with which to conduct investigations (probation officers are only given N500 a month for this purpose) and the caseload of the officer. An Investigation Board must also meet to discuss the report of the probation officer and warden of the Remand Home with custody of the child. A combination of all these factors means that it may take an average of 6-12 months for the preparation of the report and during this time the child is in custody. This means that where the final recommendation is for a non-institutional intervention, the child will have already spent several needless months of detention in a non-family environment.

The Rules regulating the operation of remand homes require that inmates be provided with reasonable occupation and recreation but do not specifically require that any vocational or literacy education be provided. The primary orientation of a remand home is therefore custodial and is often punitive rather than rehabilitative. As the description of the Boys Remand Home details, the perspective of social workers is somewhat different considering the length of time which children spend there, and innovative means have been explored to introduce some educational programmes in the home through the community outreach efforts of the Warden. The perspective of the Warden of the Girls Remand Home is very similar.

The Draft Children's Decree abolishes the concept of remand homes and instead provides that children should be remanded to any of a variety of state accommodation including placement with a family, relative or any suitable person or placement in a community home, voluntary home or registered children's home. Where a child who has attained the age of 15 is charged with (or convicted of) committing a violent or sexual offence, or an offence punishable in the case of an adult with imprisonment for a term of 14 years or more, a security requirement may be imposed on the remand of the child. This means that such a child will be placed in a section of a community home in which liberty is restricted. A child of 15 who has a recent history of absconding from state accommodation may also be subject to a security requirement.

Tunde's trial

Tunde is charged before the Juvenile Court with assault occasioning actual bodily harm. He is out on bail, and this is his third court appearance in as many months. When the case is called the parties file into the court, and Tunde stands in front of the magistrate's table with his parents seated next to him. The magistrate feels uncomfortable with the presence of two other family members and asks them to wait outside. The only other persons present in the court are probation officers, counsel and court personnel. An assessor, an elderly lady, sits with the magistrate. At the last hearing, the complainant, a 17 year old girl, had testified alleging that Tunde bit her in the course of a fight. Today, the complainant will be cross-examined by Tunde's lawyer.

It is immediately apparent that the procedures of a regular court hearing are in place. The language is measured and formal. The pace is slow as the magistrate must record every question and answer in longhand. The attitude of defense counsel is combative and hostile. He keeps on "putting it to" the complainant that she does not clearly recollect this or that event. She appears confounded by the turn of phrase and does not answer. The magistrate has to intervene to rephrase the questions. Men

the witness does reply her voice is so low and counsel is standing so far away he cannot hear her answers and has to repeat his questions. The magistrate acts as a megaphone relaying the answers of the witness to counsel. It does not occur to anyone that counsel could leave his table and move closer. The cross-examination proceeds for several hours covering only one or two points of testimony. The prosecution protests that counsel is badgering the witness, and the magistrate hesitantly urges counsel to move along, but to little effect. At one point the line of questioning suggests that the "subject" (as Tunde is referred to throughout the proceedings) is only 12 years old. The magistrate points out that he has not yet assessed the age of the subject who in his opinion looks substantially older than 12 years. The assessor, who had been quietly dozing, shakes herself awake, looks at her watch, gets up and leaves.

Finally, after 2-1/2 hours of cross-examination the magistrate announces that he simply must adjourn the proceedings as he has another 8 cases listed for the day. Defence counsel bulldozes on for another few minutes until the magistrate finally puts his foot down. Both Tunde and the complainant who have been standing throughout the proceedings heave exhausted sighs of relief. The case is adjourned for three weeks, and the parties file dispiritedly out of the court.

Trial and sentencing

Tunde's case is unusual in that he was represented by a lawyer. In the Institute study 73% of the children whose cases had gone to trial were not represented by a lawyer. The main reasons for this were financial inability to secure the services of a lawyer, not knowing who to contact, not believing that the services of a lawyer were necessary and not having parents around to secure the services of a lawyer. The dragging out of the trial is however fairly typical. Bearing in mind the length of time children spend in custody before their first appearance in court, it is obvious that the speedy disposal of juvenile cases is far from being achieved.

Under the CYPL a juvenile court is constituted by a magistrate either sitting alone or with any other person appointed by the Chief Judge of a state. Persons sitting with the magistrate are commonly referred to as assessors and are usually drawn from the community. Many states of the federation do not have permanently constituted juvenile courts. Instead designated magistrate's courts handle juvenile cases on certain days of the week. In such instances the law requires the court to sit either in a different room or building from that in which ordinary sittings are held or on different days or at different times.

Lagos State has two juvenile courts which sit full time, thus enabling at least theoretically a specialization of judicial personnel. The courts are housed in the same premises as social welfare offices rather than in any of the various court complexes and are headed by lay magistrates who may be retired social workers. Beyond a short induction course on appointment, these magistrates have no legal training, and, as evidenced in Tunde's Trial, they are often not able to exert much control over the proceedings and are often unfamiliar with points of procedure. On the other hand in a particular court visited which was manned by a magistrate with legal training and considerable experience on the Bench the magistrate was unaware of the existence of various institutional facilities for children in the state. There thus commonly appears to be a trade-off between legal experience on the one hand and expertise in social work on the other.

The Chief Judge may make rules for regulating the procedure in juvenile courts but until this is done the rules relating to the practice and procedure in the ordinary magistrates courts continue to have effect. In more than 50 years since the enactment of the CYPL, no special rules of procedure have been made for juvenile courts and this is largely responsible for the formality of the proceedings highlighted.

The Juvenile Court has jurisdiction over all children who are accused of criminal offences except those children who are charged jointly with adults and children who are charged with homicide who may be tried as adults in the ordinary courts. The rules of privacy are generally observed in juvenile proceedings; however the rules do not apply where juveniles are tried in the ordinary courts.

The CYPL contains a somewhat curious provision to the effect that, where, in the course of any proceedings in a court other than a juvenile court, it appears that the person charged is under the age of 18 years, that court, if it thinks it undesirable to adjourn the case, may proceed with the hearing and determination of the case. (The converse is also true, so that, when it is found that a person appearing before a juvenile court is above the age of 18, the juvenile court may proceed with the hearing.) It would however appear that in such cases the court in question is limited to the forms of intervention provided in the CYPL. The provision may have to do with the difficulties which the courts experience in assessing the age of accused persons that is briefly highlighted in Tunde's Trial. Although the registration of births and deaths is compulsory in Nigeria, it is only within the last five years or so that the National Population Commission has embarked on a concerted drive to ensure that the requirement is complied with. Thus, many children do not have birth certificates and sworn declarations of age (which are resorted to as the alternative) are not always reliable. In such

cases the court usually embarks on a rough and ready assessment of the child's age by inquiring into the child's school record and recollection of significant events. Only as a last resort and very rarely is medical assessment resorted to. The result is that, especially in the case of older children, there can be a lot of initial confusion as to the appropriate court before which they should be charged.

All juvenile offenders have an automatic right of appeal to the High Court, which may have very little specialization or experience in the handling of juvenile cases. This right is rarely exercised, and in the Institute study it was found that of those juvenile whose cases had gone to trial almost 90% did not appeal against the decision. When asked why, 14% stated that they suffered from financial constraints, 13% were satisfied with the decision, and 12.2% were ignorant of how to appeal or did not appeal because they did not have a lawyer. About 8% stated that they were not allowed to appeal but offered no specifics, while 3.1% did not appeal because their parents were against it.

The Draft Children's Decree attempts to address some of the issues raised and proposes the introduction of a Family Court at two levels to replace the existing arrangement. At the magisterial level the court is to be manned by an officer not below the rank of a Senior Magistrate Grade I (i.e. a trained lawyer) and two assessors, one of whom should be a senior social welfare worker and the other a person with professional experience in handling children, preferably in the area of child psychology and education. At the second level the Family Court will be established as a division of the High Court. This court will hear appeals from the court at the magisterial level and will have the power to try homicide cases and deal with other matters relating to children which are normally dealt with by the High Court, including presumably cases where children are currently tried jointly with adults. The Family Court is to exercise exclusive jurisdiction in any matter affecting children. Proceedings in the court are to be conducive to the best interests of the child and conducted in an atmosphere of understanding that allows the child to express himself and participate in the proceedings.

The Decree further provides that court personnel must receive the necessary training on a continuing basis, to promote and enhance the professional competence required of them.

The Juvenile Court

The Juvenile Court is housed in a large airy room containing a few rows of benches and chairs. The court sits full time and handles different types of cases on different days of the week. Adoptions on Mondays. Criminal cases on Tuesdays and Thursdays. Family welfare cases on

Wednesdays and civil cases (i.e. children in need of care and protection and children beyond parental control) on Fridays. The magistrate reckons that he handles about 12 criminal cases a week. Records are however unavailable as his court clerk has difficulty in filling out the forms, and he doesn't have the time. The magistrate is a retired senior probation officer. Two assessors have been appointed to the court but they are rather elderly and turn up irregularly. The magistrate does not think they are of much use in criminal cases.

The magistrate always prefers to release juvenile on bail in the custody of their parents even when they are accused of quite serious offences. He usually only remands-offenders to the Remand Home when their parents cannot be located. No formal pre-trial diversion procedures are in existence. However he often adjourns cases to encourage an out-of-court settlement. In Tunde's case, for instance, his parents are unwilling to pay the medical costs of the complainant's treatment, and so despite the magistrate's urging they have been unable to settle. He openly strikes out cases for want of prosecution. He finds that often the complainant only wants to teach the child a lesson by reporting the matter to the police. Very few have the patience or persistence to attend court hearings to give evidence and even the investigating police officer often does not show up.

Where the charge against a child is proved, the magistrate most often resorts to probation orders, except when he finds that the home environment is not suitable, in which case he may order the offender's committal to an approved school. Where the offence is particularly serious he may order the offender's committal to the Borstal facility in Kaduna State. He usually relies on the recommendation contained in the social inquiry report, although where he feels that he has obtained enough background information in the course of the trial he may dispense with the report. He very rarely imposes a fine or corporal punishment. When he does resort to the latter intervention, he limits it to six strokes of the cane that are administered by his police orderly in his presence. Such punitive measures are usually combined with a probation order.

The court and disposition measures

Before deciding how to deal with the juvenile offender the court must obtain such information as to his general conduct, home surroundings, school records and medical history as will enable it to deal with the case in the best interests of the child. For the purpose of obtaining such information the court may remand the child or young person on bail or to a place of detention. Almost invariably the court remands the child to a remand home.

Under section 15 of the CYPL, the court may dismiss the charge, discharge the offender on his entering into a recognizance, discharge the offender and place him under the supervision of a probation officer, commit the offender by means of a corrective order to the care of a relative or other fit person, send the offender by means of a corrective order to an approved institution, order the offender to be caned, order the offender to pay a fine, damages or costs, order the parent or guardian of the offender to pay a fine, damages or costs, order the parent or guardian of the offender to give security for his good behaviour, commit the offender to custody in a remand home, order him to be imprisoned (where the offender is a young person, i.e. above 14; children below 14 may not be imprisoned and "young persons" may only be imprisoned if there is no other suitable way of dealing with them), commit him to a borstal institution (where the offender is a young person; only one borstal institution has been established in Nigeria, in Kaduna State), deal with the case in any other manner in which it may be legally dealt with. (Children in need of care and protection or child beyond parental control may also be placed under a supervision order. Their parents may be required to enter into a recognizance to exercise proper care and guardianship or they may be repatriated to their home states, if they are from other state.)

Probation orders are usually made for a period of two years. A corrective order to an approved school is invariably for a period of 3 years, as this is considered the minimum period necessary for vocational training and character reformation. Older children who have less than 3 years to go before they reach 18 years are either committed until their eighteenth birthday or are committed to the borstal facility in Kaduna where they may be detained until the age of 21 years. A Progress and Discharge Board meets periodically to review the progress of inmates and may recommend the release of an inmate before the expiration of a corrective order, but this rarely occurs. The Board may also recommend that an order be extended, especially when there are no identifiable relations into whose custody the child can be released.

In the Institute study, judicial officers were asked which disposition measures they most frequently resorted to and their responses are reflected in Table 1.

Table 1: Disposition methods most frequently resorted to in the experience of judicial officers

	<u>Judicial officers</u>	
	<i>Number</i>	<i>%</i>
Corporal punishment	20	37.0
Caution/dismissal	--	--
Probation/fine	6	11.1
Prison	10	18.5
Approved school/remand home	14	25.9
Borstal	3	5.6
Others	1	1.9
Total	54	100

It must be said that these responses need to be approached with some caution. It is surprising to say the least that none of the judicial officers mentioned dismissal as an option, although where records were available they showed that dismissal was quite frequently resorted to. In the Kano State juvenile court, for instance, 37% and 33% of all cases heard in 1988 and 1989, respectively, ended in termination, dismissal or discharge. What did appear? To be clear however was that half of the judicial officers interviewed reported that they most frequently resorted to the deprivation of liberty in one way or another, closely followed by the utilization of corporal punishment.

A child who had not attained the age of 18 at the time the offence was committed may not be sentenced to death, but is instead to be detained during the Governor's pleasure. Military tribunals do not feel bound by this rule since they are governed by their own special rules and procedures, there is often no right of appeal from such tribunals, and juveniles must depend on the Governor's exercise of the prerogative of mercy to commute the sentence. In such cases the sentence is usually commuted to life imprisonment, although in some rare cases the child may be released.

The Draft Children's Decree prohibits corporal punishment and imprisonment regardless of the age of the child. Where a child detained in an approved institution is found to be "incorrigible" or to be exercising a bad influence on the other inmates, he may be transferred to a special correctional centre. A child may be committed to various types of institutional facilities detailed in the next section and the Draft

introduces several non-institutional intervention measures, including group counseling, community service, hospital or treatment orders and orders concerning foster care, guardianship, or (rather vaguely) orders concerning living in communities or other educational settings. It further specifically provides that the placement of children in an institution should be a disposition of last resort and should not be ordered unless there is no other way of dealing with the child.

Children deprived of liberty

While many of the intervention measures available to a juvenile court are non-custodial, the court has the power to commit a juvenile into custody. Where this measure is resorted to under the CYPL, a juvenile may be confined in a remand home, an approved institution, borstal or prison. Remand homes have been described earlier. An approved institution is any institution established or so declared by the Governor of a state for the purpose of taking into care juvenile offenders, children in need of care and protection or children beyond parental control. While a remand home is primarily a place of custody, an approved institution is required to provide an education to every inmate according to his age and development at least equivalent to that which the juvenile would have received were he attending school in the usual way of education.

There are two remand homes and three approved schools in Lagos State, namely:

- i) The Boys Remand Home, Oregun
- ii) The Girls Remand Home, Idi-Araba
- iii) The Senior Boys Approved School, Isheri
- iv) The Junior Boys Approved School, Birrell Avenue, Yaba
- v) The Girls Approved School, Idi-Araba.

Table 2 depicts the number of children in custody in remand homes and approved schools in Lagos State.

Table 2: Children in detention in Lagos State, January-June 1997

	<u>Remand home</u>			<u>Approved schools</u>	<u>Total</u>
	<i>Criminal</i>	<i>Beyond parental control</i>	<i>Care and protection</i>	<i>No categorization*</i>	
Male	16	11	17	30	74
Female	7	1	18	27	53
Total	23	12	35	57	127

* Children in approved schools are not categorized to avoid stigmatization.

Borstal institutions are specifically designated for the institutionalization of offenders between the ages of 16-21. However, the CYPL provides that young offenders may be committed to Borstals from the age of 14, as may children beyond parental control or in need of care and protection. (Strictly speaking, the legality of these provisions are in doubt. The CYPL is state legislation, while the Borstal Act is a federal enactment. In the event of any inconsistency federal legislation prevails.) In practice only the more serious juvenile offenders are committed to the Borstal. Only one Borstal facility for males has been established in the country, although there are several Borstal Remand Centres for those awaiting trial.

Children above the age of 14 may be committed to prison when it is determined that they cannot suitably be dealt with in other way. Where no remand home is conveniently located, a child may be detained in an approved institution or prison, and where a child awaiting trial is considered "unruly" or "depraved" he may also be detained in a prison despite the availability of a remand home. In all such cases the law provides that the child should not be allowed to associate with adult prisoners.

Lagos State is exceptional in the number of juvenile detention facilities it has established. Many states do not have remand homes and even fewer have approved schools. This means that even with the best of intentions many children are committed to prison custody. In the Institute study roughly two-fifths (41.9%) of the young offenders sampled were found in custody in remand homes, 18.5% in police stations, 16.8% in prisons, 14.8% in a Borstal facility, and 5.1% in approved schools. Out of a relevant sample size of 99 respondents in prison custody, 51.5% had not been kept separate from adult prisoners.

In the same study social workers were asked to describe the complaints usually received from children in respect of the different types of detention facilities. Their responses are detailed in Table 3.

Table 3: Complaints received by social welfare officers from juveniles in various detention facilities

	<u>Prison</u>		<u>Remand home</u>		<u>Approved school</u>		<u>Borstal</u>	
	<i>N</i>	%	<i>N</i>	%	<i>N</i>	%	<i>N</i>	%
Inhuman treatment	60	32.3	32	16.4	14	7.7	9	5.0
Hunger/no water	15	8.1	33	16.9	22	12.2	24	13.3
Physical/sexual abuse	1	0.5	9	4.6	2	1.1	6	3.3
Poor accommodation	24	12.9	21	10.8	11	6.1	25	13.9
Several of above	59	31.7	42	21.5	32	17.7	39	21.7
None of above	27	14.5	58	29.7	100	55.2	77	42.8
Total	186	100	195	100	181	100	180	100

The Table reveals that, in general, social workers receive more complaints about conditions in prisons and remand homes than in respect of approved schools and Borstal facilities.

When staff of custodial institutions (not including prisons) were asked in the Institute study how children are made to comply with institutional rules, 33% detailed measures such as persuasion or counseling, while 38.6% resorted to threats, denial of privileges, including denial of home leave, food and visitors, force or corporal punishment. When corporal punishment is utilized it is limited by the regulations to a maximum of six strokes of the cane; only the Warden can administer it, and the incident must be recorded. Other disciplinary procedures include physical drill, domestic labour and solitary confinement. All these measures are permitted by the regulations. It would also appear that in Lagos the children in an approved school may, as a disciplinary measure, be sent to a remand home for a period of confinement. This is usually resorted to when a child has absconded (and been recovered) or attempted to abscond from the school.

Every inmate has a right of access to the Visiting Committee for the institution which records and investigates complaints made by the inmates. The Visiting Committee, which is made up of retired social workers and members of the surrounding community, may interview inmates in the absence of staff. Many of these Committees are not active.

Adekunle, a profile of detention

Adekunle, a 17-year-old male, was arrested two years ago for stealing. He appeared before the Juvenile Court and after the charge was proved was remanded to the Boys Remand Home during the preparation of his social inquiry report. He was in the Remand Home for eight months because the probation officer initially assigned to the case was suddenly transferred. He would probably have been placed on probation except that his parents wanted no part of him, and he was eventually committed to the Senior Boys Approved School until his eighteenth birthday.

The approved school, which was built in 1944, is located in a large compound which is so overgrown it looks abandoned. Many of the buildings appear to have been vandalized, and the children occupy a small section of the school that is still habitable. The school, which originally had a capacity for 200 inmates, has only 14 inmates on roll. It only admits children from the age of 12 years; younger ones are sent to the Junior Boys Approved School.

Adekunle does not like the approved school. He feels too big to mix with the younger ones who range between 12 and 14 years. He would like to work, but the rule of the school does not permit this. In the alternative he would like to learn the trade of sign writing. A tradesmaster in town is willing to engage him, but neither his parents nor the school can afford the N5, 000 apprenticeship fee. The school is supposed to run a variety of vocational courses within the premises, but has an instructor only for the tailoring class. Industrial equipment which was once in place for the different courses has been stolen.

Adekunle occupies his time with farming in the school compound, and he is allowed to sell some of the produce. He also does a little bit of carpentry work with a private instructor who serves as a volunteer in the school in return for work space. For recreation he plays football with youngsters from the community who are allowed free access into the school premises. His father has come to visit a couple of times, and Adekunle has been allowed out on a home visit. He is bored and restless and has begun to leave the school compound without permission. A group of about five older boys with whom he used to associate have absconded.

The profile of Adekunle's detention indicates that Senior Boys Approved School is unable to provide a wide range of meaningful activities. The inmates of the Junior Boys School attend school within the community, while inmates of the Girls Approved School engage in a wider range of activities primarily because more NGO and community assistance seems to be directed there. Thus, the Girls School runs classes on fashion design, hairdressing, typing and (soon to be introduced) catering, as well as remedial literacy classes which are either manned by volunteers or by staff in the employment of voluntary agencies. However these piecemeal and often sketchy efforts fall far short of providing an organized programme of treatment and rehabilitation necessary to ensure that children benefit from their institutional experience.

The staffing situation of the schools is deplorable. There has been an embargo on the employment of new staff in the Lagos State Civil Service for several years in the course of which many experienced staff have retired without being replaced. Very few of the institutions visited had more than one experienced social worker backed up by a few support staff. This officer is responsible not only for the care and counselling of the inmates, but must also handle all administrative matters relating to the institution, liaise with NGOs and other voluntary agencies, attend hearings as well as staff meetings at headquarters, handle the marketing and oversee the activities of other staff. On those occasions when the social worker leaves the premises, the children are left in the care of support staff or community.

Treatment of Juvenile Offenders

Juvenile Crime

- Juvenile violent crime is at its lowest level since 1987, and fell 30% between 1994 and 1998.
- On average, juvenile were involved in 25% of all serious violent victimizations (not including murder)
- In 1999, law enforcement officers arrested an estimated 2.5 million juvenile

Juvenile accounted for:

- 16% percent of all violent crime arrests
- 32% of all property crime arrests
- 54% of all arson arrests
- 42% of vandalism arrests
- 31% of larceny-theft arrests
- 33% of burglary arrests

Juvenile Court Cases

- The nation's juvenile courts disposed of more than 1.7 million delinquency cases in 1997.
- The overall delinquency caseload was 48% larger in 1997 than it was in 1988, and four times as large as it was in 1960 (Delinquency" offenses are those committed by a juvenile which would be crimes if committed by an adult)
- Nationwide, it is becoming easier to try juvenile in adult criminal court between 1992 and 1997, 44 states and the District of Columbia passed laws making it facilitating the transfer of juvenile to the adult system
- Two states -Vermont and Kansas--provide statutory provisions for trying children as young as 10 years old in adult criminal court
- The number of juvenile cases waived into adult criminal court peaked in 1994 when 11,700 cases were transferred.
- By 1997, this number was down to 8,400
- In 1996, juvenile courts waived jurisdiction over 1% of all formally processed delinquency cases, sending the juvenile offenders involved to adult criminal court

Juveniles in Corrections

Conclusion: The juvenile system does work?

- A 1996 Florida study found that youth transferred to adult prisons had approximately a 30% higher recidivism rate than youth who stayed in the juvenile system

The goal of juvenile justice is to deter/prevent juveniles from entering the juvenile justice system by:

- diminishing risk factors
- promoting protective factors
- This is preferable to punishing them
- however despite this, some juveniles will commit crimes for which they will be sentenced to out-of-home placement.
- Most juvenile justice systems rely heavily on the use of restrictive out-of-home placement as a sanction for delinquent behavior.

This has several negative consequences for a juvenile justice system:

- out-of-home placement is exceedingly expensive (\$48,400)
- it increases the number of juvenile in institutions, which are already dangerously overcrowded
- does little to correct delinquent behavior.
- Large percentage of serious juvenile offenders continues to commit crimes and reappear in the juvenile justice system (91% California Youth Authority Graduates)
- Researchers estimate that the recidivism rate for untreated serious juvenile offenders is about 50 percent
- The ineffectiveness of restrictive practices has prompted juvenile justice practitioners and researchers to explore innovative, research-based programs that help recently released juveniles reenter the community.
- Researchers have hypothesized that providing transitional and reiterative supervision and services to youthful offenders would reduce the high rate of recidivism among parolees
- In turn, a reduction in recidivism would reduce overcrowding and the expenses associated with out-of-home placement.
- Reiterative services that prepare out-of-home placed juvenile for reentry into the community
- Establish the necessary collaborative arrangements with the community to ensure the delivery of prescribed services and supervision
- Two key components of the aftercare concept distinguish it from the traditional juvenile justice model.
- First, offenders must receive both services and supervision
- Second, they must receive intensive intervention
- While they are incarcerated
- during their transition to the community
- when they are under community supervision
- This second component refines the concept of reiterative services to include services that occur before release as well as after release

Intervention

- Recent literature reviews and meta-analyses demonstrate that intervention programs can effectively reduce delinquency in juvenile (Lipsey, 2000; Lipsey, 1992; Andrews et al., 1990).

Juvenile Intervention Programs should address the following:

- Targeting specific dynamic and criminogenic characteristics.
- Requiring staff and offenders to make frequent contact
- Using Cognitive-Behavioral Interventions
- Implementing a plan that is strictly adhered to by trained personnel.
- Targeting offenders with the highest risk of recidivism.
- Refers to the surveillance and control of offenders who are enrolled in alternative or intermediate sanction programs

Community restraint activities include:

- contact with parole officers or other correctional personnel
- urine testing for the use of illegal substances,
- electronic monitoring
- employment verification
- intensive supervision
- house arrest
- residence in halfway houses.
- Research indicates that community restraint alone does not effectively reduce recidivism, evidence suggests that combining community restraint and treatment may effectively reduce juvenile recidivism.
- It should also be noted that community restraint programs do not seem to lead to more arrests, at least for high-risk offenders
- For example, the cost of placing youth in a state training school or private facility was roughly \$83,400 for a 2-year period, and the cost of placing youth in the Challenge program was approximately \$60,500—a savings of more than \$10,000 a year.

Aftercare:

- Over the years, several experimental comprehensive aftercare programs have been created.
- The most prominent of these include:
- Philadelphia Intensive Probation Aftercare Program
- Juvenile Aftercare in Maryland Drug Treatment Program
- Skillman Intensive Aftercare Project
- Michigan Nokomis Challenge Program.
- Evaluations of these programs have produced mixed results mostly because of poor program design and implementation rather than a faulty concept.

Intensive Aftercare Program Model (IAP)

- IAP is an intensive community-based research and demonstration initiative supported by OJJDP.
- The IAP model seeks to reduce recidivism among high-risk parolees by better preparing them for release into the community.
- IAP is based on data-driven research that shows that a highly structured and enhanced transition from confinement to the community would benefit parolees in areas such as family and peer relations, education, jobs, substance abuse, mental health, and recidivism without negatively affecting the community.
- Intensive Aftercare Program Model (IAP)
- The five elements of the case management system provide explicit guidance for successful transition and aftercare. These elements are described below.
- Risk assessment and classification.
- Individualized case planning that incorporates family and community perspectives.
- A mix of intensive surveillance and services.
- A balance of graduated incentives and consequences.
- Links with community resources and social networks.

Juvenile Sex Offenders

- Currently it is estimated that juveniles account for up to 1/5th of the rapes and 1/2 of the cases of child molestation committed in the US each year.
- The majority of cases of juvenile sexual aggression appear to involve adolescent male perpetrators
- Juvenile sexual offending appears to traverse racial and cultural boundaries.
- Juvenile Sex Offenders

Number of causal factors explain the developmental origin of juvenile sex offending:

- maltreatment experiences
- exposure to pornography
- substance abuse
- exposure to aggressive role models
- There is no compelling evidence to suggest that the majority of juvenile sex offenders are likely to become adult sex offenders.

- The estimated risk of juvenile sex offending leading to adult offending may have been exaggerated by an over-reliance on retrospective research studies
- As with their adult counterparts, juvenile sex offenders appear to fall primarily into two major types: those who target children, and those who offend against peers or adults.

Juveniles who sexually assault children, and those who target peers or adults, share certain common characteristics. These include:

- High rates of learning disabilities and academic dysfunction (30-60%).
- The presence of other behavioral health problems, including substance abuse, and disorders of conduct (up to 80% have some diagnosable psychiatric disorder).
- Observed difficulties with impulse control and judgment
- a number of encouraging clinical reports on the treatment of juvenile sex offenders have been published.
- They provide empirical support for the belief that the majority of juvenile sex offenders are amenable to treatment and achieve positive treatment outcomes.
- In perhaps the best controlled study to date, Borduin, Henggeler, Blaske, and Stein (1990) compared "multisystemic" therapy with individual therapy in the outpatient treatment of sixteen adolescent sex offenders.

Juvenile Sex Offenders: Treatment

- Using re-arrest records as a measure of recidivism (sexual and non-sexual), the above two groups were compared at a three year follow-up interval.
- Results revealed that youths receiving multisystemic therapy had recidivism rates of 12.5% for sexual offenses and 25% for non-sexual offenses,
- While those youths receiving individual therapy had recidivism rates of 75% for sexual offenses and 50% for non-sexual offenses.
- Program evaluation data suggest that the sexual recidivism rate for juvenile treated in specialized programs ranges from approximately 7%-13% over follow-up periods of two to five years.

The following have been found by many providers to be important in the effective treatment of juvenile sex offenders:

- The establishment of positive self-esteem and pride in one's cultural heritage.
- The teaching and clarification of values as they relate to a respect for self and others, and a commitment to stop interpersonal violence. Maximally effective programming may include promoting a sense of healthy masculine identity, egalitarian male-female relationships, and a respect for cultural diversity.
- The provision of sex education and an understanding of healthy human sexuality, and the correction of distorted beliefs about appropriate sexual behavior.
- The enhancement of social skills to promote greater self-confidence and social competency.
- The teaching of the impulse control and coping skills needed to successfully manage sexual and aggressive impulses.
- The teaching of assertiveness skills and conflict resolution to manage anger and resolve interpersonal disputes.
- The provision of programming designed to enhance empathy and promote a greater appreciation for the negative impact of sexual abuse on victims and their families.
- The teaching of relapse prevention.
- How do you think that adult programs would differ from Juvenile Programs?

Wilderness Camps

- Similar in concept to Boot camps
- Developed about 15 years ago
- Sometimes called the Short Term Model, or Trek, Challenge, Sierra II, etc.
- Juvenile offenders complete a programmed and supervised cycle of days ranging from 14 to 90-plus days in wilderness.
- After graduation, the camper returns to his or her family. Normally, the organization does some follow-up care for up to one year to help the juvenile rejoin his or her family.
- Organizations that operate wilderness camps are legally run as profit or nonprofit, and are often supported in part or totally by the various states in connection with the courts.
- The success rate of these camps averages about 80%
- One evaluation concluded that:
- (1) During the treatment phase of the Sierra program there is an 84% decrease in criminal activity.

- (2) There is a significant increase in self-esteem and in school attendance.
- (3) There is significant decline in negative remarks made by teachers including those regarding inattentiveness, students not being prepared for class, and students not working up to potential
- Poor parenting practices are strong risk factors for juvenile delinquency.
- Numerous studies have illustrated the effectiveness of parenting skills classes/training in reducing risk factors

These parenting programs also strengthen protective factors such as:

- family cohesion and functioning
- positive family communication
- consistent parenting practices.

A number of models of family therapy have reduced these family risk factors including:

- Functional Family Therapy
- Multisystemic Family Therapy
- Brief Structural/Strategic Family Therapy
- Multidimensional Family Therapy
- Purdue Brief Family Therapy
- Family therapy can be successful at engaging and retaining high-risk families, particularly when done in the home.
- For many families not at the highest risk levels, more cost-effective parent education approaches produce outcomes comparable to family therapy.
- One promising family-based approach is parent training, such as the Systematic Training for Effective Parenting (STEP) model of training.
- STEP develops parenting skills through a guided training program that has been used for many years.

Parenting Classes – Outcome

- Moderate effect sizes were found which diminished with the passage of time.
- The STEP program was found to be more effective with couples than with mothers or with mixed parent groups.
- In addition, the program was found to be more effective with younger, less educated parents with younger children

- It was found that exposure to the STEP program was associated with larger effect sizes for abusive and drug-addicted parents

SELF ASSESSMENT EXERCISE

What are Juvenile delinquent acts and what are the steps considered as the appropriate ways of trials of delinquent acts.

- 3.2 The Remand Homes
- 3.3 The Foster Institutions
- 3.4 And the Welfare Homes (Compressed)

The above sub-topics are compressed together because they are intermixed. And in this exercise, “Care for children in Botswana: The social work Role” is used as a reference point, Citing a case study of work done in Tapology Maudeni, University of Botswana

Introduction

The world over is experiencing an increase in the numbers of children who need care. The existence of children in need of care is not peculiar to contemporary Botswana society, it also prevailed in traditional Tswana society. What has changed is the volume of children who need care, and the resources available for their care. Like other African countries, Botswana is going through a process of rapid social, economic and cultural change. One of the characteristics of this change is the disintegration of the extended family. Consequently, the extended family can no longer cope with both the quality and quantity of care that children in need of care require (Botswana Human Development Report/BHDR 2000).

The majority of children who need care in Botswana are orphans due to HIV and AIDS which has killed and continues to kill many parents in the country. The Department of Social Services defines an orphan as a child below the age of 18 years who lost one (single parent) or two (married couple) biological or adoptive` parents. The rates of HIV and AIDS are highest among women in Botswana, therefore, it is common for children to be maternal orphans (Department of Social Services 2006). Other children who need care in Botswana are those who have been abused, neglected and abandoned. Section 14 of the Botswana Children’s Act of 1981 (currently under review) defines a child in need of care as a child who:

- has been abandoned or is without visible means of support;
- has no parent or guardian or has a parent or guardian who does not or is unfit to exercise proper control over the child;

- engages in any form of street trading, unless he has been deputed by his parents to help in the distribution of merchandise of a family concern;
- is in the custody of a person who has been convicted of committing upon or in connection with a child any offence referred to in part IV of the act; or frequents the company of an immoral or violent person, or is otherwise living in circumstances calculated to cause or conduce his seduction, corruption, or prostitution. In summary, children in need of care refer to orphans, abused, abandoned, and neglected children. For the purpose of this paper, the words children in need of care and orphans and vulnerable children (OVCs) will be used interchangeably.

There are no reliable national figures of the number of abused, abandoned, and neglected children because some cases are not reported (Author's discussion with representatives from Child line, Botswana). The absence of reliable national figures of abused, neglected and abandoned children in the country also partly results from the fact that each organization (e.g. the police, non-governmental organizations and local authorities) keeps its own figures, and they do not combine and share statistics. Although there are no reliable figures on child abuse as well as the numbers of children who have been abandoned in the country, social workers and police officers as well as the scanty available literature indicate that these phenomena exist in the country (cf. Ministry of Local Government 2001). Moreover, the media occasionally reports incidents of children who have been abandoned usually by mothers who have just given birth. They throw the babies in outlets such as pit latrines, garbage bags, rivers, while some just leave the babies under the care of strangers in public places like churches and hospitals. For example, in April 2005, a local radio station reported that a woman who left a newborn with a stranger in a church under the pretext that she was going to the toilet and would be back soon. In another incident, a woman left the baby in the arms of a patient who was in a queue at Princess Marina Hospital.

In many developing countries, children in need of care experience problems that are caused by society denying them their human rights. The basic rights of OVCs in Botswana such as the right to life and liberty, the right to adequate health care, and education and the right to freedom from discrimination are sometimes disregarded. Some children in need of care, particularly orphans are abused by family and community members, others experience property grabbing after the death of their parents, while others experience emotional stress, depression, anxiety, stigmatization, isolation unintended pregnancies, early marriages and deteriorating health conditions (Muchiru 1998; Raditedu 2004; Department of Social Services 2006; Maundeni 2006).

Country overview

Botswana is located in the Southern part of Africa, sharing boarder with South Africa, Zambia, Namibia, and Zimbabwe. The country is roughly the size of the state of Texas in the USA or of Kenya but it has a far smaller population - approximately 1.7 million (Government of Botswana 2001). Like most developing countries, Botswana has a young population structure. In 1991, for example, 43.6% of the population was between the ages of 0 and 14 years (Lesetedi and Ngcongco 1995). The country attained independence in 1966, and at the time, it was one of the poorest countries in the world. It has since been transformed into one of the richest economy in southern Africa (Hope 1996). The economic success of Botswana has been attributed, among other things, to its natural resources and political stability. It is a large exporter of beef, and diamond-generated wealth has given Botswana one of the strongest foreign reserves in the world. Not only has the country made significant strides in the economic sphere, but it has also made considerable progress politically as well as in the provision of social and educational services. Botswana has a stable democracy and good governance. Since independence, the country has had free and fair elections every five years. Life expectancy, health, mortality rates, literacy, nutrition and infrastructure improved significantly since 1966 (United Nations 2004). The government has introduced basic education (grades 1 through 7) for Botswana citizens. Literacy rates have increased significantly since the 1960s. For instance, only 3% of those who entered primary/elementary school in 1957 obtained places in secondary schools in 1964. In the 1970s, about 25 % of those who completed 7 years elementary school education were selected to continue to Junior Secondary schools (JSSs). The figure rose to 40% at the beginning of the 1980s because more Junior Secondary schools were built (Chilisa, Maundeni and Tabulawa, Undated). In 1985, the Botswana Government introduced universal nine years of basic education, therefore, the number of grade 7 pupils who progress to JSSs continued to increase. For example, in 1995 the transition rates from elementary to JSSs was 91%, while in 1999, it was 96%.

In addition, the government provides a primary health care system that offers essential health services in an evenly distributed and accessible way to all people. There is a clinic or health post within 5-8 kilometers of every village, resulting in 89% of the population having access to health care (Shaibu 2004). Children's access to primary health care services is boosted by the fact that health care services to them are provided free of charge. However, for the past decade, the country's economy has been recording lower rates of growth. This has been associated largely to the sluggish performance of the mining sector, which has been the driving force in economic growth (Siphambe 2003; Econsult 2007). It is worth noting that currently (at the time of writing this article) several new mining projects were under development in the country, therefore, these have the potential of contributing significantly

to the economy. This is particularly so because Botswana is generally recognized as a country that has followed best principles with regard to ensuring that mineral revenues are used sustainably (Lange and Wright 2004; Hamilton 2006).

Although the economy of Botswana is doing relatively well compared to that of other African countries, poverty remains one of the major development challenges for Botswana. In 1994, it was estimated that 47% of the households in Botswana were living below the poverty datum line. Moreover, 23% of the population lived on less than US \$ 1 per day (Republic of Botswana 2003). Rural areas were more affected than urban areas. The proportion fell to 36.6% in 2001. However, it is worth noting that the Government of Botswana is taking steps to reduce poverty. These include employment creation opportunities and direct safety net programs which target vulnerable groups such as destitute and orphans (Republic of Botswana 2003).

Problem overview

As mentioned earlier, the majority of children in need of care in Botswana are orphans. According to a 2004 report by UNAIDS/UNICEF/USAID, 20% of children (160,000) in Botswana were orphans. The majority, 75%, are orphans due to the AIDS pandemic (UNICEF 2005). However, according to the Department of Social Services (DSS 2008), the percentage of orphans is 6.5% (51, 860). The difference in the numbers of orphans compiled by the above mentioned two organizations is likely due to the fact that the UN definition is broader than the one used by DSS.

For children orphaned by AIDS, emotional turmoil starts prior to the death of the parent as they are exposed to the parents' distress and progressive illness. This loss of an attachment figure or parent pervades every aspect of a child's life: their emotional wellbeing; physical security; mental and educational development and overall health (Maundeni 2006). This necessitates the provision of adequate and comprehensive psychosocial support services to orphans. However, in the context of Botswana much emphasis is placed on providing orphans with material assistance rather than psychosocial support (Ntseane and Solo 2007).

An Analysis of Laws, Policies and Programs for Children in Need of Care in Botswana

In 1995, Botswana ratified the Convention on the Rights of the Child (CRC) and the African Charter on the Rights and Welfare of Children (ACRWC) in 2001. However, neither the CRC nor the ACRWC have been domesticated into Botswana laws. This implies that the instruments have not had much impact on the lives of children in the country. Despite failure to domesticate the two treaties, it is worth noting that the general environment in the country is conducive for the process to take

place. The constitution of Botswana also provides reasonable protection of children's rights. It enshrines a bill of human rights that includes the rights of children. This provision allows for the fulfillment, protection, respect and promotion of children's rights. There is political will to respect and protect children's rights which is shown by the fact that the government provides an environment conducive for the compilation of both the State and Shadow reports to the United Nations Committee on the Rights of the Child. In addition a number of laws to improve the well-being of children in need of care in Botswana have been enacted. These include the Short Term Plan of Action for the Care of Orphans (STPA); the Children's Act of 1981, which covers child protection issues such as protection of infants, prevention of children in need of care, juvenile courts, establishment of homes and schools and institutions for the reception of children; and the Adoption Act of 1952, which sets guidelines that should be followed in adoption cases and the Deserted wives and children's Act, which specifies procedure to be followed in cases of deserted and divorced women and their children. It is important to note that most child welfare legislation in the country is outdated and currently under review.

In 1998, the Ministry of Health commissioned a Rapid Assessment on the Situation of Orphans in Botswana. The assessment pointed to the urgent need to provide support to orphans. Preliminary findings indicated among other things that food and clothing were immediate needs of orphans. These findings prompted the government to declare the problems of "orphan hood" a national crisis that needed immediate intervention. As a result, the government developed a Short Term Plan of Action (STPA) for orphans in Botswana (1999-2003). The overall goal of the STPA is to 'improve the socio-economic conditions of orphans by way of investing in human capital, within the broader context of sustainable human development' (Ministry of Local Government 1999: 9). The specific objectives of the STPA are as follows: to respond to the immediate needs of orphans; to identify various stakeholders and define their roles and responsibilities in responding to the orphan crisis; to identify mechanisms of supporting community based responses to the orphan problem; and to develop a framework for guiding the long-term program development of orphans. Under the STPA, orphans receive material assistance and psychosocial support until they are 18 years old. Services stipulated under the STPA are largely provided by the government. However, several non-governmental organizations also offer some of the services aimed at meeting the basic needs of orphans provided under the STPA and are uniform to all orphans. In other words, they do not take into account age-specific risks and protective factors that orphans confront on a daily basis.

The STPA stipulates that the provision of counseling is important. In reality, more often than not, orphans are provided with material assistance and other types of assistance are neglected due to local authority social workers being overwhelmed with the volume of orphans and others not being trained in child welfare. It should be noted that some social workers are responsible for covering more than one village. This is so because of shortage of staff. For instance, in 2007, there were 420 social workers employed by the local authorities in Botswana. The central government, NGOS, the private sector, hospitals and other government structures employ only a small number of social workers. The few OVCs who are provided with counseling are largely assisted on casework basis. Group work is not commonly used due to factors such as rigid working hours for local authority social workers and the inability of people who are free after hours to come for group sessions.

Kinship care

Kinship care or customary foster care is another approach that is used to address the needs of orphans in Botswana. In-fact it is the one that is commonly used to cater for the needs of such children. According to the Department of Social Services (2006), at least 95% of orphans are absorbed within the kinship structures based on descent and marriage. Kinship care is not a new practice in Botswana, it has existed from time immemorial. What has change is the volume of children in need of care (Madhavan 2004). Like in many African countries, kinship care is not regulated by formal institutions or by laws. Therefore, human service professionals such as social workers rarely intervene in the placement of children in kinship care because of the authoritative roles that relatives play in such placements. In varying degrees kin provide shelter, emotional support, educational support, spiritual support as well as moral support.

Despite the positive role that kin play in the lives of many orphans, for some children, kin are sources of stress. One of the striking practices that come out frequently in child welfare workshops as well as discussions with individual social workers around the country is that kin rarely consult children about where they prefer to stay following the death of their parent/s. Such decisions are largely handled by adult relatives. This practice partly arises from communities' lack of awareness on children's rights; as well as the culture of Botswana which tends to put emphasis on the saying that 'children should be seen but not heard' (see Maundeni 2002 for a detailed discussion of this practice). The exclusion of orphans in decisions about their living arrangements following parent's death violates article 12, of the CRC which states that: "...children not only have the right to articulate their opinions with

regard to issues that affect them, but they also have a right to have these opinions heard.”

Another related and rather disturbing trend about kinship care is that more often than not, relatives have a tendency to separate orphans (Maphalala 2007). This is done largely due to economic reasons. Relatives contend that the high cost of living does not enable them to care for a large number of children, particularly when they have their own biological children to care for (Raditedu 2004; Maphalala 2007). Some of the difficulties that extended family members face in absorbing children in need of care are evidenced in the following words of one of the respondents who participated in Raditedu’s study of the psychosocial impact of orphan hood on a girl in Kalkfotein: “People should understand that we have our own children and taking in other children in our homes results in us having so many dependents to take care of. This becomes very difficult; we don’t have the resources to take care of so many children. Some of us are not working, we are suffering. This is why we separate orphans (my emphasis) share orphans in extended family.”

The above words indicate that although the popular belief is that the extended family is better suited to provide care, love, and support to children in need, this is not always easy. The current economic conditions make it difficult for unemployed relatives to provide care to orphans. Many orphans who participated in one study (Raditedu 2004) felt that caregivers did not fully accept them, but kept them to benefit from the Orphan Care Program which provides orphans under the age of 18 with the following: a food basket of P 216.00 per month (equivalent of 30 US dollars) irrespective of the geographic location for his or her home clothing, toiletry, assistance with educational needs, and counseling (Ntseane and Solo 2007). Some relatives separate orphans so that they too can benefit from the food rations that are supplied to orphans by the government (Oitsile 2007). The separation of orphans is a serious issue that needs attention particularly that siblings can be important sources of emotional support for each other.

The last major point to note in relation to kin is that to a large extent, relatives are not trained or rather provided with adequate support that could enable them to adequately care for orphans. This is not surprising taking into account the point made elsewhere in this article that kinship care is not regulated by formal structures. The absence of training for kin is one of the issues that need serious attention (DSS 2006). This is particularly so because there is evidence that shows that kin are not playing an adequate role in addressing the emotional issues confronting orphans. For example, traditionally, in Africa, illness, dying, and death are not spoken about with children. Elders provide a shield from what

they assert to be the cruel facts of life believing that this is in the child's best interest (Jacques 2003).

Statutory Fostering

Statutory fostering represents an institutionalized transfer of parental roles to those who are strangers to the child. In Botswana, as of 2008, formal alternative care giving arrangements for children in need of care included residential care as well as formal adoption and guardianship sanctioned by the courts. Formal adoption and guardianship are not common in the country, however, and are practiced on a small scale (Maundeni, Forthcoming). Currently, the national foster care programme in Botswana has not yet been implemented. However, guidelines for statutory family foster care were recently approved by the government and DSS together with the NGO, Child line Botswana, were involved in the training of trainers programme to prepare local authority social workers for their highly demanding role in the placement of children in foster care at a statutory level. Such training took place under the auspices of the Department of Social Services in the Ministry of Local Government. The delay in adoption and implementation of this policy is testimony to the significance of cultural practices and a general reluctance to abandon the norms of a passing era (Jacques 2008).

The government of Botswana is reluctant to establish additional residential homes for children in need of care because it argues that relatives are better suited to provide care, love, and support to children. Although the government argues that the extended family is able to take care of children in need of care, numerous scholars (cf. Kooijman 1978; Himonga 1985; Jacques 1998; Mandevu and Muchiru 1998; Maundeni 2000; Raditedu 2004) have asserted that this trend has changed, and the transformation has adversely affected the socio-economic support base of the extended family. The extended family is unable to care for orphaned children as it did prior to industrialization and urbanization. The process of social change has been accompanied by changes that have, among other things, weakened the communal production and ties which existed in the past, bringing about the spirit of individualism and the emergence of the nuclear family form that values helping immediate family members at the expense of extended family obligations. Moreover, there is evidence that people in the age group 20-45 years are reluctant to care for orphans mainly because of socio-economic constraints (Botswana Human Development Report 2000).

Residential care facilities for children in need of care in Botswana are relatively recent phenomena. The first facility was established in 1987, and currently, there are five in existence. These are the three Save Our Souls (S.O.S) villages, the facility that is run by Childline Botswana,

which was established in 2003, as well as the Mpule Kwelagobe facility, which started operating in 2000. The centers are staffed by social workers. For example, the three SOS villages in different parts of the country have employed a total of six social workers. Three of the six are directors while the other three provide direct psychosocial support services to children in need of care who reside in the centers. Only one is fully funded by the government, the rest are funded by international and local nongovernmental organizations. However, the government does provide grants to them.

All the five centers are small-scale residential facilities. The settings provide a home-like setting with house-parents. At the time of writing this article the five residential centers for children in need of care in Botswana had a total of 500 children (Author's discussion with the managers of the centers). The facilities ensure that siblings are kept together under the guidance of house mothers. In other words, the type of residential facilities for children in need of care in Botswana does not fit the typical definition of institutions or orphanages for children. The children's homes mentioned above use a family approach to the care children. They try to meet specific needs of children and youth. Special effort is made to keep siblings together in the same group home (Maundeni, Forthcoming). The objectives of the residential facilities in Botswana show that they aim to create families for the children during their stay in the homes. This goal is an extension of the traditional extended family that is common in many African countries. Besides meeting children's needs for shelter, food and clothing, the residential facilities also provide psychosocial and spiritual support; and enhance children's sense of independence. It is important to note that the achievement of the above goals is facilitated by the utilization of various personnel that work in the home as well as those who live in the community.

The residential facility which is run by Childline-Botswana, has a total of three social workers, one of whom is the director. Three social workers are not enough to provide comprehensive services to all children who need services of Childline (Nganunu 2008). Besides social workers, other people who work in the centers are lay mothers who have undergone some training on a short-term basis as well as volunteer teachers and counselors to provide tutoring and counseling services to the children who live in the homes. Pastors from different churches are also utilized to provide spiritual support to residents of the homes.

An important issue to highlight at this juncture relates to the success of residential facilities as well as their impact. Social workers who worked for the residential care facilities in Botswana in 2005, revealed that no evaluation studies have been conducted, therefore a comprehensive

picture of the impact of residential facilities is not known (Maundeni, Forthcoming). This implies that rigorous studies should be conducted to determine the effectiveness of services offered by residential facilities for children in Botswana.

Services offered by social workers employed by other stakeholders

Besides services offered by social workers working for the above mentioned sectors, as well as those offered by kin, numerous other organizations in the country have employed social workers as directors, managers, counselors, program officers, administrators, lecturers and researchers who teach and conduct research on child welfare issues. Examples of such organizations include the University of Botswana which has employed lecturers and researchers; international non-governmental organizations, such as UNICEF, that provide funds to various NGOs and government bodies to engage in programs that improve the wellbeing of children; local NGOs Botswana Christian AIDS Program (BOCAIP), Child AID, Maun Counseling centre, and the Ark program, and Masiela Trust. These organizations provide services to communities in various parts of the country, ranging from individual counseling, family counseling, recreational programs, life skills and day care for orphans to providing for basic needs such as food, clothing and education; psychosocial support to children and their families in order to curb child abuse and neglect; recreational support and skills training. While NGOs in Botswana play a significant role in improving the wellbeing of OVCs, their efforts are hampered by a lack of resources. This is particularly so because most international donor organizations have stopped funding several local NGOs because they contended that the economy of Botswana is doing relatively better than that of many African countries (Moatshe 2004).

Gaps and Barriers to Service Delivery

The above discussion has shown that various stakeholders are continuing to provide different types of support to OVCs. However, there are several gaps in existing services. One of them is the concentration on material assistance to the neglect of medical, educational, and psychosocial support. This has implications for the social and emotional development of orphaned children. According to Maslow 1954, the fulfillment of basic needs supersedes that of higher level needs. In the context of Botswana, as well as in many African countries, most people who are hard hit by the HIV scourge are poor. Therefore, the tendency for human service professionals, including social workers, is to focus more attention on addressing clients' basic needs as opposed to or inclusive of psychosocial support. While these basic needs most certainly must be met, neglecting the emotional and

psychological needs of these children may be a potentially harmful practice.

A second barrier to effective service delivery is that a majority of children in the country are not aware of their rights. This phenomenon is well documented in existing literature (cf. Ministry of Local Government 2001; Maundeni, forthcoming; Maundeni and Lopez 2005). One of the factors that account for this trend is the little attention that is paid to children's rights in the school curriculum. In fact, some teachers if not many adults are uncomfortable with the concept of children's rights in the first place. This was revealed by the author's interviews with secondary school teachers in 2002. One of the teachers said, "... you social workers, you make our lives as teachers difficult because you tell children that they have rights ..., so when we discipline them, like when we beat them, some tell us that they are going to report to Child line because we are violating their rights ...". Inadequate training on children's rights has far reaching implications for the wellbeing of children. For instance, it has led to the unpopularity of a Rights Based Approach to programming. Therefore, many child-centered programs are not guided by the rights based approach to programming. Inadequate information about children's rights has contributed to the minimal attention on grief and bereavement counseling for orphans. A study of how orphans cope with grief in one of the villages of Botswana found that social workers rarely help children to prepare for the possibility of parental death because caregivers do not inform or involve them in care decisions. As such, their help only comes after the loss when they register the orphans in accordance with the STPA for the care of orphans, providing material and financial support in the form of clothing, food and school fees. They are also supposed to provide grief counseling, but this is not always possible due to shortages of staff, vehicles and office space (Maphalala 2007).

In November, 2006, the United Nations country team organized a series of training workshops on the Human Rights Based Approach to Programming for Community Capacity Development targeting policy makers, district leadership, government service providers, and non-governmental organizations and media practitioners. The purpose of the training was to increase participants' knowledge and understanding of the HRBAP and its value as well as human rights in general.

Another barrier is lack of resources (such as transport and social workers themselves) both at micro and macro levels. On average, one social worker covers five villages. This limits social workers' ability to register orphans, facilitate the distribution of food rations, and to facilitate payment of school trips in a timely manner (Oitsile 2007); to provide adequate counseling, and to conduct proper make follow-ups and

referrals. In other words, an acute shortage of resources has led to poor service delivery (Ntseane and Solo 2007). Of respondents who participated in a study of psychosocial support to OVCs by DSS in 2006, 84.4% lamented that their area of operation was too large and that they were overwhelmed. Only 8.7% did not mention a high workload. This finding has implications for the quality and type of psychosocial support services that OVCs receive.

The Social Work Role

Only a certificate in Social Work was offered at the then Botswana Agricultural College until 1984, when the course was transferred to the University of Botswana, the only University in the country until 2007, which had just established a Department of Social Work. The first graduates with a degree in social work in Botswana were produced in 1990. Most social workers in the country hold either diploma or a degree in social work, and only a few hold Masters Degrees. One of the features of social work education in Botswana is that, although social work theory is socially constructed, the curriculum largely relies on literature from the west. This is partly so because all except two lecturers in the department did their postgraduate studies outside Africa. 'Consequently, since one can only teach what one knows, the curriculum resembles that in the west ... where most members of staff studied' (Bar-on 2001: 128). The local authority is the largest employer of social workers in the country. At the time of writing this article, there were a total of 420 social workers who were employed by the local authorities in the country (Omphithetse 2007). Social workers in Botswana offer generic not specialized services. Therefore, almost all of them play a role in the lives of children in need of care. Other organizations that employ social workers for purposes of working with children in need of care include hospitals, the central government, international NGOs such as UNICEF, and faith based organizations which offer among other things, spiritual counseling.

The profession of Social Work aims to promote the well-being of disadvantaged people both at the micro and macro levels. Consequently, social workers play an important role in the formulation and implementation of laws, policies and programs that address the needs of children in need of care. One of the major roles that social workers who work for local authorities in Botswana is the assessment and registration for local authorities as well as the provision of material support to orphans. In this capacity, they:

- Identify, assess and register orphans in need of general welfare support.

- Identify and assess orphans in need of special care, i.e. AIDS infected orphans, disabled, mentally handicapped, etc.
- Provide food rations, clothing including blankets, toiletry and shelter as the case may be.
- Identify local groups purchasing food, clothing and other necessities and distributing them to orphans.
- Provide counseling.
- Refer and register terminally ill orphans for home base care.
- Provide skills training, identify school drop-outs and help them to go back to school and they also train parents on orphan care.

As mentioned earlier in this article, social workers who work for local authorities do not play a major role in the provision of psychosocial support to OVCs. This is so because of 57.8% of participants in the DSS's 2006 study mentioned that they were ill equipped to provide such support. Consequently DSS (2006) asserts that provision of material support was the main occupation of local authority social workers. Material support includes the provision of accommodations, rental payments, transport fees, school fees, uniform fees and other school needs.

Local authorities are not the only employers of social workers in Botswana. Social workers who play a role in the lives of children in need of care are also employed by hospitals and non-governmental organizations such as Childline and Save our Souls. Social workers working for such organizations work with local authority social workers. For example, hospital social workers as well as those working for Childline provide counseling to abused children. According to the Director of Childline-Mrs Nganunu, when counseling children, social workers in Childline use a number of tools. These include: drawings, helping children to define their goals, toys, and open ended questions. They also bear in mind the following when counseling children:

- Children have limited language skills.
- Adults have power
- The best interest of the child principle (guided by the Botswana Children's Act, and Child care principles).
- Work with the child from a systemic point of view because a child is not an isolated person.
- Non-judgmental attitude.
- Understand child's development stage, and that certain behaviors are normal because of the stage at which a child is.

Nganunu also contends that in their work with children in need of care, they always bear in mind the importance of intervening at all levels (i.e. micro, mezzo and macro). For instance, if they realize that several

children are survivors of abuse in one neighborhood, they can organize a neighborhood sensitization workshop that focuses on child abuse.

Social workers who work for hospitals also liaise with local authority social workers so that local authority social workers could provide the necessary materials such as milk and clothing to abandoned children who are hospitalized (Author's interview with Mmonadibe-one of the social workers who was working in a hospital).

Other activities of social workers that relate to OVCs include policy formulation and advocacy. Some social workers sit in reference committees of organizations such as UNICEF and Department of Social Services which fund and oversee the policy formulation process. The number of social workers who play this role is not known. However, from the author's experience of providing professional and community service to various organizations in the country, the number is not significant. Advocacy work requires among other things disseminating information to the public about various social issues. Social workers are frequently invited to various forums to provide information about issues such as child abuse, family violence, orphan hood as well as HIV/AIDS. Social workers around the country also occasionally organize various activities that sensitize communities about different issues. They (especially those working for NGOs) visit schools, traditional courts, and gatherings in various parts of the country to talk about issues such as property grabbing, children's rights, child abuse, and peer pressure. They also distribute Information Education and Communication (IEC) material on various issues that affect children's wellbeing. Some social workers also participate in radio and TV discussions that focus on these issues.

Other roles that social workers play include education and training (preventive work), for example, Child line has modules that focus on child abuse, children's rights, disciplining children, children and feelings, and children and trauma. Since 2006, social workers working for Child line-Botswana have also been training potential foster parents on foster care. They also investigate and assess child abuse and neglect cases, compile court reports, and prepare children for court. This is a crucial role especially taking into account that in Botswana children are not shielded from perpetrators when in court. This can be very intimidating and traumatizing for the child.

Implications for the future

This article has explored the role of social workers in the lives of children in need of care in Botswana. In summary, depending on the organization one is working for, social workers play the following roles

in the lives of children in need of care: provision of material support, provision of psychosocial support, education and training, administration, advocacy and lobbying, policy formulation, and teaching and research. They also network with various stakeholders who provide other types of support (e.g. spiritual and educational support) to children in need of care. The article has also shown that children come into care due to orphan hood, abuse, abandonment and neglect. While national figures exist on the numbers of orphans in the country, there are none on the numbers of children who have been abused, abandoned and neglected. There is a need to compile reliable national figures on these groups of children. Such a practice could go a long way in assisting service providers and policy makers to design appropriate services and policies that adequately meet the needs of children. Moreover, the article has shown that currently, little effort is applied to supporting biological and extended families. This is partly due to the fact that social workers in Botswana generally have a high workload. If this trend continues, the number of children in need of care could continue to grow. Kin should be sensitized about the needs and challenges faced by OVCs. This can go a long way in improving their capacity to provide psychosocial support to these children both before and after the death of parents.

The finding that misconceptions about children's rights are prevalent in Botswana shows that duty bearers need to be educated about human rights more broadly first, then about children's rights. They need to be sensitized among other things about the fact the human rights education is not intended to lead to subversive acts, but to peace, respect and stability. Furthermore, more attention must focus on group work and the creation of social clubs that could enable OVCs to come together and share experiences, problems, challenges and solutions. This move could go a long way in addressing the psychosocial needs of OVCs; particularly taking into account that case-work has numerous limitations.

4.0 CONCLUSION

The article has shown that stakeholders in the country are continuing to embark on numerous programs that aim to improve the lives of OVCs. However, there are many challenges that orphans face with the potential of both short and long-term effects on children's well-being. On this note, the following are recommended: First, there is need to pay close attention to providing services according to the specific needs of orphans, not to use the one size fits all approach as in the provision of material assistance to orphans. Second, there is need to channel efforts to training of kin in orphan care. Such training should not be a onetime event but should be on a long-term basis. It is comforting to note that recently efforts have been taking by DSS to do this, and social workers have started going around the country to train some caregivers on PSS.

Third, the use of a rights based approach is crucial. A related point is that society at large should be sensitized about children's rights. Lastly, there is need for continued research on children in need of care. Such research should be based on large scale samples, and it should be longitudinal in nature.

[1] Such projects focus on a wide range of non-diamond minerals such as Copper, Nickel, Uranium, Zinc, Gold, Silver, Coal and Methane.

[2] The reader may wonder why the above mentioned act combines both women and children. The rationale is that in most cases, women are given custody of children following divorce and / or parental separation.

[3] Examples of material things that are provided to orphans are food rations on a monthly basis, and clothing (including school uniform on occasional basis). Some are provided with money to use for transport when going to school. Generally speaking most orphans receive these goods on time, however, sometimes; there are delays in delivering these items (discussions with social workers in various parts of the country in May and June, 2005, 2006 and 2007).

[4] This amount is regularly adjusted for inflation at the beginning of each financial year.

[5] These facilities are affiliated to the international organization SOS-Kinderdorf. One village is located in Tlokweng (approximately 4 kilometers from the capital city, Gaborone); the other one is located in Francis town (450 kilometers away from the capital city).

[6] It operates from the capital city.

[7] Mpule Kwelagobe facility is in Jwaneng (201 kilometers from the capital city).

[8] For instance, in June 2007, UNICEF funded the world fit for children plus 5 review.

[9] This is a program designed specifically to meet the psychosocial needs of orphans and vulnerable children (OVCs). It is based in Maun (a town which is 1000 kilometres from the capital city), however, it provides services to OVCs in various parts of the country. For instance, UNICEF, 2006, towards the end of 2006, two retreats were held for OVCs completing primary school leaving examinations, under an initiative called Children of the Ark to give children psychosocial support and peer counselling. The program gives children the opportunity to talk to children about issues related to the loss of parental figures, and provide grief counselling.

SOCIAL WELFARE SERVICE

Through the Social Welfare Department of the Ministry, we provided social welfare services to different categories of the less privileged and the needy ranging from juvenile, miscreants, destitute and the aged.

This is done through casework and institutional care for the vulnerable members of the society.

INSTITUTIONAL CARE/REHABILITATION SERVICES

The Ministry maintains 11 Social Welfare Institutions, which feed, cloth and provide medical care, shelter and the necessary training for well over 4,000 inmates.

The Institutions are:-

(i) REMAND HOMES

Remands Homes are transit camp for young juvenile offenders whose cases are pending in court. Also, accommodate lost but found children pending the time they are either reconciled with their parents or committed to the approved school for necessary corrective training. There are two Remand homes, Boys Remand, Oregun and Girls Remand home, Idi-Araba. Presently, there are 116 delinquents at both homes.

(ii) APPROVED SCHOOLS

These Schools offer corrective training to juveniles and wards in an effort to make them better citizens. The Ministry maintains 3 approved school i.e. Senior Boys Approved School, Isheri, Junior Boys Approved School, Yaba and the Girls Approved School, Idi-Araba. Presently, there are 34 Wards at the Boys Approved School, Isheri, 9 Wards at the Girls Approved School, Idi-Araba and 22 Wards at the Junior Boys Approved School Yaba.

(iii) THE CHILDREN TRANSIT HOME, IDI-ARAB

This homes caters for abandoned children from 3 Years and above who are picked up from the street or referred to the home from the motherless babies home and other registered orphanages in the State. Presently, there are 37 Children in the home

(iv) OLD PEOPLES HOME

The home provides care and protection for the aged. Presently, there are 40 residents at the home. It is note worthy to state that His Excellency, the Governor of Lagos State, Asiwaju Bola Ahmed Tinubu visited the home as part of activities commemorating his 50th Birthday in 2002 and donated a generator to the institution.

(v) REHABILITATION AND TRAINING CENTRE, MAJIDUN

The centre rehabilitates beggars, destitute lunatics and drug addicts. Presently, there are 571 inmates undergoing rehabilitation.

(vi) VOCATIONAL TRAINING CENTRE FOR DISABLED, OWUTU

This centre caters for the needs of people with disability in vocation such as shoe making, tie and dye, carpentry, tailoring and animal husbandry. The centre presently has 30 residents.

(vii) REHABILITATION CENTRE, ISHERI

This centre serves dual purpose of rehabilitating delinquents as well as drug addicts after the detoxification process at the Rehabilitation and Training Centre, Majidun. Presently, there are 67 wards at the centre.

BEGGARS CAMP, OKO-BABA

Caters for over 1,000 destitute.

In the area of family and child welfare, the ministry has been able to reconcile 2,281 estranged families since the assumption of office of the present administration and the positive effect of this on the society cannot be over emphasized. We were also able to foster put 103 children while 1,279 children were adopted within the past 4 Years. The following achievements were also recorded during the period under review:-

- (i) 621 delinquent Children were given corrective training
- (ii) 680 delinquent Children were kept in remand homes while awaiting Court determination of their cases
- (iii) 4030 matrimonial dispute paternity denial cases were handled out of which 531 families reconciled
- (iv) 1907 Children were supervised of N6,046,710.00 was collected as maintenance allowance for Children from broken homes during the period
- (vi) 98 Children were fostered out of parents; and
- (vii) 2798 Children were adopted out to adoptive parents.

ASSISTANCE TO OTHER WELFARE ORGANIZATIONS

Apart from various institutions under the Ministry, it also gives financial, logistic and services supports to social welfare organizations and individuals with peculiar social problems in the state.

Some of the organization assisted last year with financial grant totaling N645,000 were the Organization of Deaf Businesswomen, Pacelli School for the Blind, Little Saint Orphanage, Wesley School for the Blind and Friends of the Disables among others.

Also, the Spinal Cord Injuries Association of Nigeria (SCIAN) is presently being assisted with construction of a walkway, generator house, provision of a standby generator as well as fencing of its permanent site at Amuwo Odofin. The contract valued at N9.9m. has been completed and would soon be handed over to SCIAN.

Furthermore, a Mitsubishi L 300 bus was donated to Cheshire Home, Mushin, a home for the care of the Handicapped children as part of the Ministry assistance to the less privilege in the society.

SELF ASSESSMENT EXERCISE (3.2, 3.3 and 3.4 compressed)

1. Discuss the role of remand homes
2. Of what benefits are the foster institutions and welfare homes?

We have explained the meaning of and definition of what treatment of offender entails.

Foremost, Juvenile delinquency refers to a variety of anti-social behaviour of a child and is defined somewhat differently by different societies, through a common converging tendency may be noted in those forms, socially unacceptable tendency of the child at any given time.

Modus-operandi were equally discussed, various methodology or steps to be taken in contending delinquent acts, the remand homes, foster institutions, welfare homes their role to the society.

5.0 SUMMARY

In this unit, we have dealt with the meaning/definition of treatment of offenders and juvenile institutions by looking at the following aspects: definition, the remand homes, foster institutions and welfare homes.

6.0 TUTOR-MARKED ASSIGNMENT

1. Briefly explain what the generally acceptable steps of treating juvenile offenders are.
2. List and explain the steps to be taken as regard question (1) above one after the other.
3. State clearly what are the supposedly role of the remand homes, foster institutions and welfare homes.

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MODULE 3 AFTER CARE/RELEASE SERVICES FOR JUVENILE OFFENDERS

CONTENTS

- 1.0 Introduction
- 2.0 Objectives
- 3.0 Main content
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 - 3.2 Frame Work for Individual Treatment
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1.0 INTRODUCTION

The task in this regard is to look at the best practices on how to overcome the challenges facing organizations in relation to the treatment of Juvenile offenders.

To this end, an adaptation from a group work of experts in this field were summarized and acknowledged, in other to do justice to the topic.

2.0 OBJECTIVES

It is of the opinion of the writer that after all and done, the reader would be able to understand how best after care/release services for juvenile offenders could be understood.

3.0 MAIN CONTENT

As pointed out in the course of introducing this section. The adaptation work of expert shall be employed. The work/seminar goes thus:

Main Topic	Sub-Topic
1. Designing a Model System	Development of Model System Geared at Through Care <ul style="list-style-type: none"> • Framework for Individualized Treatment: Case Management System • Effective Programmes/Interventions
2. Operational	Staff Training

Issues	<ul style="list-style-type: none"> • Development of Training System/ Curricula Efficient Management • Reducing Costs • Finding New Resources
3. Accountability and Evaluation	<p>Offender Information Management System</p> <ul style="list-style-type: none"> • Development of Offender-Based Information System • Development of Forms of Individual Files <p>Public Relations</p> <ul style="list-style-type: none"> • Gaining Public Confidence

3.1 Designing a Model System

A. Development of Model System Geared at Through Care

The group discussions covered a wide range of issues including the rehabilitation, re-socialization, and reintegration of juvenile offenders. It was determined that positive results by providing such services and treatments can be achieved in an institution. It was also agreed that all children requiring institutional care and treatment should be assessed, observed and classified before having an individual treatment plan developed. To effect this process the skills of a variety of specialists such as psychologists, psychiatrists, social workers, doctors, teachers and sociologists are required. During our discussion common problems were identified across the participating countries.

These were:

- Overcrowding in institutions
- Non availability of technical and professional staff such as, psychologists, sociologists and social case workers, etc.
- Nonexistent or non-functional parole staff
- Non-existent juvenile/family courts, classification and juvenile training schools.

The group agreed that the principles expressed in the United Nations Standard Minimum Rules for the Administration of Juvenile Justice “The Beijing Rules” (especially numbers 26, 27,28, 29 and 30); the United Nations Rules for the Protection of Juvenile Deprived of their Liberty (especially rule nos. 17–80), should govern the development of the model system.

3.2 Framework for Individualized Treatment

Framework for Individualized Treatment, It was agreed that there should be institutions with 4 distinct functions.

- Juvenile Classification Home (JCH)
- Juvenile Training School (JTS)
- Juvenile Medical Training School (JMTS)
- Juvenile Prison (JP)

It was also agreed that each country needed an institution such as a Minor Children Re-socialization Centre.

This institution should be run by the social welfare department and aimed at preventing the behaviour of juvenile from progressing to offenders

(i) *Juvenile Classification Homes (JCH)*

According to the Beijing Rules 13, detention in an institution should be used as the last resort and for the shortest possible time. The development of a Juvenile Classification Home is seen as one way of achieving the aims of these rules.

The following criteria are proposed to govern these Homes:

- The length of stay in the juvenile classification home is as prescribed by the juvenile laws in each country.
- Boys and girls are accommodated in separate sections of the home.
- Dormitory placement is assigned by; age, personal history, previous history of confinement and personality of the young person.
- The method of classification should be based on the needs and strengths of the juvenile.

This information is gathered through a variety of methods including: interviews, analysis of care history and Psychological tests to assess intelligence and character. Diagnosis is considered from the results of clinical psychology and psychiatry, medical examination, behavioral observation, analysis of personal history and life environment, case conference and treatment. Various types of psychotherapy, counseling, and behavioral observations are used to examine problems. The results of this classification form the basis for developing the treatment plans and determining the type of institute where the juvenile should be placed.

(ii) Juvenile Training Schools (JTS)

According to Beijing Rule 26 the objective of institutional treatment is to provide care, protection, education and vocational skill, with a view to assisting the juvenile to assume a socially constructive role in society. Juvenile in institutions must receive care, protection and all necessary social, educational, vocational, psychological, medical and physical programmes and services. Adult and young offenders, males and females, should be detained separately. The parents or guardians of juvenile must have the right of access to their children; this can be achieved through phone calls, letters and visits to the institution. Co-operation between organizations is particularly important in enhancing the quality of institutional treatment and training. Our group considered that Juvenile Training Schools should meet the following criteria:

- Institutions should be divided into 2 types, depending on the duration of treatment; short-term institutions and long-term institutions.
- Short-term institutions will provide the basic course and rehabilitation for juvenile who are assessed as having a low level of delinquent tendencies, and as being able to be rehabilitated with intensive training.
- Long-term institutions will provide for those who are assessed as having relatively advanced delinquent tendencies and, as being difficult to re-socialize in a shorter period of time.
- Individual treatment plans should be developed according to individual needs.
- Methods of treatment should be flexible and specified according to rehabilitative needs of each juvenile.
- Maintaining close contact between the correctional institution and community organization should encourage the re- socialization process.
- Major methods of treatment are as follows; admission, orientation, dormitory placement, living guidance, academic education, vocational training, moral education, treatment, medical care, sport physical education/recreation, dormitory activities, special activities/annual activities/festivals/camping/club activities, extracurricular (e.g. Lecture by volunteers), progressive grade system, and community services.

(iii) *Juvenile Medical Training Schools (JMTS)*

In our discussion around the model of Juvenile Medical Training Schools, we considered the United Nations Rules for The Protection of Juveniles Deprived of their Liberty, rules numbered 49–55. A juvenile who is suffering from mental and/or physical illness should be treated in a specialized institution under independent medical management. It is also important to ensure that the juvenile continue to receive mental and physical health care after their release from the institution. Juvenile Medical Training Schools should be established for juvenile who are physically or mentally diseased and need medical and psychological treatment. Methods of treatment are as follows; medical care, mental care, academic education, occupational therapy, social skills training, sport, recreation, special activity and community services.

(iv) *Juvenile Prisons (JP)*

Our group agreed that imprisonment could serve as a small, though important part of the whole process of treating juvenile. While there is a general belief that imprisonment should be utilized as a last resort, there will always be juveniles for whom this kind of alternative cannot be avoided. At this juncture, the group unanimously supported that correctional philosophy for the treatment of juvenile at this stage must be geared towards re forming and rehabilitating the juvenile.

The inmates of juvenile prisons are those classified as having advanced criminal tendency (recidivists, re-offenders, hardened criminals, age wised separation), and are not suffering from any serious physical and mental conditions which need intensive medical care.

Basic treatment programmes in the juvenile prison will include intensive treatment, vocational training, academic education, rehabilitation, re-socialization, discipline, prison labour and security.

(v) *Minor Children Re-Socialization Centers*

All group members generally agreed that a Minor Children Re-Socialization Center should be available for uncontrollable juvenile. These juvenile will demonstrate the following characteristics: disrespect, mischievousness and misbehavior, homelessness, and juvenile who need guidance and supervision. The major method of treatment are as follows; care, control, parental love, affection and respect, guidance and academic education.

The services provided to the juvenile in the Centre will help them to gain a changed outlook towards a more constructive purpose in life and

enrich their sense of respect and confidence to steer them away from crime.

The Minor Children Re-Socialization Center should be under the control of the social welfare organization in each country, and not part of the juvenile justice system. It is mentioned in this report as a valuable home for preventing the behaviour of juvenile from progressing into offenders.

3.3 Case Management System

To implement the function of the Case Management System, our group considered that we should apply a set of Concepts.

These concepts indicate that the following principles should be applied to Case Management:

- Risk differentiation provides intensive treatment for the higher risk group.
- Intervention efforts must be targeted towards criminogenic needs (dynamic risk factors).
- Clarify the treatment goals and objectives along with most effective treatment model in proper sequence (Individual Treatment Plan).
- Multimodal treatment programme works better than those used in isolation (Treatment should address all of the needs).
- Responsive Principle: Treatment should be matched with learner's style and staff's teaching style.
- Utilize skills orientation and cognitive behaviour treatment.
- Intervention should be comprehensive and of sufficient duration. Continuity of care must be secured for treatment integrity.
- The same people deliver all treatment for the same group of programmes.
- Monitor the progress of evaluation and monitor the programme effectiveness in term of recidivism (outcome evaluation).

The group agreed that all juvenile referred to an institution should have Individualized Treatment Plans (ITP) rather than receiving stereotypical group treatment, however this does not prevent group work with juvenile. Programmes should be designed for the individual, not for the ease of management within the institution.

The treatment plan offered should be periodically reviewed and adjusted to meet changes in the juvenile's behaviour.

The following is the case management process that will be used.

(i) *Assessment and Classification*

In order to implement effective treatment, we have to understand the problems of juvenile. So we should investigate underlying problems and criminogenic factors in the juvenile. The main functions of assessment belong to Juvenile Classification Homes. However, classification functions are also necessary for juvenile training schools, juvenile medical training schools and juvenile prisons to make effective ITPs. Major elements of assessment are as follows:

- a. Psychological interview and testing
- b. Behavioral observation
- c. Physical/mental examination

Clinical assessment is often conducted by special experts (e.g., psychologists, psychiatrists, social workers, instructors, doctors, etc.). In addition to such clinical assessment, the utilization of standardized assessment tools would enhance the identification of risks and strengths of inmates exactly (e.g. ASSET, LSI-R, etc.).

Objective and systematic assessments enable us to precisely classify various types of delinquents into relatively homogeneous subgroups of juveniles in terms of criminogenic risks and required programmes. Selection of the most appropriate institution and the most appropriate treatment course together with successive reclassification to assess the juvenile' progress and changes in risks and needs would lead to further enhancements of offender-rehabilitation.

(ii) *Individualized Treatment Plans (ITP)*

The individualized treatment plan is the description of the goals to be sought for the juvenile and the activities to be carried out at the institution. At the same time, it is necessary for juvenile institutions to understand each juvenile background and the information and recommendations from the family court and JCH. By integrating information from all these sources, juvenile institutions can develop the juvenile ITP. The process is as follows:

- a. Set individualized treatment goals
- b. Set sub-goals at each stage (e.g. orientation stage, intermediate stage, pre-release stage)

- c. Make educational targets and measures At the same time, we have to consider the scheduled treatment period and priorities strategies depending on inmates' needs and the nature of criminality.

(iii) Programme Implementation

The group discussed and agreed to divide the stages of treatment in juvenile institutions into 3 stages; i.e., orientation stage, intermediate stage and pre-release stage. The objectives in each stage are set to solve problems or needs of individual juvenile by following an individualized treatment plan. The following are the descriptions of programme implementation at each stage.

- a. **Orientation stage programmes:** the objective of this stage is to help the juvenile recognize their own problems that led to delinquency, and the need to carry out tasks designed in the juvenile training school with positive attitudes and to reflect the relationship with the family. Staff of the institution are responsible for designing individual treatment plans during this stage. Programmes provided at this stage include orientation, interviewing, introspective meditation, essay writing, individual counseling, role lettering and parent meetings.
- b. **Intermediate stage programmes:** the objectives of this stage are divided into 2 parts; the first part is aimed at developing the young persons emotional control so they do not get upset when facing a problem, and to help them to recognize the value of work, to carry out daily tasks patiently and to recall past behaviour in the family and understand how they were wrong. The second part is aimed at teaching the young person to be considerate of the feelings and standpoints of others, to participate actively in vocational training and acquire reliable working attitudes and to understand the way of family and the roles of persons in it. Intermediate programmes include such programmes as individual and group counseling, introspective meditation, daily keeping, rolled tattering, role -playing, group discussion, aggression replacement training methods, positive peer culture methods, family visits, academic examination, vocational examination, and case conference with significant persons who would assist rehabilitation after juvenile are released.
- c. **Pre-release stage programmes:** the objective of this stage is to sympathize with other inmates, to cooperate with them voluntarily, to develop a concrete plan of post-release life firmly

founded on work, to communicate closely with family members and maintain good relationships. The pre-release programmes include individual and group counseling, essay writing, career development, social skill training, family counselling, overnight stay with parents, home visit and continuing case conference with parole officers or VPOs who would assist rehabilitation after release.

3.4 Monitoring (Evaluation, Feedback, Improvement of ITP)

Monitoring and evaluation of treatment processes are very important for individualized treatment plans. By monitoring changes and progress after programmes, educational targets and measures can be adjusted flexibly toward further improvement of the juvenile. If a juvenile does not achieve their individualized goals at the intermediate stage, juvenile institutions may need to provide more intensive programmes in order for the juvenile to achieve their goals.

Our group considered the methods to evaluate the progress/improvement of juvenile and agreed to devise the following methods:

- a. **Interviewing:** the purpose of interviewing is for the evaluation of attitudinal changes of each juvenile and to give guidance to support the juvenile in improving their behaviour.
- b. **Essay:** specific tasks for essay writing will be provided for the juvenile depending on juvenile's problems or needs. The essay writing is intended to improve juvenile thinking and developing an understanding of themselves through writing.
- c. **Diary Keeping:** the objective of diary keeping for evaluation is to understand the juvenile thinking, feelings, attitudes and problems as well as his/her self-monitoring.
- d. **Academic and Vocational Examination:** in order to re-socialize and rehabilitate the inmates improvements made through academic and vocational training should be measured.
- e. **Behavioral Observation:** in order to understand the real attitudes, thinking and feelings of the juvenile, staff have to observe how juvenile behave in the dormitory, whether juvenile have good relationship with others or not, how juvenile have changed their attitudes, thinking and feelings. Behavioral observation is undertaken in various situations.

- f. Evaluation after group activity:** juvenile delinquents are not usually good at maintaining constructive interpersonal relationship. Their relationships are often damaged by violence, selfishness, and antisocial activities. In juvenile institutions, we should establish group discussion, problem-focused programmes (Drug Abuse, Familial Problems, Sexual Abuse, etc.) and role-taking activities in dormitories.
- g. Evaluation after parents visit:** a lot of juvenile delinquents have poor relationships with their parents and guardians. In order to improve the relationship with them, the staff has to make approaches to the juvenile, parents and guardians by interviewing them individually and implementing family counseling. Staff then needs to evaluate any change in the juvenile' attitudes after family visits to determine whether there is any improvement in the relationship with the family member.

3. Effective Programmes/Interventions

(i) *To utilize group-based treatment method specialized for juvenile*

Juvenile often have antisocial, self-centered and harmful attitudes. If staff in juvenile institutions don't control the juvenile external environment, they cannot implement programmes effectively. If staff don't control and understand the relationship between different groups of individuals, the more antisocial juveniles will adversely effect the other juveniles. On the other hand, in order to equip the juvenile with social skills, the staff need to teach and model pro-social behaviour for juvenile. This will include developing good relationships with each other not only individually but also collectively. From these points of view, we should utilize group approaches.

a. The Positive Peer Culture

According to the available materials, youth can learn to help each other in group sessions. They can learn to do this through regular meetings and various programmes. Through meetings, discussions, activities and effective programmes such as Positive Peer Culture (PPC), peer groups can develop better moral judgment and social skills such as learning to express complaints and feelings constructively, caring for one another, keeping out of fights, responding constructively to failure, etc. Hence, these attempts to help one another will be strengthened.

The peer-helping approach is also evident in the experience of the Japanese in its rehabilitative programmes of Juvenile Training Schools, where group work and group sessions have brought about positive

results. Group work can be effective, it is therefore suggested that Group work activities and programmes where juvenile learn to help one another should be carried out.

b. Aggression Replacement Training (ART)

Aggression Replacement Training (ART) method is a multimodal psycho-educational intervention which has been developed and evaluated in response to the behavior deficit perspective, such as negotiating differences, dealing appropriately with accusations, and responding effectively to failure, teasing, rejection or anger. The intervention of this method has the following three components; i.e., skill streaming, anger control training (ACT) and moral education. The effectiveness of ART programmes from efficacy evaluations demonstrates a significant decrease in aggressive incidences. It is impact interventions to promote skills acquisition and performance, improve anger control, decrease the frequency of acting out behaviors and increase the frequency of constructive, prosocial behaviors.

(ii) Aftercare Programme

During the group discussion the issue of maintaining changes in the juvenile following their release from the institution was considered very important. It was agreed that most countries have two forms of release from institutions:

- a. Released finally, on the expiry of sentence
- b. Released conditionally, when some part of his/her sentence is yet to finish.

In the first case the released juvenile, soon before his/her release is given some sort of guidance and knowledge focusing on their adjustment into the community.

In the second case, planning for the conditionally released juvenile should be undertaken by the agency responsible for re-socialization and reintegration of the offender in the society. The agency (parole officer) will be responsible for the care and adjustment of the juvenile in the community with constant liaison (feedback) to the institution from which the juvenile was released. The parole officer will access social welfare, education and health institutions in order to get specialized services for the juvenile like education, job placement, recreation, individual counseling etc. These efforts will be helpful in achieving the objective of through care for juvenile.

OPERATIONAL ISSUES

A. Staff Training

1. Development of Training System/Curricula

The effective and efficient working of staff in any organization or institution depends on the knowledge, motivation and expertise of the staff. This can be enhanced by providing orientation, knowledge and skills, in the shape of training to every member of the staff.

This should be viewed as a continuing process and as one of the key factors in maintaining the motivation of the correctional staff working with young offenders. Similarly this can be considered as a stepping stone for any promotion for staff once they have acquired the necessary knowledge, skills and competence.

(i) U. N. Standard Rules for Training

The following standard rules are framed by the United Nations for equipping the staff with most appropriate and up to date training. In the Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules), Rule No.22.1 and rules No.81 and 85 of United Nations rules for the Protection of Juveniles Deprived of their Liberty deal with training of the staff.

(ii) General Situation

Most of the countries have their own training system and curricula being delivered by the Training Centers, Training Institutions or Academies and these institutions are responsible for providing training skills and knowledge for offender treatment, proposing suitable treatment plans and implementation of those plans and programmes.

While the importance of training and furthering knowledge is important in any field of life, some of the underdeveloped or developing countries do not have their own staff training system. After induction to some posting, the official sometimes receives OJT (On the Job Training) under the supervision of experienced staff. He/she does not usually study the relevant laws and rules and this can lead to problems. It is proposed that in such countries where opportunities for staff training are absent, assistance may be sought from the nearby developed countries and request for help in this regard may be made to the UN and its affiliated agencies like UNAFEL.

(iii) *Enhancement of Knowledge*

There is a continuous need to establish and develop new strategies for modern treatment. Therefore staff should be provided with opportunities to attend seminars, conferences and be offered training and scholarships for international training to update their knowledge and enhance their skills in the proper treatment of juvenile offenders.

It was unanimously agreed that soon after induction to any position everybody should receive basic orientation training. This should include the standard operating procedures of the institutions, programmes and services, the basic psychology of working with offenders and their characteristics, legal procedures, etc. After completion of basic orientation, the staff should be placed in OJT. New recruits should be placed under the close supervision of experienced staff for a certain period of time to enable them to become acquainted with the functions and carry out such functions effectively by putting into practice what they have learned during training. On the completion of the specific period they should be evaluated with regard to their performance in order to determine their strengths and areas for further development. Follow up or refresher training should also be provided to all staff involved in the treatment and rehabilitation of offenders to further enrich their knowledge and enhance their skills in working with offenders. Performance evaluation will be one of the bases in considering the possible content of the training. Current techniques and methodology in the treatment of offenders should be taken into consideration and the curriculum should be revised, taking into consideration the changing needs brought about by practice, experience and research. The faculty responsible for delivering training should be selected with great care. They should be practice focused and transferred from juvenile institutions to staff training institutes and vice versa, in this way they can learn about gaps, if any, between theory and practical work.

(iv) *Training Needs*

Training should be provided as per needs of the staff in the institution. As the staff training institutions are providing training to all positions (junior, middle and senior ranks) it should be target or goal oriented. Every post should be provided training as per his/her job requirements and needs, because of variation in nature of duties. Training subjects and materials should be standardized, yet delivered in a flexible way.

(v) *Proposals for Cost Reduction in the Field of Training*

Some of the measures to be adopted can help in cost reduction of the staff training institutions, such as one or two staff members from the

juvenile institution being selected and provided comprehensive training to make them master trainers (Training the Trainer). These trainers can provide training to the whole of the juvenile institution staff as well as nearby juvenile institutions. In other words without sending 30 or 40 people to the training institution, they can be provided training at their institution where they can carry out their official duties as well as can receive training without leaving their place of posting.

Distant learning programmes can also be offered such as correspondence, CAI (Computer Assisted Instruction), videos, training brochures and kit etc. The main training division or academy can provide training instructions and education, through the above-mentioned programmes.

(vi) *Development of Training Curricula*

It is proposed that some curricula, which are suitable to member countries but flexible according to needs, is to be designed. This can then be remodeled, redesigned or restructured as per changing needs. The model designed is given in chart 1 and table

1. In chart 1, it has been shown that after induction in the correctional service, everybody should receive training for the phase, which we call "BASE". In the "BASE" course essential subjects, basic laws, rules, case studies, etc. are to be given. The more advanced information/ knowledge should be given according to the needs and requirements of the job and similarly specialized training is to be provided to the experienced staff according to the demands and responsibilities of the posts. The performance of each participant can be evaluated periodically by reviewing their performance through exams/assessments and evaluations as given in the chart under the heading "MONITOR". At the same time the training records are maintained so that their participation in advanced or refresher courses, will be monitored and assessed to determine what further subject and expertise is to be provided. This idea is based on the theory of RPL (Recognized Prior Learning). The group proposed the following curricula for the training of the juvenile staff as given in table
2. It has been agreed that everybody who joins the correctional service for the juvenile should undergo some basic training in the subjects like basic behavioral sciences (e.g. , child psychology, correctional sociology, etc.), criminology, child welfare and case study etc. so that they learn about the different needs and treatment.

B. Efficient Management

1. Reducing Cost

Due to economic depression the world over, most countries are striving hard to achieve their targets of development by using minimum resources and achieving best results in the management of juvenile institutions. The following steps are proposed which will be helpful in reducing the cost.

- (i) A lot of the allocated budget for each institution is consumed in the payment of salaries of the staff. It is agreed that to reduce cost, it is necessary that some clerical nature jobs should be replaced by the introduction of I.T. (Information Technology). The I.T. will not only help in reducing cost but will also provide a more rapid and confidential service. Similarly some of the jobs may be restructured in such a way that one person may be assigned some of the tasks at one time. In other words two tasks are to be carried out by one person. At the same time advanced systems of close circuit TV monitor should be introduced, replacing the old system of watch and ward staff. The computerized system should be interlinked between the juvenile institutions, for cost effectiveness and to avoid delays in acquiring up to date knowledge.
- (ii) Another step that can be taken is changing the structure of the juvenile institution. The juvenile courts, juvenile classification homes, juvenile training schools, juvenile medical training schools and educational set up (both formal and vocational) could be set up on the same campus with separate blocks (like in Bangladesh). The whole of the establishment can have one kitchen and the same senior, middle management and professional staff. The lower level supervisory staff can be different for each block. The juvenile medical training school will provide treatment to all sick inmates. With the introduction of juvenile courts in the same campus, we can avoid transportation cost as well as security problems. The educational set up for juvenile may be run by NGOs under the supervision of education department. The books, writing materials for the juvenile may be provided by the NGOs.

Similarly book foundations and publishers may be involved in establishing a well-stocked library in the campus.

If it is not applicable in some countries because of established structure, the vocational and formal education can be given in shift systems, with less number of staff.

For example group A receiving formal education in the morning will go to vocational training in the evening and group B, in the morning receive vocational training and formal education in the evening. This will help in reducing the manpower cost. Changes in layout of educational set up will be useful to save manpower costs.

- (iii) The proposed treatment plan should not be generalized to save costs. It is necessary for every programme to be designed according to the individual needs and suitability of the juvenile, so that limited resources can be allocated and utilized effectively.
- (iv) The primary objective of juvenile institutions is to provide the juvenile with education and training to build their confidence and strengths so that after their release they do not re-offend. For this it is necessary that in addition to formal education they must be provided with vocational education. They should be taught some skills, so that after their release they can adopt the same or similar trade or career in society. The skill that he/she has acquired in the institute can also be used as a source of income by the juvenile but it should always be treated as a secondary objective to avoid stigmatization of child labor because the juvenile institutions are not the commercial organization.

In acquiring the skills, the products/Crafts made by juvenile can be sold out in the market. Similarly the Vegetables, fodders and crops, Cultivated at the land of institution can also be used as a source of income. At the same time if baking and cooking skills are provided in the institution, it will also be helpful in re- socialization and re-integration of the offender after his/her release. Moreover the juvenile can consume the food which they have prepared in acquiring the skill, and it can also be sold out in the community to generate an income.

2. Finding New Resources

To meet the expenses of treatment programmes, rehabilitative activities as well as betterment and welfare of the juvenile, we have to search for new resources, from within the community in addition to relying on the government for implementation of such programmes. In every community there are a large number of NGOs, private companies, manufacturers and philanthropists who are willing to extend every support for the welfare of juvenile because they are the hope and future of tomorrow. These resources can be utilized in different areas after

proper planning and mobilization. The expenses of the institution will obviously be cut down if shared by above mentioned organizations/persons. The following are some of the areas, which are identified as areas where the services could be utilized. In table 2, target areas, focal needs, available resources and effect are given. For example, if we identify the need of imparting formal education as well as vocational training, we can involve NGOs, private manufacturers, private companies like publishers, printers etc. and education department in helping the juvenile institutions for imparting education, extending expertise, with provision of course books, writing material, books for the library of the institution. The services of the trained teaching staff, trade masters as well as raw material, are also provided by NGOs, manufacturers, etc. By the involvement of the community in the areas of human, material and monetary resources in different projects of juvenile institution, we will be able to reduce manpower as well as material cost. The details of target areas and focal needs, etc. are given in table 2.

IV. ACCOUNTABILITY AND EVALUATION

A. Offender Information Management System

Our group considered a wide range of issues around the development of Offender Information Management Systems. We agreed that developing information management systems are important for planning, policy and practice development, as well as for reporting on the work of the institution at both the case individual (juvenile) and system (institution) level.

It was acknowledged that many of the participating countries did not have the technology or finance available to introduce computerized system; however it was agreed that all countries needed to be working towards developing such systems to help facilitate and improve the management of juvenile and institutions. A suggested cost effective strategy for developing a computerized system is for countries to work together in developing the system, with each country contributing either financially or with technological expertise. One of the key advantages of a computerized system was seen as having the potential to provide ready access to “Best Practices in Institutional Treatment of Juvenile Offenders”. Realizing this potential could address many issues identified in the Operational Issues section of this paper, particularly staff development and training. The system should be designed to gather and disseminate information on best practice for the treatment and management of juvenile offenders. Professional staff would be able to use the system as a source of ideas, practical advice and support. A computerized system would also provide a ready link to the Internet for

the latest research about the treatment of young offenders as well as on line training courses for professional development of staff.

It was also considered important that the system should be developed to promote best practice as a system, or institute management level. This will enable the institutions to monitor the effectiveness of their overall programme as well as managing and reporting on key strategies.

B. Development of Offender-Based Information System (OBIS)

A diagrammatic representation of OBIS is attached in chart

2. The information to be contained in OBIS is described as follows:

1. Individual case management

A system of individual case management is necessary for the use by professionals working in the institution to develop and monitor Individualized Treatment Plan (ITP). Before developing ITP, an assessment must be made of the individual young persons “needs” and “strengths” (Refer rule number 12 and 49 of the United Nations Rules for Protection of Juvenile Deprived of their Liberty). While treatment within institutions will usually focus on the needs and strengths of the individual, it is important to work closely with our community partners who will focus their work on the needs and strengths of the young persons’ family and within the community that the young persons will return to on their release from the institution. This process will ensure effective after care for the young person.

In order to develop the ITP, information must be gathered on each individual young person, their family background, case history, and offending history as well as information on the young person’s needs and strengths. The information gathered will provide a comprehensive picture of the young person’s situation and will be used to develop the ITP.

A wide variety of staff may be necessary to develop, implement and monitor the ITP. These will include for example educators, vocational instructors, counselors, social workers; psychiatrists and psychologists (Refer to Rule 81 of the United Nations Rules for Protection of Juvenile Deprived of their Liberty).

The individual case management section of the OBIS is used to enter the result of the individual young persons assessment, their treatment plan and to monitor the effectiveness of the plan.

In addition to monitoring the cases at the individual level, information will be collated to provide information on the effectiveness of the programmes across all individual young people. In this way there is a continual cycle of evaluation of the effectiveness of programmes, and information gathered will be used to develop and improve the programme.

2. System level management

System level management is necessary for managers and administrators of the institutions to ensure the efficient and effective management of the institutions. We have called this part of OBIS, “Institutional Management”. The institutional management system will have a number of key components. These will include:

(i) Admission register

Information entered here will include the elements necessary to comply with international conventions as well as individual countries legal and policy requirements. They will include for example; the young persons date of committal, and date of discharge from the institution (Refer to Rule 20 of the United Nations Rules for Protection of Juvenile Deprived of their Liberty), as well as examination by physician on admission to the institution (Refer to Rule 12 of the United Nations Rules for Protection of Juvenile Deprived of their Liberty).

(ii) Daily activity register

Information entered here will assist in the day-to-day management of the institution and requirements will vary among the different countries. Such information will include records of all major activities or events in the institution, for example, visitors to the institutions, number of young people in the institution and movements of young people to and from the institution.

(iii) Security and emergency management plans

The system will be used to record and monitor the institutions comprehensive security and emergency management plans. These plans will include procedures to be put in place to manage a security or emergency crisis, as well as the location of, and monitoring of the maintenance of security equipment. (Refer to Rules 32 & 33 of the United Nations Rules for Protection of Juvenile Deprived of their Liberty).

(iv) Human resource management

This will include all information required for efficient and effective staff management. The following records will be included:

- Staff rosters
- Timesheets, sick leave, annual leave, length of service, etc.
- Training records for all staff
- Performance and development plans for all staff

(v) Public relations management

The public relations strategy will also be entered onto the system. This will include full details of the information that formed the strategy, the strategy itself, as well as providing for monitoring of the strategy. Reports that are relevant to the Public Relations Strategy such as overall effectiveness of the programme will be obtained from both the Individual Case Management and Institutional Management parts of OBIS.

C. Development of Forms for Individual Files

In order to effectively manage the information to be entered into the Individual Case Management section of OBIS it is important to develop a form that will capture consistent data elements. In this way everyone who under-take assessments will gather the same elements, although the actual information gathered will be different for each individual young person.

The form developed by our group for this purpose has been adapted from ASSET (Assessment tool by the Youth Justice Board [UK]). Table 3 (Assessment Information) contains the elements and content of the form to be used to gather the relevant information.

D. Public Relations—Gaining Public Confidence

One of the most important issues for public relations in correctional institutions is that of gaining public confidence. The public are concerned about their safety and the humane treatment of their young people. They are also concerned about the high cost of institutional treatment of young people and require information of the effectiveness of such programmes in preventing re-offending.

In general, the public is unaware of the activities of institutions and often form their views from individual cases that are reported in a sensational way in the media. It is therefore important to explore al l

avenues of providing information to the public to promote awareness of the work of the institutions.

Ensuring that effective programmes are delivered and providing the public regular reports on the programme outcomes will go a long way in developing public confidence. We considered that it is necessary for all countries to under-take a consistent and methodical approach to developing a Public Relations Strategy.

1. Developing a Public Relations Strategy

(i) *Getting Started*

Define the problem or issues that relate to public confidence. This will include undertaking research and surveys to find out how confident the public are about the institution.

(ii) *Planning and Developing the Strategy*

Identify the target groups, establish the goals and objectives, identify the benefits to the institution and target groups. Select the techniques to be used to assess progress against the plan.

(iii) *Develop Materials and Activities*

Decide what the key messages are that the institution wants the public to hear.

Then plan activities, special events and other promotions that will help communicate the message.

(iv) *Write the Communications Plan*

This must include the issue, goal, objectives, target group, benefits, delivery methods, resources, indicators of success, and assessment methods. Timeframes are then assigned for implementing the strategy. The strategy is then recorded in the Institutional Management section of OBIS.

(v) *Implement the Plan*

Work with community leaders to help ensure the message is at least considered by the people who count.

(vi) *Measure the Results*

As with any strategy it is important to measure its effectiveness. Information gained should be detailed into a comprehensive report for use in developing the next plan.

2. Target and Strategy

Although our group did not have the information available to develop a comprehensive public relations strategy for each country, we identified from our experience, the target groups necessary to gain public confidence. These are:

- The families of the juvenile in the institution.
- The immediate neighbours of the institute.
- The general public.
- The media.

Table 4 identifies our target groups in the community and their areas of concern about juvenile treatment and rehabilitation. It also identifies our strategies. In order to improve our strategies to gain public confidence, the overall results of public participation and effectiveness of the strategies will be monitored and evaluated. The evaluation will include questionnaires and surveys.

4.0 CONCLUSION

In the field of Juvenile Justice, the United Nations has played a key role in establishing Standard Practices by preparing international instruments (UN Rules). A number of Member States have undertaken special efforts to administer a Juvenile Justice System in line with these instruments. In the process of these efforts for Juvenile Justice reforms, the need for technical assistance has become evident and led to various activities. This course at UNAFEI is an example of these activities of conducting a training course focusing upon the treatment of juvenile offenders.

Recently the organizations in charge of the treatment of juveniles in conflict with the law are facing many challenges. In some countries, the treatment system is overwhelmed by the sheer volume of offenders supplied by the criminal justice administration. In some countries, the pressure from society to redefine the most appropriate measures to deal with Juvenile Offenders has intensified, resulting in many legal and administrative changes. Equally, in some countries, the introduction of new technologies, such as information technology is craved, but barred by the tremendous amount of human and monetary resources required.

In other countries, the costs of offender treatment are under pressure to be reduced so that offenders and the rest of society get a reasonable share of the national wealth. Considering the above facts, UNAFEI aims through this training course, to come up with strategies to overcome recurrent and newly raised challenges in this area, focusing management of offenders and management of treatment organizations.

We, all members of the group work, serving in the criminal justice administration discussed our countries' situations and shared our experiences to explore the best practices in the institutional treatment of juvenile offenders. Newly emerging ideas such as 'risk management', restorative justice and multi-systemic approaches, which gives impetus to the integration of the various treatment systems at the institutions, have been studied and suggested as an integrative approach in designing a model system. In the group we exchanged our views concerning the introduction, development and utilization of offender data management systems in each country and agreed that the introduction of an individual case file/record system with a sophisticated database, utilizing information technology will help to study the trends of changing characteristics of juvenile and their offences.

There is no alternative to training

Although the training of staff has been of perennial concern to correctional treatment providers, many countries have had difficulty in equipping their treatment officers with the knowledge and skills necessary for working with juvenile offenders. Group members discussed at length and designed best practices for training of their officers. The idea in designing the curricula is based on the theory of Recognized Prior Learning (RPL).

Since juvenile criminal justice has changed dramatically in recent years, managing public relations is becoming more and more difficult for the correctional institution officers and gaining public confidence is becoming crucial to the correctional institution services. Keeping in mind the urgency in this regard the group shared their experiences and developed a strategy, linking up with the Offender Based Information System (OBIS) for obtaining feedback through conducting research/evaluation.

In the end we hope that the proposed model will be practically applicable in every participant's country, of course with some of the modifications keeping in mind the nature, resources and circumstances. At the same time, it will be helpful in achieving a framework for individualized treatment with effective training programmes and

intervention with standardized staff training programmes and OBIS and suggestions for gaining public confidence.

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MODULE 4 JUVENILE JUSTICE SYSTEM AND CRITICS OF THE SYSTEM AND INSTITUTION

CONTENTS

- 1.0 Introduction
- 2.0 Objectives
- 3.0 Main Content
 - 3.1 Critics of the System – (Juvenile Justice System)
- 4.0 Conclusion
- 5.0 Summary
- 6.0 Tutor-Marked Assignment
- 7.0 References/Further Reading

Juvenile Law - Should The Juvenile Justice System Be Abolished?

SHOULD THE JUVENILE JUSTICE SYSTEM BE ABOLISHED?

The juvenile justice system seeks to rehabilitate children, rather than punish them for their juvenile criminal behavior. Since the late 1970s, critics of the juvenile courts have sought to abolish this system, arguing that it has failed in its rehabilitation efforts and in not punishing serious criminal behavior by young people. At the same time, defenders of the juvenile justice system contend that for the vast majority of children, the system is a worthwhile means of addressing problems. They maintain that a handful of violent juvenile who have committed serious crimes should not lead the public to believe that the system does not provide ways of changing behavior.

Critics note that the social and cultural landscape has changed considerably since the early 1900s when the juvenile justice system was established. Drugs, **GANGS**, and the availability of guns have led to juvenile committing many serious crimes, including murder. Critics insist that juvenile courts are no longer adequate to address problems caused by violent, a moral young people.

Some argue that the perceived leniency of the juvenile justice system compounds its failure to rehabilitate by communicating to young people that they can avoid serious consequences for their criminal actions. The system engenders a revolving-door process that sends the message that young offenders are not accountable for their behavior. It is not until these repeat offenders land in adult criminal courts that they face real punishment for the first time. Thus, it may be better to punish a juvenile in the first instance, in order to deter future criminal activity.

Critics also claim it is wrong for juvenile offenders who have committed violent crimes to be released from the jurisdiction of the juvenile court at age eighteen or twenty-one. Serving a few years in a juvenile correction facility for a crime that if committed by an adult would result in a ten-year sentence is unjust. The punishment for a crime, argue critics, should be the same, regardless of the age of the perpetrator.

Because of these deficiencies, critics contend, the system should be dismantled. Juveniles should be given full **DUE PROCESS** rights, including the right to trial by jury, just like adults. Freed from the juvenile justice system's rehabilitative ideology and restrictions on criminal due process rights, juvenile should stand accountable for their criminal actions. Once a juvenile is convicted, a trial court can determine the appropriate sentence.

Defenders of juvenile justice respond that a small minority of violent youths have created the misperception that the system is a failure. Though not every child can be rehabilitated, it is unwise to abandon the effort. In every other sphere of society, children are treated differently from adults. For the few juvenile who commit serious crimes and have poor prospects for rehabilitation, current laws provide that they be transferred to adult criminal courts. Allowing this alternative is a wiser course, defenders insist, than dismantling the system.

Defenders also contend that many of the alleged defects of the juvenile courts can be traced to inadequate funding and to the environment in which many juvenile are forced to live. They point out that violent subcultures and early childhood traumas caused by abuse, neglect, and exposure to violence make it more difficult to address individual problems. If the system were adequately funded, **PROBATION** officers and court support personnel could more closely supervise children and rehabilitation efforts. If more energy were put into changing the socioeconomic situation of communities, rehabilitation efforts would improve and crime would decrease.

According to system supporters, placing juvenile in prison will not end the cycle of criminal behavior. The opposite result is more likely, for a teenager may feel stigmatized by a criminal conviction and may believe he is a lost cause, resulting in a return to crime. In addition, the huge amounts expended on incarceration could be better spent on counseling, education, and job training.

Defenders of the juvenile justice system argue that a criminal conviction can engender difficulties in obtaining employment and in negotiating other aspects of life. It is wrong, they contend, to label a person so early in life, for an action that may have been impulsive or motivated by peer

pressure. Preserving the juvenile justice system allows many teenagers to learn from their mistakes without prejudicing their adulthood. Finally, defenders note that many states have changed their laws to deal more severely with violent juvenile offenders. As long as there are ways of diverting these offenders into the adult system, defenders insist, the current juvenile justice system should be maintained.

4.0 CONCLUSION

Conclusively, juvenile justice system is really meant to curb and possibly eradicate offenders. The rationale behind the whole concepts is very important and of high necessity to the growth of society.

The main critics are to ensure that proper and adequate mechanisms are put in place in ensuring its potentiality and rationality.

6.0 TUTOR-MARKED ASSIGNMENT

How would you, justify the relevance of juvenile justice system in our society.

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MODULE 5 NON-INSTITUTIONAL TREATMENT METHOD OF JUVENILE OFFENDERS

CONTENTS

- 1.0 Introduction
- 2.0 Objectives
- 3.0 Main Content
 - 3.1 Identification of the Problems of Overcrowding of Juvenile Institutions
- 4.0 Conclusion
- 5.0 Summary
- 6.0 Tutor-marked Assignment
- 7.0 References/Further Reading

1.0 INTRODUCTION

As a result of the growth of science, technology, industrialization, urbanization and the intensive flow of information. The is need for transition in value.

The existence of the value transition can be marked by the diminishing of traditional value, the emergence of new value such as a changing family pattern and lifestyle, and the lessening of community social control.

Along with this growth and changes, the number rate and spread of juvenile delinquency especially drug abuse among teenagers are apparently increasing every year.

2.0 OBJECTIVES

The whole essence behind this section is to exhibit means or patterns in which juvenile offenders are disciplined and equally gives minimum standard (manners) in which they should be disciplined so as to inculcate good values; otherwise, the problems remain unabated.

3.0 MAIN CONTENT

3.1 Identification of the Problem of Overcrowding of Juvenile Institutions

The problem of overcrowding in juvenile institution establishment is a universal phenomenon and have been a persistent and pressing problem confronting correctional and rehabilitative administrators in many parts of the world.

Overcrowding in juvenile institutions may have different meaning to the developed countries and developing countries. The developed countries use criteria as minimum floor space, cubic content of air ventilation and other basic amenities to measure overcrowding. However, it means more than just shortage of accommodation for the inmates, it also develops an unhealthy climate affecting juvenile treatment and rehabilitation programmes as well as creates other problems, such as security, social services, discipline, riot and escaping.

The criteria for measurement of overcrowding of juvenile institutions, there is a common standard regarding accommodation of juvenile offenders under the United Nations Standard Minimum Rules for the Treatment of Prisoners in this regard Rule 10 states that “All accommodation provided for the use of prisoners and in particular all sleeping accommodation shall meet all requirements of health, due regard be paid to climate condition and particularly to cubic content of air, minimum floor space, lighting, heating and ventilation. And also the United Nations Rules for the Protection of Juveniles Deprived of their Liberty in this regard Rule 33 and 34 state that “Sleeping accommodation should normally consist of small group dormitories or individual bed rooms, while bearing in mind local standards. During sleeping hours there should be regular, unobtrusive supervision of all sleeping areas, including individual rooms and group dormitories in order to ensure the protection of each juvenile. Every juvenile should, in accordance with local or national standards, be provided with separate and sufficient bedding, which should be clean when issued, kept in good order and changed often enough to ensure cleanliness” “Sanitary installations should be so located and of a sufficient standard to enable every juvenile to comply, as required with their physical needs in privacy and in a clean and decent manner”

To be related to these Rules, Thailand had the major codes and standards of architectural design and building control to be applied for the architectural and utility designs of juvenile institutions in principle. In cases where there are no relevant codes or standards or the existing one are deemed sufficient may be applied on a case by case basis. Thus, for architectural design and building construction of juvenile institutions this code and standard applies to specified floor, or cubic space, ventilation and light as follows;

- (1) Sleeping accommodation**
- (2) Standard with ventilation and light**

State that window shall be large enough to enable the inmates to read or work by natural light and also to allow the flow of fresh air and

sufficient artificial light shall be provided to enable the inmates to read or train without injury to eyesight. This would mean whether in dormitory, classroom or workshop there must be sufficient air circulation, full of natural light and also artificial lighting. Moreover, where the climate warrant group rooms that cannot be adequately ventilated by other means should use electric fan. The problem of overcrowding of juvenile institutions could be examined from two angles; overcrowding of untried juvenile during trial and overcrowding of trainees after adjudication.

2. Reasons for the overcrowding of juvenile institutions

There are many reasons for the overcrowding of juvenile institutions within the following aspect should be regarded as the major reasons for this phenomenon.

(2.1) Reasons for the overcrowding of untried juvenile during trial awaiting

The rapid increase in juvenile crime rate especially the increase of juvenile drug abusers since 1996 – 1998, the number of remand homes and the accommodations have not kept pace. Old, out dated homes and construction of new remand homes are being grossly under facilitated and unable to cope with the ever increasing. Furthermore, laws delays or long period taken for the disposal of cases. In general case it will be taken for 90 days. (Article 51 of the Act for the Establishment of and Procedure for Juvenile and Family Court BE. 2534).

Excessive bail or inadequate use of bail provision or some untried juvenile are either too ignorant or too poor to retain counsel to make application for bail or be granted by the Directors of the Observation and Protection Centers, they are reluctant to relax the requirements or condition of bail in fear of the difficulties of serious case, making untried juvenile appear in court and some untried juveniles breaking conditions of bail quite often especially the juvenile drug abusers, in consequence of these matters, it has also contributed to the increase in the untried juvenile populations.

(2.2) Reasons for the overcrowding of trainees after adjudication

The juvenile justice system in Thailand aims at rehabilitation of a juvenile offender is actually mixed with treatment and punishment model. The juvenile proceedings have focused on proven guilty as well as care. A training institution which is actually a minimum security detention facility is a preferable or an alternative place. Alternatives to the juvenile delinquency problems rather emphasize on criminal

proceedings than care and social proceedings. Diversion from juvenile justice to non-institutional treatment or non-punitive juvenile shelter administered by a welfare agency or private organization is not preferable. Thus, institutional treatment would be a routine recommendation or adjudication process as the most powerful and effective measure against juvenile offence but not a measure imposed as a last resort. Other reasons are long treatment sentence and the large numbers admitted to juvenile training school for juvenile drug offences also contribute toward the increase of juvenile populations.

Moreover, a very significant factor in the overcrowding of juvenile training school is that Thailand had not constructed adequate new juvenile facilities especially the facilities for juvenile drug addict of which have to be separated from general juvenile facility. However, the construction of the new buildings of other types of juvenile training schools or juvenile drug addict treatment and rehabilitation centers, took a very long time (about 3 years) and was a very expensive item for Thailand during the economic crisis and are therefore placed as the last of the priority list.

3. Effect of overcrowding of juvenile institutions

(3.1) Effects on juvenile

Juvenile institutions overcrowding creates many difficulties in the observance of Convention on the Rights of the Child, United Nations Standard Minimum Rules for the Administration of Juvenile Justice, and United Nations Rules for the Protection of Juvenile Deprived of their Liberty. It causes severe strain on the already meager essential services and amenities resulting in deprivation of basic necessities for human living, child and juvenile welfare. Overcrowding leads to keeping together different categories of juvenile offenders. Classification and segregation become impossible. There is, therefore the risk of contamination as first offenders, recidivists serious offenders and petty offenders, long and short-term offenders have to be housed in the same institution. Once the juvenile offenders are not properly classified or segregated and left untrained, they become idle and mixed up with the group that they are not supposed to.

This is the most dangerous period or stage where pollution can easily take place. Once pollution takes place, juvenile institutions become "School of Crime" because harmful contacts greatly outweigh beneficial contact. Furthermore, stigmatization of juvenile incarceration breeds more social unacceptance, resentment and ostracism by the wider society of the released juvenile to a "life" of juvenile crime which ultimately manifests itself in recidivism.

(3.2) Effects on administration and staff

Overcrowding hinders realization of the goals of juvenile institutional administration. Due to the limitations of manpower, material resources and technical equipment, juvenile institutional administration have to be immersed in coping with daily affairs, and can not carry on treatment and rehabilitation programmes.

Increasing juvenile populations and limited incarceration facilities such as accommodation facilities cause different categories of juvenile offenders to be kept mixed. As a result different kinds of offenders impart their bad behavior and crime experiences to each other in juvenile institutions. Overcrowding also weakens juvenile institutions security staff cannot keep close watch on juvenile's movement so that the phenomenon of escape is frequently occurred in many remand homes and juvenile training schools and contributes to additional pressure on staff and tension between staff and inmates. Besides the above-mentioned negative effects, juvenile institutions overcrowding impedes to effectively implement international standards, in particular the Convention on the Rights of the Child, UN. Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules), UN. Rules for the Protection of Juvenile Deprived of Their Liberty, which cover standards in many aspects.

Moreover, the United Nations in the procedures for effective implementation of the concerned standard minimum rules and other rules ask that the states should incorporate those rules in national laws and regulation. Unfortunately, increasing juvenile institutional populations and the inadequacy of basic necessities, juvenile welfare services and incarceration facilities have created difficulties in the observance of the convention, UN standard Minimum Rules and UN rules in juvenile institutional administration of Thailand.

4. Measures to reduce overcrowding of juvenile institutions

Solutions to these thorny problems are not easy and could not be found by the strategies adopted by the juvenile correctional and rehabilitative administrators alone. It is widely acknowledged that all components within the juvenile criminal justice administration i.e. the police, the prosecution, the judiciary, the juvenile correctional and rehabilitative organs, social welfare services agencies, and public each has a vital part to play in an integrated approach to formulate countermeasures in alleviating pressure exerted to the over-populated, dynamic and under facilitated juvenile institutions. Therefore, Thailand has carried out a comprehensive policy to seek the solution to this problem.

(4.1) Measures to reduce overcrowding of untried juveniles

Untried juvenile in remand homes aggravate the problem of overcrowding. In order to reduce the number of untried juvenile committed to this home, these measures would be effective at the pre-trial stage such as warning , summons, application of voluntary investigation, suspended prosecution, and bail.

(4.2) Measures to reduce overcrowding of trainees

Thailand emphasize juvenile institutional treatment would be a routine recommendation or adjudication process as the most powerful and effective measure against juvenile offence but not a measure imposed as a last resort. Time is ripe to consider modification of Juvenile Act. Institutional treatment should not be a routine recommendation or adjudication process but should be a measure imposed as a last resort and for the minimum necessary period. Moreover, implementation for non-institutional treatment (such as diversion, probation, restitution, community service, temporary release, pre-released, individual-centered, non-institutional treatment, family and community non-institutional treatment and parole or semi-institutional arrangements (such as half-way houses, educational homes, day-time training centres and other such appropriate arrangement that may assist juvenile in their proper reintegration into society) should be taken to reduce the judiciary's heavy caseload, juvenile institutional overcrowding and the high financial cost of maintaining institutional system.

5 Non-institutional treatment of juvenile offenders

Resolution of the 7th United Nations Congress on Prevention of Crime and Treatment of Offenders advocates the use of non-custodial sanctions to achieve a reduction in the prison as population. The resolution emphasizes that imprisonment should be used as sanction of last resort, taking into account the nature and gravity of the offences and other legally relevant factors and for reduction in juvenile institutional population, the United Nations Standard Minimum Rules of the Administration of Juvenile Justice (The Beijing Rules) , which were adopted by the General Assembly in its resolution 40/33 29 November 1985, stipulate that detention should be used only as a last resort and for the shortest possible period of time. The Rules, thus, encourage the use of alternatives to institutionalization to the maximum extent.

(5.1) United Nations Standard Minimum Rules for Non-Custodial Measures (resolution 44/110,14 December 1990) more popularly known as "Tokyo Rules" assumes a very significant place in this area. It emphasizes the perspective that no institutional treatment

measures are conducive to rehabilitation more effectively than costly institutional treatment and advocates that member countries incorporate such measures in the national policies.

For the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (resolution 40/33, 25 November 1985) more popularly known as “Beijing Rules” assumes a very significant place in this area. It emphasizes the perspective that progressive criminology advocates the use of non-institutional over institutional treatment. Little or no difference has been found in term of the success of institutionalization as compared to non-institutionalization. The many adverse influences an individual that seem unavoidable within any institutional setting evidently cannot be out balanced by treatment efforts. In the same time, the negative effects not only of loss of liberty but also of separation from the usual social environment are certainly more acute for juvenile than for adults because of their early stage of development. Rule 19 aims at restricting institutionalization in two regards; in quantity (“last resort”) and in time (“minimum necessary period”). In fact, priority should be given to “open” over “closed” institutions. Moreover, this includes advocates that member countries as well as Thailand should be incorporating such measures in the national social policies and the national child welfare policies.

(5.2) In the late 1950s and 1960s the concept of non institutional treatment of offenders and juvenile offenders or community based corrections gained recognition and support in many developed countries as well as Thailand. These programmes including diversion (such as diverted from the juvenile justice system, diversion from formal court process and diversion from custody), pre-trial release, probation, restitution, community service, temporary release, pre-released, half-way houses, educational homes , day-time training centre, individual centered, non-institutional treatment (such as individual psychotherapy, group psychotherapy, behavior therapy, cognitive therapy and pharmacotherapy) and family and community non institutional treatment (such as family-focused treatment, parent management training and community-based treatment (community-wide interventions) and parole from a continuum of options for dealing with juvenile offenders in the community.

However, in Thailand where such sentencing options for juvenile offenders have been introduced and have found that it has not had an effective impact on incarcerated rates. There are several reasons for this, such as the criticism against lenient punishment by police and public, misunderstanding of non-custodial sentences, the resultant reluctance of the judges to utilize these sentencing option and bearing the public

safety in mind much more than consideration on the wellbeing and the future of a child and young person are the main reasons. It is therefore necessary that these sectors be better informed of the importance and advantage of non-custodial sentences compared with incarceration. The task of juvenile correction and rehabilitation includes building solid ties between juvenile offender and community reintegrating the juvenile offender in to community life securing in a larger sense a place for the juvenile offender in the routine functioning of society.

This requires not only efforts directed towards changing the individual juvenile offender but also changing the attitudes of the community and its juvenile institutions and its mobilization.

(5.3) Participation of citizens in rehabilitation of juvenile offenders

For the successful treatment and rehabilitation of juvenile offenders in community citizen's positive regards to and involvement in programmes are indispensable factors. In Thailand, it is officially organized and mobilized as Volunteer Probation Officer and Para-probation Officer who assist probation officers in helping rehabilitation of probationers. Furthermore, voluntary organization, local institutions and other community resources shall be called upon to contribute effectively to the rehabilitation of juvenile in a community setting and as far as possible, within the family unit. There also can be found a variety of activities for citizens, voluntary organization, local institutions and other community resources to be involved in prevention of juvenile crime and rehabilitation of juvenile offenders.

4.0 CONCLUSION

It is largely admitted in Nigeria context that juvenile offenders are not treated properly, this might not be unconnected with series of hardened criminals that terrorise the innocent citizens in the state.

5.0 SUMMARY

It then became highly imperative on the part of government and the appropriate regulatory agencies to ensure that right channels, well trained personnel and the appropriate qualities of tools/facilities are put in place, so as to achieve the desired results.

6.0 TUTOR-MARKED ASSIGNMENT

1. In what ways do you think overcrowding of juvenile institutions can be curbed?
2. What would you consider as the effects of juvenile acts?
3. What is the minimum measure/standard for non-Institutional means of treating juvenile offenders?

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