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PUNITIVE INCARCERATION OR CORRECTIVE SECLUSION: A CRITICAL REVIEW OF THE STATE OF NIGERIAN JUVENILE JUSTICE SYSTEM

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Introduction: Nigeria has a predominantly youthful population living in an adverse social environment created by a combination of factors, which creates a situation for a large number of children to be exposed to life of want, danger, abuse and social isolation. Such children are known to have a higher risk of coming into contact with the juvenile justice system (JJS). An ideal JJS should provide statutory guardianship for children in need of care, protection or reformation. There are reports that Nigerian JJS may have some shortcomings.

Objectives: To review internationally accepted standards of care for children within the JJS and compare this with the current practices in Nigeria with a view to make recommendations for improvement.

Aims: To examine the level of compliance of the Nigerian JJS with international standards.

Methods: Information and data on the history, structure, facilities, current practices and enabling laws of the Nigerian JJS were obtained by review of literatures, perusal of available records, on-site visits and direct interview of officials of the Nigerian JJS.

Results: The Nigerian JJS was modelled after the British system, with few modifications to accommodate local customs. The current state may have deviated beyond customary differences to include systematic ones. For instance, incarcerating forms of custodian care is the norm in Nigeria as non-incarcerating methods are not well developed. These facilities are also in deplorable states. Furthermore, the current enabling laws are obsolete.

Conclusions: Nigerian JJS currently have major shortcomings that may preclude serving its intended purpose. Recommendations were made.