

UNIVERSITY OF ILORIN



THE THREE HUNDRED AND FIFTH (305TH) INAUGURAL LECTURE

“CHILDREN IN THE CAGE, JUSTICE ON TRIAL”

By

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**DEPARTMENT OF PUBLIC LAW
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UNIVERSITY OF ILORIN, NIGERIA**

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of Faculty of Law,
Distinguished Invited Guests,
Members of my Family, Nuclear and Extended,
My Dear Friends, Distinguished Ladies and Gentlemen.

Preamble

I stand before you today with gratitude to Almighty Allah, the Lord of mercy and justice, who grants knowledge, responsibility and the privilege of service. I also express my profound appreciation to the Vice-Chancellor and the University of Ilorin for the honour of this once-in-a-career intellectual outing. An inaugural lecture is not a public lecture dressed in academic robes. It is a declaration of what one has professed, how one has justified it; and what one wishes to be remembered for within the community of scholarship. In that spirit, my lecture today is the 305th in the series of Inaugural Lectures at the University of Ilorin, the 2nd in the Department of Public Law following Professor O.A. Sambo's lecture, "Judicialising Politics without Politicising the Judex", and the 3rd to be delivered by a female in the Faculty of Law. I stand before this distinguished

audience as the 1st female Professor of Public Law, the 1st female Head of the Department of Public Law, and the second female Professor in the Faculty of Law, University of Ilorin.

I receive this distinction with profound gratitude and humility, recognising it not merely as a personal achievement but also as evidence of the gradual expansion of opportunities for women in legal education and academic leadership. I remain deeply grateful to Almighty Allah, to my mentors, colleagues, family and friends whose encouragement sustained me, and to this great University for providing the environment in which I have grown. I present it as a reflection on my intellectual journey through criminal justice system, vulnerable persons and, most importantly, children who come into conflict with the law.

These scholarly interests are deeply rooted in my personal history. My own educational journey taught me that the future of a child may depend on timely intervention. My tuition fees were paid because someone recognised the value of education; my pursuit of admission continued because others refused to let disappointment define my future; and my dream of studying law survived because compassionate individuals believed in possibilities that circumstances seemed to deny. Those experiences convinced me that no child succeeds alone and that society has a collective responsibility to create opportunities that allow vulnerable children to realise their potential.

The title, *Children in the Cage, Justice on Trial* is metaphorical, but not merely rhetorical. The cage is not only the prison cell, police station or custodial centre. It is also the cage of poverty, parental neglect, weak institutions, delayed courts, poor age documentation, absent welfare services and a legal imagination that sometimes sees the child before it sees childhood. When a child is arrested, detained, tried or punished without the tenderness of the law and wisdom of social protection, it is not only the child who is on trial, justice itself is on trial.

This lecture argues that Nigeria's child justice system remains caught between two traditions. The first is a punitive,

adult-centred criminal justice tradition inherited from colonial legal structures and sustained by institutional weakness. The second is a child-sensitive, rehabilitative and restorative ideal reflected in international standards, African regional instruments, the Child Rights Act of 2003, and contemporary scholarship. My contribution has been to expose the gap between these traditions and to propose legal, institutional and restorative reforms capable of moving Nigeria from punishment of the vulnerable to protection with accountability.

Introduction: A Child at the Door of Justice

Mr. Vice-Chancellor, every society is judged by how it treats those least able to defend themselves. The child in conflict with the law belongs to this category. Such a child is neither innocent in a sentimental sense nor criminal in the full adult sense. He or she occupies a delicate moral and legal space where responsibility must be acknowledged, but vulnerability must not be denied. Child justice begins when society learns to hold these two truths together.

Child justice is the specialised field of law, policy and institutional practice through which society responds to children alleged to have violated penal law, children beyond parental control and children in need of care and protection. I use the terms child, juvenile and young offender with caution because their meanings vary across statutes and jurisdictions. The central concern, however, remains this: how should law respond to a person whose conduct may be wrongful, but whose developmental condition demands a justice pathway different from that applied to adults? This difference is not pity, but it is a demand of law, psychology, ethics and social reasons. **Abdulraheem-Mustapha** (2020) rightly situates child justice administration within Africa's broader struggle to construct a coherent legal regime for children whose vulnerability requires special protection even when they are alleged to have offended.

The aim of this lecture is to rethink Nigeria's criminal justice system through the eyes of the child. It clarifies why childhood alters criminal responsibility, traces the historical and institutional roots of Nigeria's adult-centred approach to child

offending, presents my contributions to juvenile delinquency, child justice legislation, policing, courts, custodial institutions, diversion and comparative reform, and proposes a way forward for a justice system that protects society without destroying the child. The central argument is that Nigerian child justice has not failed because reform is absent. It has failed because the passage from legal norm to institutional performance remains weak.

The modern language of child rights reinforces this claim. The Declaration of the Rights of the Child affirms that children need special safeguards and legal protection because of their physical and mental immaturity (United Nations General Assembly, 1959). The Convention on the Rights of the Child recognises children as rights-bearing persons, not passive objects of adult benevolence (United Nations General Assembly, 1989). The World Declaration on the Survival, Protection and Development of Children describes them as vulnerable and dependent, but also active and full of hope (United Nations, 1990a). These instruments do not romanticise childhood. They insist that it carries a special claim upon law, family, community and the state.

My work has also addressed the conceptual instability of childhood in Nigerian criminal law. In ordinary social language, childhood suggests dependence, immaturity and family care. In law, however, it is tied to age, capacity, responsibility and jurisdiction. Nigerian law does not always speak with one voice. The Criminal Code, Penal Code, Child Rights Act, Children and Young Persons legislation, Shariah penal frameworks and state-level child rights laws may produce different understandings of who counts as a child and when criminal responsibility begins. I have, therefore, argued that age is not merely a biological marker, but a legal gateway through which a child enters either a protective justice regime or an adult-centred punitive process (**Abdulraheem-Mustapha**, 2016a, 2019a, 2020a).

If a child's age is uncertain, the entire pathway of justice may change. A child without a birth certificate may be exposed to adult procedures. Nigerian and comparative case law confirm that age determination is not an administrative detail. It is a

gateway to justice. Against this background, I invite us to rethink child justice not as a marginal branch of criminal law, but as one of the deepest tests of law’s humanity. Figures 1 and 2, and Tables 1 and 2, capture the data and historical evolution of these bases of law of humanity.

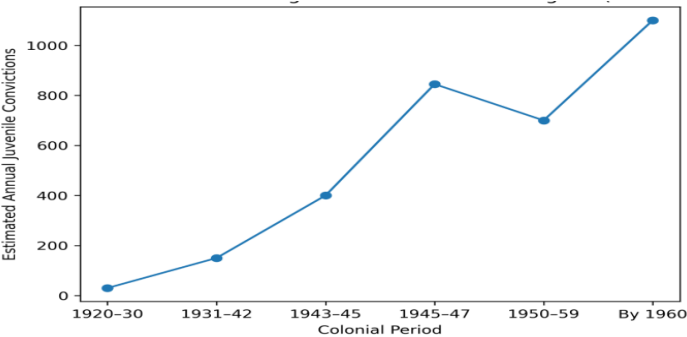


Fig. 1: Punitive Treatment of Young Offenders in Colonial Nigeria (1920s-1960)

Source: **Abdulraheem-Mustapha** (2014)

Table 1: Analysis of Punitive Treatment of Young Offenders in Colonial Nigeria (1920s–1960)

Period	Recorded Juvenile Cases/Convictions	Dominant Punitive Measures	Nature of Treatment	Key Observations	Analytical Implication
1920–1930	Very low recorded convictions (≈30 per year)	Fines, short-term imprisonment	No age distinction from adults	Juveniles rarely identified separately in crime records	Juvenile offending existed but was statistically invisible due to a lack of legal categorisation
1931–1942	Gradual rise (urban centres like Lagos)	Fines → imprisonment when unpaid	Highly punitive, labour-oriented	Children punished mainly for petty offences (hawking, theft, vagrancy)	Criminalisation of poverty and urban survival strategies

1943–1945	Sharp statistical increase after legal reforms	Imprisonment, remand homes	Formal recognition of juveniles, but still punitive	Introduction of Children & Young Persons Ordinance (1943)	Legal recognition increased recorded crime, not necessarily actual offending
1945–1947	6,009 cases; 2,537 convictions (~845/year)	Custody, remand schools, fines	Minimal rehabilitation	Juvenile courts existed, but facilities resembled adult prisons	Colonial juvenile justice focused on control rather than reform
1950–1959	Hundreds of convictions annually	Approved schools, borstals	Semi-corrective but discipline-heavy	Segregation from adults improved, but harsh discipline remained	Shift from pure punishment to correction, without child-centred safeguards
By 1960	Over 1,000 juvenile convictions per year	Borstal training, detention	Reformativ e in theory, punitive in practice	Colonial legacy embedded in the post-independence system	Foundation of Nigeria's modern juvenile justice challenges

Source: **Abdulraheem-Mustapha** (2014)

Table 2: Assessment of the Treatment of Young Offenders in Colonial Nigeria

Aspect	Colonial Practice	Underlying Rationale	Impact on Young Offenders	Critical Analysis
Legal Framework	Application of English criminal law with little distinction between juveniles and adults	Maintain colonial order and discipline	Children are treated as miniature adults	Ignored developmental differences and child-specific needs
Age Consideration	Poor age verification; many juveniles tried as adults	Administrative convenience	Exposure to adult courts and punishments	Violated modern child justice principles

Punishment Methods	Imprisonment, flogging, hard labour, fines	Deterrence and retribution	Physical harm, trauma, stigma	Punishment-focused rather than corrective
Corporal Punishment	Whipping/canin g is widely used	Viewed as a quick deterrence	Fear, humiliation, bodily injury	Normalised violence against children
Detention Facilities	Adult prisons, police cells, few borstals	Cost-saving and control	Abuse, criminal socialization	Increased recidivism risk
Rehabilitation Services	Minimal or absent	Low priority for welfare	No education or psychosocial support	Failed to reform or reintegrate youths
Cultural Sensitivity	Indigenous restorative systems sidelined	Assertion of colonial authority	Disconnection from community-based justice	Disrupted effective traditional mechanism
Gender Dimension	Girls often detained for “statusoffences” (truancy, morality)	Moral regulation	Gender-based discrimination	Criminalize d vulnerability rather than crime
Discretion of Authorities	Wide powers for colonial officers	Maintain rapid control	Arbitrary punishment	High risk of abuse of power
Social Class Bias	Poor and urban youths targeted	Control of “dangerous classes”	Marginalisation of poor children	Reinforced colonial inequality
Long-term Outcomes	Institutionalisati on of punitive justice	Legacy of harsh criminal justice	Cycles of violence and distrust	Influenced post-colonial penal practices
Human Rights Perspective	No child rights framework	Pre-human rights era	Systemic violations	Contravene s modern CRC standards

Source: **Abdulraheem-Mustapha** (2014)

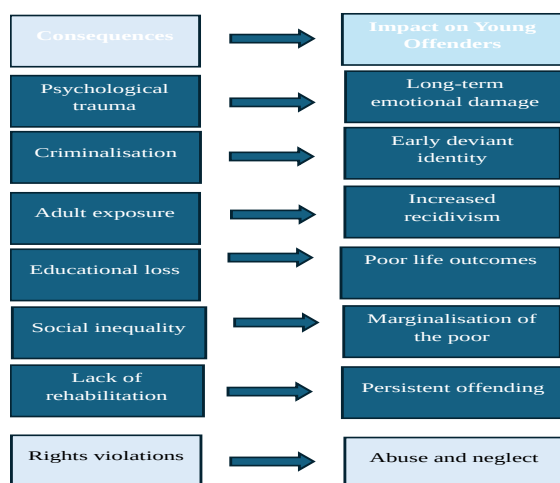


Fig. 2: Negative Consequences of Punitive Treatment of Young Offenders in Colonial Nigeria

Source: **Abdulraheem-Mustapha** (2014)

Postcolonial Nigeria inherited layered legal order of customary norms, Islamic criminal jurisprudence, English-derived criminal codes, constitutional guarantees and modern child rights instruments. This pluralism is not in itself a weakness. The problem is that the system has not always harmonised these layers around the best interests of the child. Instead, the child may fall into gaps between federal and state law, between criminal justice and social welfare, between policing and probation, between courtroom doctrine and institutional practice. My research has repeatedly returned to this gap because the gap is where the children suffer.

Garland (2001) has shown how modern criminal justice systems can become cultures of control, driven by fear, risk management and the public appetite for visible punishment. Nigeria is not immune to that tendency. When social anxiety rises, when youth crime becomes politically sensitive, or when communities feel insecure, there is a temptation to make punishment more visible and merciless defensible. But a child justice system must resist this temptation. A society may control

crime, and still remains humane. Indeed, where children are concerned, humanity is part of the intelligence of crime control.

Child Justice as Law, Welfare and Social Responsibility

What, then, do I profess? The Vice-Chancellor, Sir, I profess that child justice is not a minor branch of criminal law. It is a meeting point of law, childhood studies, criminology, sociology, psychology, social welfare, human rights and institutional governance. A child justice system must ask not only what the child has done, but who the child is, what conditions shaped the behaviour, what harm has been caused, what protection society requires and what intervention can prevent future harm. This understanding, as reflected in Figure 3, has shaped my scholarly journey from the study of juvenile delinquency to the examination of legal and institutional frameworks for child justice administration in Nigeria and Africa generally (**Abdulraheem-Mustapha**, 2014, 2016a, 2019b 2020b).

The concept of criminal responsibility becomes particularly difficult when applied to children because Nigerian legislation does not adopt a single, coherent age standard. Under the Child Rights Act, 2003, a child is any person below the age of 18 years. The Act, however, does not prescribe a precise minimum age of criminal responsibility. By contrast, section 30 of the Criminal Code provides that a person below seven years is not criminally responsible while a child who is seven but below 12 years may be held responsible only where it is proved that the child had sufficient capacity to know that the act or omission was wrong.

The Penal Code in section 50, adopts a broadly similar position, excluding responsibility below seven years and making liability between seven and 12 dependents upon sufficient maturity to understand the nature and consequences of the conduct. The older Children and Young Persons legislation introduce another classification by defining a child as a person below 14 years and a young person as one who has attained 14 but is below 17 years. In some Shariah-based penal regimes, responsibility may also be linked to puberty or another

prescribed age, producing further variation across jurisdictions (**Abdulraheem-Mustapha**, 2016a, 2020c; Child Rights Act, 2003; Criminal Code Act, 2004; Penal Code Act, 2004).

These conflicting thresholds are not merely technical differences. They determine whether a young person is regarded as incapable of crime, subjected to a rebuttable test of maturity, processed through child justice procedures, or exposed to adult criminal proceedings. The problem is aggravated by weak birth registration, unreliable age records and the tendency of some officials to estimate age by physical appearance.

The federal dimension adds another layer. Although all states have now adopted the Child Rights Act or corresponding state laws, domestication occurred at different times, and the resulting laws are not always identical in definition, institutional structure or implementation. Consequently, the protection available to a child may still vary according to location. My research therefore argues that juvenile responsibility cannot be understood through doctrine alone. It must be assessed through age, developmental maturity, family circumstances, peer influence, poverty, educational exclusion and wider socio-economic pressures (**Abdulraheem-Mustapha**, 2013, 2014, 2016b, 2020d).

Doherty (1990) places criminal procedure within the machinery by which liability is investigated and adjudicated, while Smith and Hogan (1983) clarify the role of mental elements in attributing guilt. For children, *mens rea* is inseparable from maturity, comprehension and developmental stage. The law cannot merely ask whether a child performed a prohibited act. It must ask whether the child possessed the understanding that justifies criminal blame. My contribution has been to argue that child justice must not involve the mechanical application of adult criminal procedure to young persons. I have therefore advocated the establishment and effective operation of separate, specialised Family Courts, staffed by trained personnel and guided by child-sensitive procedures, so that the developmental status, vulnerability and special protection needs of children are meaningfully reflected in adjudication (**Abdulraheem-Mustapha**, 2019c, 2020d).

I have, therefore, argued for a developmental and contextual model of responsibility. Such a model does not deny accountability. It distinguishes accountability from adult criminal condemnation. It recognises that a child may require correction, restitution, supervision, counselling, education, family intervention, community service or protective placement. Even where a serious offence requires firm legal response, the response must remain child-sensitive, proportionate and rehabilitative. This position is consistent with international and regional standards, including the Convention on the Rights of the Child, the Beijing Rules, the Riyadh Guidelines and the African Charter on the Rights and Welfare of the Child (Organisation of African Unity, 1990; United Nations, 1985, 1990a, 1990b & United Nations General Assembly, 1989).

Nigeria has adopted many of these principles through the Child Rights Act of 2003. The problem is not the absence of norms, but the uncertain journey from norm to institution and from institution to lived protection. A statute does not interview a child, open a family court, train a police officer or inspect a custodial centre. People and institutions give life to legal norms. My research, shaped by personal experience, doctrinal inquiry, comparative analysis and empirical fieldwork in Nigeria and South Africa, has therefore, moved beyond what the law says to how the law is experienced (**Abdulraheem-Mustapha**, 2019d & 2020e). The interlock on this is represented in Figure 3 and Table 3.

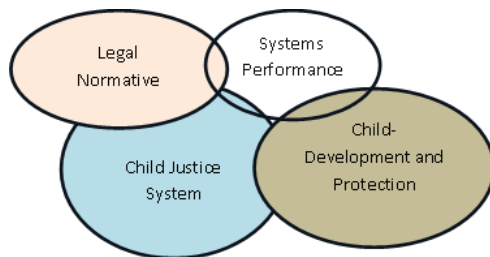


Fig: 3: Three Interlocking Perspectives of the Child Justice System

Source: **Abdulraheem-Mustapha (2014a; 2016; 2019a)**

Table 3: Urban Study Sites in the Six Geo-political Zones with the Sample

S/N	Zone	City	Sample size	Frequency	Percentage
1	North-East	Bauchi	250	197	15.7%
2	South-East	Enugu	250	207	16.4%
3	North-Central	Ilorin	250	225	17.9%
4	North-West	Kaduna	250	203	16.1%
5	South-West	Lagos	250	216	17.2%
6	South-South	Port Harcourt	250	210	16.7%
	Total		1500	1,258	100

Source: **Abdulraheem-Mustapha** (2014)

The empirical dimension matters because child justice is too often discussed as if legal enactment automatically produces social change. It does not. A provision may exist in a statute and still be absent from a police station. A Family Court may be created on paper, but unavailable to the child who needs it. A diversion programme may be authorised by law, but unsupported by funding, trained personnel or referral structures. My research, therefore, asks a practical question: what becomes of a child after the law announces protection? The answer, unfortunately, is often uncertain.

This is why the title of this lecture speaks of justice on trial. The child is not the only one being examined. The system that claims to administer justice is also being examined. When a child alleged to have stolen a small item is detained with older offenders, justice is on trial. When a child's age is guessed by appearance, justice is on trial. When a Family Court is unavailable, justice is on trial. When a frightened child is handled by an untrained police officer, justice is on trial. When a custodial centre claims to rehabilitate but offers neglect, justice is on trial. My scholarship has sought to place these institutional moments before academic and public scrutiny. In that sense, my intellectual journey is not merely about children. It is also about

the credibility of law itself. Law loses moral force when it is strongest against the weakest. It gains dignity when it protects without becoming permissive and corrects without becoming cruel.

My contribution also concerns the danger of treating child delinquency as though it were limited to criminal conduct. Child delinquency is a broad term used to describe unlawful, antisocial or seriously disapproved behaviour committed by a child or young person. It includes acts that constitute offences under criminal law, such as theft, assault or drug-related conduct, but may also include behaviours such as truancy, persistent disobedience, running away from home, loitering or being beyond parental control. These latter behaviours are often described as status offences because they attract official intervention mainly because of the age and dependent status of the person involved. An adult who stays away from home or refuses to attend school would not ordinarily be prosecuted for that conduct.

Child delinquency is therefore wider than legal violation. It covers conduct that may breach criminal law, child welfare regulations or accepted social norms, depending on the legal and cultural context. This distinction is important because conduct arising from neglect, poverty, abuse or family breakdown may require protection and social intervention rather than punishment. Yet the label “delinquent” can become identity-forming. A child who has done wrong may become known only by that wrong, and the label may follow the child into school, family, neighbourhood and future employment.

Muncie (1999) warns that youth justice systems can create the identities they claim to manage. Once a child is processed through police, court and custody, society may stop seeing the child’s possibility of reform. This concern informed my research on Borstal institutions and juvenile recidivism in Nigeria, where I examined whether custodial institutions reduce reoffending or reproduce cycles of criminal socialization (**Abdulraheem-Mustapha**, 2020b; 2026).

A child who steals, fights, wanders, hawks, absconds from home or becomes involved with peers committing petty

offences may be responding to a combination of individual, family, economic and institutional pressures. Moffitt (1990) demonstrates that antisocial behaviour may develop along different pathways shaped by early behavioural difficulties, developmental challenges and adolescent peer influence. My studies similarly found that juvenile offending in Nigeria could not be adequately explained as a matter of individual moral failure. Family instability, weak parental supervision, poverty, school exclusion, neighbourhood disadvantage and association with delinquent peers emerged as important factors shaping children's contact with the child justice system (**Abdulraheem-Mustapha**, 2013, 2014, 2016a).

The findings also revealed that the formal labelling of a child as a delinquent may continue to affect schooling, family relationships, community acceptance and future employment long after the immediate case has ended. I therefore found a need for clear statutory provisions allowing the sealing or expungement of juvenile records after the child has completed diversion, rehabilitation or the relevant court disposition, except where continued retention is strictly justified by law. A child should not carry a permanent criminal identity into adulthood because of conduct committed during a formative stage of life (**Abdulraheem-Mustapha**, 2016; 2019e).

The research further established that responsibility cannot rest on the child and family alone. The state must provide social-service interventions capable of addressing the conditions associated with offending. These should include family counselling, school reintegration, educational support, substance-use treatment, psychological services, vocational training, supervised community programmes and structured aftercare. Figure 4 and Table 4 illustrate that many recorded behaviours involve petty, status-related or survival-related conduct. The appropriate response should therefore not automatically be prosecution or detention, but an individualised intervention that addresses the child's circumstances, protects victims, prevents reoffending and supports reintegration.

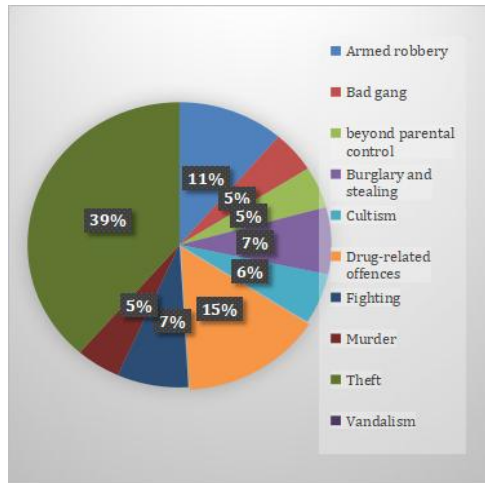


Fig. 4: Classes of Common Offences Committed by Children and Young Adults in Percentages

Source: Uju *et al* (2024)

Table 4: Statistics of Offences Committed by Child Delinquents

STATISTICS OF OFFENCES COMMITTED BY CHILD DELINQUENTS

This Table shows Frequency distribution of Offences Committed by Child Delinquent in Nigeria

S.NO	Type of Offences	Number	Frequency of Respondents	Percentage
1	Trespass	180	158	7.3
2	Running away from home	180	148	6.8
3	Aggression	180	128	5.8
4	Poor school performance	180	118	5.3
5	Drug addiction	180	158	7.3
6	Loitering	180	90	4.4
7	Smoking of hemp	180	75	3.4
8	Participation in secret cult	180	45	3.1
9	Associating with bad gangs	180	128	5.8
10	Begging	180	105	5.1
11	Prostitution	180	30	2.4
12	Harboring	180	95	4.6
13	Street children	180	85	4.1
14	Abandoned children	180	55	2.7
15	Children of destitute	180	45	2.2
16	PH living	180	128	5.8
17	Indulging in sexual abuse	180	30	2.4
18	Assault and battery	180	95	4.6
19	Disturbance of public peace	180	108	4.8
20	Possession of firearms	180	75	3.8
21	Possession of explosives and devices	180	70	3.4
22	Rape	180	30	1.6
23	Robbery	180	25	1.2
24	Murder and Manslaughter	180	20	0.9
25	Terrorism /Cyber crimes	180	25	1.2
TOTAL			2065	100

Source: **Abdulraheem-Mustapha** (2014)

Scholars in Classical Criminology offered one starting point on punishment. Beccaria (1992) insists that punishment should be proportionate, public, rational and restrained. Bentham (1996) similarly frames conduct through pleasure, pain and utility. These theories shape modern penal thought by rejecting arbitrary cruelty and calling for rational deterrence. Yet, when applied to children, classical assumptions become limited. The idea that the offender calculates pleasure and pain may fit some adult conduct, but it cannot fully explain the impulsive, imitative, immature or survival-driven behaviour of children. This is why my scholarship insists that the child justice system must recognise the diminished and developing capacity of children, even when society must respond firmly to harmful conduct (**Abdulraheem-Mustapha**, 2019f; 2020).

Hard-line approaches to child justice build on deterrence and incapacitation. Wilson (1975) and Van den Haag (1975) defend strong punitive responses to crime, and their works continue to influence debates on public order and punishment. Yet, punitive logic becomes morally hazardous when it treats children as if they were fully formed adult decision-makers. A child who acts from peer pressure, hunger, fear, abandonment or immature judgement is not thereby free from accountability, but the form of accountability must differ from adult condemnation. This argument is also reflected in my work on the *Boko Haram* insurgency and the Nigerian child, where the vulnerability of children caught within conflict, displacement and ideological manipulation complicates simplistic models of culpability (Onuora-Oguno & **Abdulraheem-Mustapha**, 2018).

The welfare and neo-classical approaches recognised this distinction. The doctrine of *parens patriae*, seen historically in *Ex parte Crouse* (1838), authorised state intervention where parental responsibility failed, although modern child rights law would no longer accept unchecked state paternalism. The related idea of *In loco parentis*, reflected in *State v. Pendergrass* (1837), treated certain authority figures as acting in the place of parents, though contemporary law rightly subjects such authority to the

requirements of dignity, proportionality and non-degrading treatment. These doctrines remind us that child justice has always oscillated between care and control. My contribution has been to argue that Nigeria must move beyond this unstable oscillation by constructing a rights-based and welfare-sensitive model that holds children accountable without abandoning their developmental vulnerability (**Abdulaheem-Mustapha**, 2020).

Fogel's justice model cautions against the routine use of correctional institutions and insists that institutional placement should be restricted to serious cases (Fogel, 1985). Where children are placed in institutions, the guiding purpose should be rehabilitation rather than punishment. This insight aligns with the Beijing Rules and with the modern principle that detention of juvenile offender should be a measure of last resort (United Nations, 1985). The child justice system, therefore, must avoid confusing visibility with effectiveness. A detained child is visible to the state, but not necessarily improved by the state.

This concern underlies my research on non-custodial and alternative justice approaches, in which I argued that criminal justice reform in Nigeria should prioritise measures such as probation, supervised release, counselling, community service, restitution, victim-offender mediation, family conferencing, educational intervention and vocational training in appropriate cases. These measures can hold the child accountable while reducing unnecessary exposure to police cells, remand homes, Borstal institutions and other custodial facilities, which should be reserved for serious cases and used only as a measure of last resort (**Abdulaheem-Mustapha**, 2018).

Sociological explanations remain especially important for Nigeria. Tarde (1912) observes that many serious offenders began as abandoned children shaped by hunger, neglect and lack of education. Quetelet (1835) and the early statistical school challenged purely individualistic accounts of crime by demonstrating that social conditions could produce patterned forms of deviance. Adler *et al.* (2007) show that criminological theories have moved through biological, psychological and

sociological explanations, each contributing something, but none fully explaining crime alone. For children, an integrated view is necessary because behaviour emerges from the interaction of personality, family, neighbourhood, schooling, economy, peer influence and institutional response. My empirical work on juvenile delinquency in Nigeria confirms the importance of this integrated approach because the causes of delinquency rarely reside in the child alone (**Abdulraheem-Mustapha**, 2016a; 2019b).

This is why I argue that delinquency must be studied before it is punished. The question is not simply what offence was committed. The question is what conditions made the offence imaginable, available or attractive to the child. If we do not ask that question, we merely punish the visible act while leaving its roots unresolved.

Exposing the Fragmented Domestication of Child Rights Act of 2003

My contribution also concerns the uneven domestication and implementation of the Child Rights Act across Nigeria. The Act represents a major normative achievement. It reflects Nigeria's attempt to internalise international and African child rights standards and to provide a more comprehensive framework for the protection, welfare and justice of children. Yet, federalism has made the story uneven as shown in Table 4 below. In a country where child protection depends significantly on state domestication, the rights of children may vary according to geography. This produces a troubling moral and constitutional question: should a Nigerian child be less protected because of the state in which he or she is found?

My article on child justice administration in the Nigerian Child Rights Act addressed this question by comparing Nigeria's framework shown in Table 5 with lessons from South Africa as shown in Tables 6, where child justice is more systematically institutionalised through a specialised legislative and administrative architecture (**Abdulraheem-Mustapha**, 2016b). My argument is that Nigeria requires more than the Child Rights

Act or fragmented state-level child rights laws. It needs an integrated child justice ecosystem drawing on South Africa's institutional model. I have consistently advocated comprehensive reforms that would ensure uniform standards of child justice and equal protection for every Nigerian child, irrespective of the state in which the child resides (**Abdulraheem-Mustapha**, 2016c, 2019c).

Table 5: Child Rights Act Domestication in Nigeria by State and Year of Adoption including Age Definition

S/N	State	Year	Age of a child	S/N	State	Year	Age of a child
1	Abia	2006	Below 18	20	Kano	2023	Below 16
2	Adamawa	2022	Below 18	21	Katsina	2023	Below 18
3	Akwa Ibom	2008	Below 18	22	Kebbi	2022	Below 16
4	Anambra	2004	Below 18	23	Kogi	2009	Below 18
5	Bauchi	2023	Below 18	24	Kwara	2006	Below 16
6	Bayelsa	2016	Below 18	25	Lagos	2007	Below 18
7	Benue	2008	Below 18	26	Nasarawa	2005	Below 18
8	Borno	2022	Below 18	27	Niger	2010	Below 18
9	Cross River	2009	Below 18	28	Ogun	2006	Below 18
10	Delta	2008 (amended 2025)	Below 18	29	Ondo	2009	Below 18
11	Ebonyi	2010	Below 18	30	Osun	2007	Below 18
12	Edo	2007	Below 18	31	Oyo	2006	Below 18
13	Ekiti	2006	Below 18	32	Plateau	2005	Below 18
14	Enugu	2016	Below 18	33	Rivers	2009	Below 18
15	Federal Capital Territory	2003	Below 18	34	Sokoto	2021	Below 16
16	Gombe	2022	Below 18	35	Taraba	2005	Below 18
17	Imo	2004	Below 18	36	Yobe	2022	Below 18
18	Jigawa	2021	Below 16	37	Zamfara	2022	Below 16
19	Kaduna		Below 16				

Source: **Abdulraheem-Mustapha** (2025)

Table 6: Uniform Definition of a Child and Legislative Framework for Child Rights in South Africa

S/N	Provinces	Year of Provincial Adoption	Age of a Child
1	Eastern Cape	No separate adoption	Under 18
2	Free State	No separate adoption	Under 18
3	Gauteng	No separate adoption	Under 18
4	KwaZulu-Natal	No separate adoption	Under 18
5	Limpopo	No separate adoption	Under 18
6	Mpumalanga	No separate adoption	Under 18
7	Northern Cape	No separate adoption	Under 18
8	Northwest	No separate adoption	Under 18
9	Western Cape	No separate adoption	Under 18

Source: **Abdulraheem-Mustapha** (2016)

The Constitution of the Federal Republic of Nigeria, 1999 (as amended), guarantees fundamental rights, such as dignity, fair hearing, personal liberty and freedom from discrimination. These rights apply to children, but they do not, by themselves, create a complete child justice system. The Child Rights Act of 2003 adds the necessary child-specific framework by emphasising the best interests of the child, welfare, proportionality and child-sensitive treatment. Sections 1, 211, 213, 215 and related provisions make clear that children should not be processed through the ordinary language and rituals of adult conviction and sentencing (Child Rights Act, 2003).

My work on the legal and institutional framework on child justice administration in Nigeria has, therefore, shown that the difficulty is not merely the absence of statutory language, but the persistent gap between legal aspiration and institutional reality (**Abdulraheem-Mustapha**, 2019c, 2020). Although, the Child Rights Act guarantees children's rights, rights without effective institutional structures cannot provide meaningful protection. My contribution demonstrates that a unified child justice code, a dedicated Child Justice Commission, and other implementation mechanisms are essential to translate these legal rights into effective practice.

International and regional standards reinforce this domestic framework. The Convention on the Rights of the Child requires states to promote the dignity, worth and reintegration of the child (United Nations General Assembly, 1989). The Beijing Rules emphasise discretion, diversion and proportionality (United Nations, 1985), while the Riyadh Guidelines stress prevention through family support, education and community development (United Nations, 1990b). The United Nations Rules for the Protection of Juveniles Deprived of their Liberty insist that detention should be exceptional and dignified (United Nations, 1990c). The African Charter on the Rights and Welfare of the Child situates these obligations within African regional responsibility (Organisation of African Unity, 1990).

The deeper challenge, however, is implementation. Domestication is only the first step. The real question is whether child rights laws have been translated into institutions, trained personnel, functional Family Courts, specialised Child Police Units, diversion programmes, budgets, monitoring systems and public awareness. A law without institutions becomes a beautiful declaration without administrative life. This concern informed my empirical assessment of Family Courts under the Child Rights Act, particularly whether courts established in law possess the personnel, competence and structure required for child-sensitive adjudication (**Abdulraheem-Mustapha**, 2023).

Alemika and Chukwuma (2001) described this as the gap between philosophy and practice in juvenile justice administration. A state may domesticate the Child Rights Act and still fail to fund welfare services, provide privacy, train officers or support diversion. The law speaks, but the institution is silent.

Mr. Vice-Chancellor, this is why I argue that child justice reform must be assessed through three lenses: legal-normative, systems-performance and child-development. Child rights cannot survive by proclamation alone. They require institutional obedience, meaning that every agency that encounters the child must be trained, compelled and monitored

to act according to the law's protective purpose. Without this, fragmented domestication will continue to produce unequal childhoods within the same federation.

Policing as the First Gate of Child Justice System

The police are the first gate of criminal justice. For a child, that gate may either open towards protection or towards trauma. My research, therefore, paid close attention to the role of the police and the statutory expectation that children should be handled through specialised mechanisms. The Child Rights Act envisages Child Police Units as part of a system that should treat children differently from adults. The idea is sound, but children require officers who understand child psychology, interviewing techniques, family circumstances, trauma, diversion, confidentiality and referral mechanisms. My work on child justice administration in the Nigerian Child Rights Act, as well as my broader study of child justice administration in Africa, identifies policing as one of the most decisive points in the child's journey through the justice system (**Abdulraheem-Mustapha**, 2016b, 2020).

In practice, however, the existence and functionality of Child Police Units remain uneven. Some police formations have no effective specialised unit. Others have officers assigned to child-related matters without adequate training, resources or institutional support. In many instances, children enter the justice system through ordinary police processes, where they may be questioned like adults, detained in unsuitable conditions, denied timely welfare assessment or treated as threats rather than vulnerable persons requiring structured intervention. This gap between the statutory imagination of child-sensitive policing and the administrative reality of ordinary policing is one of the clearest examples of the failure of institutional translation as shown in Figure 5 below (**Abdulraheem-Mustapha**, 2015, 2017, 2019c, 2020).

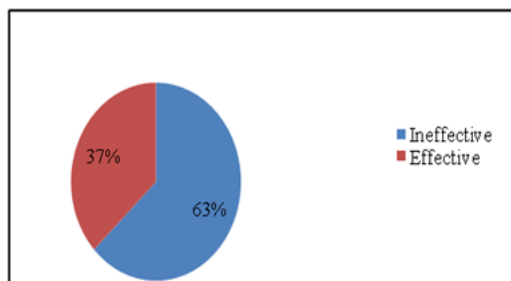


Fig. 5: Cumulative Effectiveness of Nigeria Police Force on Juvenile Justice System in Nigeria

Source: **Abdulraheem-Mustapha** (2015)

The problem of policing is not only procedural. It is symbolic as demonstrated in Figure 6. The child's first encounter with the state often occurs through the uniformed authority of the police. If that encounter is frightening, coercive, dismissive or humiliating, the child may learn that the state is an enemy rather than a guardian of justice. If, however, the encounter is firm, respectful and protective, the state may interrupt a harmful pathway before it deepens. This is why police discretion must be a trained discretion. The Beijing Rules recognise the importance of discretion in juvenile justice but also require accountability in its use (United Nations, 1985). Discretion without training can become abuse. Discretion without monitoring can become arbitrariness. This discretion is not a minor administrative weakness. It affects everything that follows.

The police determine whether a child is released, referred, charged, detained or pushed deeper into the system. A wrong decision at the point of entry can produce a chain of harm. A child arrested for petty theft may be placed in an environment where he learns more serious criminal behaviour. A child picked up for vagrancy may be stigmatised rather than supported. A child accused of an offence may speak without understanding the legal implications of his words. If the first gate is adult-centred, the rest of the system may merely legitimise the original error. This is why my scholarship links policing with diversion, court

structure and custodial outcomes rather than treating it as a separate operational matter (Abdulraheem-Mustapha, 2018; 2020).



Fig. 6: Weak Policing Structure in Juvenile Justice System

Source: Adapted from UNODC (2020), UNICEF (2019); UN Committee on the Rights of the Child (2019)

Owasanoye and Wenham (2004) observed in relation to street children in Lagos that police officers often have the first opportunity to divert children from the formal court system. This observation remains crucial. The police officer who meets a child on the street is not merely enforcing the law. That officer is making a decision about the child's future contact with the justice system. If the officer understands diversion, welfare referral and family tracing, the child may be rescued from deeper criminalisation. If the officer understands only arrest and detention, the child may be pushed into a system that is difficult to exit.

A child-sensitive policing model must, therefore, include age assessment, child-friendly interviewing, parental notification, access to legal assistance, referral to social welfare, screening for abuse or neglect, and the possibility of diversion. It must also

include gender sensitivity. Girls in conflict with the law may be carrying stories of exploitation, domestic violence, trafficking, survival sex, family rejection or moral policing. A system that does not listen carefully may punish vulnerability under the label of misconduct. My recent work on the exclusion of female offenders from Borstal institutions in Nigeria further shows that the gendered dimension of child justice has not received sufficient institutional attention (**Abdulraheem-Mustapha, 2026a**).

The reform I propose is, therefore, clear. There should be a centralised national specialised Police Directorate with decentralised state Child Police Units which must be made mandatory, visible, resourceful, trained and monitored. Their effectiveness should be measured not by the number of children processed into court, but by the number appropriately diverted, reunited with responsible guardians, referred to welfare services, protected from harm and handled in a manner consistent with dignity. Policing must cease to be the child's first experience of fear. It should become the first institutional opportunity for protection with accountability (**Abdulraheem-Mustapha, 2020**).

Family Courts and the Problem of Judicial Architecture

A child-sensitive justice system requires more than a good statute. It requires a court structure capable of translating the statute into humane procedure. The Child Rights Act provides for Family Courts, but in several jurisdictions the promise of such courts remains weak, partial or uneven. Some states have not established them in any meaningful sense. Others use ordinary courtrooms or magistrate chambers for child matters. Some judges and magistrates handle child cases alongside adult cases, thereby weakening privacy, specialisation and procedural sensitivity. This institutional gap has remained a major concern which my work on the Nigerian Child Rights Act focused on. I also investigated the composition and functionality of Family Courts in order to establish the extent to which the provisions of the Act are being implemented (**Abdulraheem-Mustapha, 2016a, 2023a**). This is demonstrated in Figures 7 and 8.

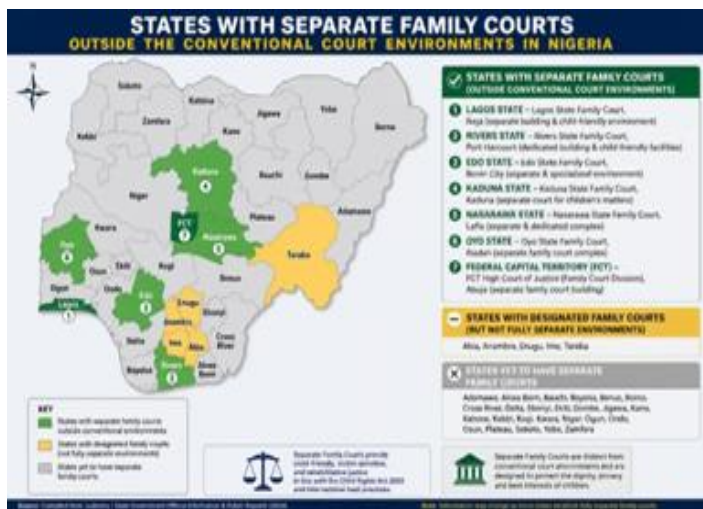


Fig. 7: States with Separate Family Courts outside the Conventional Court Environments in Nigeria

Source: **Abdulraheem-Mustapha** (2014, 2016, 2018, 2019, 2023)

My study's findings revealed that the problem about Family Court is not merely spatial. It is philosophical because a Family Court should not simply be an adult court with a child before it. It should be a specialised forum with trained personnel, adapted procedures, welfare support, privacy safeguards, child participation mechanisms, legal representation, social inquiry reports and case management systems. The court must be able to ask questions that ordinary criminal courts may not ask. What is the child's family situation? Is there neglect, abuse, poverty, displacement, peer influence or mental health concern? What intervention is suitable? Can the matter be diverted? What is the least intrusive response consistent with accountability and public safety? These questions stand at the centre of my broader argument that child justice administration must be understood not only as adjudication, but also as a coordinated institutional response to childhood vulnerability (**Abdulraheem-Mustapha**, 2020).

Vice-Chancellor, Sir, my research has shown that, where child courts are not properly institutionalised, children are exposed to delay, formality, stigma and inconsistent outcomes. The best interests of the child become dependent on the individual sensitivity of a judge or magistrate rather than on a reliable institutional design. This is dangerous because justice should not depend on accidental compassion. It should be structured into the system. This is why my empirical assessment of the composition of Family Courts under the Child Rights Act insists that court structure, personnel competence and procedural sensitivity are not secondary details. They are the very architecture through which child-sensitive justice becomes possible (**Abdulraheem-Mustapha**, 2023b).

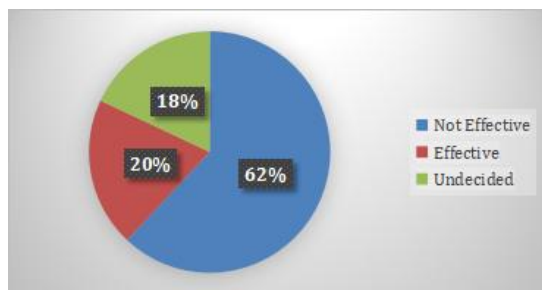


Fig. 8: Effectiveness of Judiciary in Juvenile Justice

Source: **Abdulraheem-Mustapha** (2018)

The need for specialisation is consistent with the best interest of the child principle. The Child Rights Act requires decisions concerning children to promote welfare and constructive development, while the Constitution guarantees dignity and fair hearing (Child Rights Act, 2003; Constitution of the Federal Republic of Nigeria, 1999, as amended). International standards also require that children be heard, protected and treated in ways that support reintegration (United Nations General Assembly, 1989). Yet a child cannot participate meaningfully in proceedings where language, atmosphere, procedure and delay are alienating. A child-sensitive court must, therefore, be legally competent and psychologically accessible.

Nigeria may learn from South Africa without copying it mechanically. South Africa separates the Child Justice Court, which handles children in conflict with the law, from the Children's Court, which deals with children in need of care and protection (Child Justice Act 75 of 2008; Children's Act 38 of 2005). Its One-Stop Child Justice Centre model is particularly instructive because it brings together police, probation officers, legal representatives, diversion services, child courts, correctional services and temporary accommodation in one coordinated environment. Although the limited number of such centres shows that implementation remains challenging, the Nerina and Mangaung experiences demonstrate how preliminary inquiry, diversion and withdrawal after successful completion of diversion can reduce unnecessary prosecution (**Abdulraheem-Mustapha**, 2016a, 2019a, 2020).

For Nigeria, the lesson is to build integrated child justice centres, beginning with pilot states. Judicial reform must also address delay and require social inquiry reports. Without social inquiry, the court sees only the charge. With it, the court begins to see the child.

Custody, Cruelty and the False Promise of Detention

My contribution also dwells on the concern about custodial treatment and the false promise of detention. Detention is often imagined as a solution because it removes the child from the street, the neighbourhood or the immediate scene of trouble. Yet, detention can become a school of deeper harm when it is poorly regulated, underfunded or mixed with adult criminal environments. United Nations Convention on the Rights of the Child (1990c) insists that detention of children should be a measure of last resort and for the shortest possible period. This principle is not decorative. It is grounded in the painful recognition that institutionalisation can damage children emotionally, socially and morally.

The Nigerian evidence is troubling. Recent data on children and young adults deprived of liberty as demonstrated in Table 7 show significant reports of inhuman treatment across several states. The assessment supported by the Nigerian

Ministry of Interior and UNICEF reporting high percentages of inhuman treatment in some states, including Cross River at 76.9%, Bayelsa at 63.3%, Bauchi at 60.6% and Plateau at 59.5% (Uju *et al.*, 2024). Even where the percentages are lower, the ethical meaning remains grave. A child sent to a custodial facility in the name of correction must not encounter humiliation, violence or neglect.

Table 7: Inhuman Treatment of Children Experienced at Custodial Centres by State

State	Yes (%)	No (%)	State	Yes (%)	No (%)
Abia	50.0	50.0	Kano	8.6	91.4
Adamawa	35.7	64.3	Katsina	0.0	100.0
Akwa Ibom	47.8	52.2	Kebbi	52.6	47.4
Anambra	42.4	57.6	Kogi	0.0	100.0
Bauchi	60.6	39.4	Kwara	21.2	78.9
Bayelsa	63.3	36.7	Lagos	35.2	64.8
Benue	55.6	44.4	Nasarawa	11.1	88.9
Cross River	76.9	23.1	Niger	53.5	46.5
Delta	55.6	44.4	Ogun	32.9	67.1
Ebonyi	46.2	53.9	Ondo	52.4	47.6
Edo	56.3	43.7	Osun	21.4	78.6
Ekiti	42.9	57.1	Oyo	17.4	82.6
Enugu	53.9	46.1	Plateau	59.5	40.5
Federal Capital Territory	50.0	50.0	Rivers	30.6	69.4
Gombe	33.3	66.7	Sokoto	20.0	80.0
Imo	0.0	100.0	Taraba	22.9	77.1
Jigawa	14.6	85.4	Yobe	9.7	90.3
Kaduna	21.6	78.4	Zamfara	30.0	70.0

Source: Uju *et al.* (2024)

The irony is painful because society claims to send the child into custody for reform, but the custodial environment may reproduce the very conditions that make reform impossible. Figures 9, 10, 11 and 12 are very illustrative. If a child is hungry,

traumatised, poorly educated, abandoned or socially dislocated, detention without meaningful rehabilitation merely hides the symptom. When that child returns to society, the original wound may have deepened.

This is why I have argued that child justice must move from institutional reflex to rehabilitative reasoning. Custody may sometimes be unavoidable for serious cases, but it must be child-specific, humane, inspected, educational, therapeutic and reintegrative. My work on Borstal institutions and juvenile recidivism concludes that custodial institutions must be judged not by their capacity to confine, but by their ability to reduce reoffending through rehabilitation, education and reintegration (Abdulraheem-Mustapha, 2020b, 2026b).

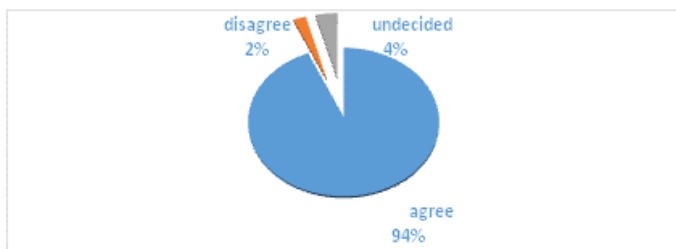


Fig. 9: Ineffectiveness of Custodial Institutions in Nigeria

Source: **Abdulraheem-Mustapha (2018)**

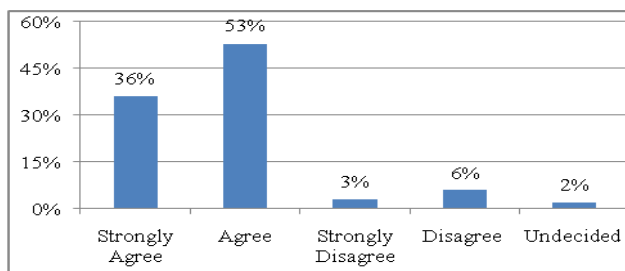


Fig. 10: Adequacy of Functional Programmes in Nigerian Custodial Institutions

Source: **Abdulraheem-Mustapha (2018)**

The history of juvenile punishment confirms this danger. Muncie (1999) cites early reform literature which warned that police and penal practices could intensify the criminal careers of young offenders when confinement exposed them to stigma, deprivation and further criminal association. Alemika and Chukwuma (2001) also observe that Nigerian juvenile justice institutions have often failed to provide the rehabilitative environment promised by law. My own work on child justice administration in Africa similarly shows that custodial institutions in Nigeria have often suffered from weak infrastructure, poor programming and inadequate reintegration mechanisms (**Abdulraheem-Mustapha**, 2019b, 2020a). The consequence is a contradiction: the institution claims to correct, but the conditions may corrupt.

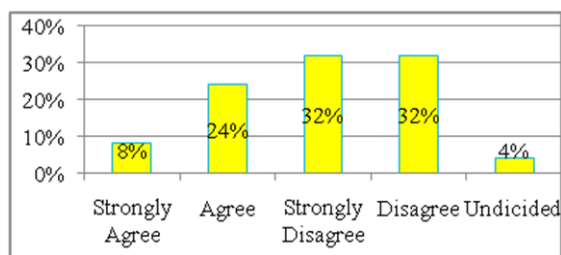


Fig. 11: Respondents' Views on Prison as Substitute for Custody where there is no Borstal Institution

Source: **Abdulraheem-Mustapha** (2018)

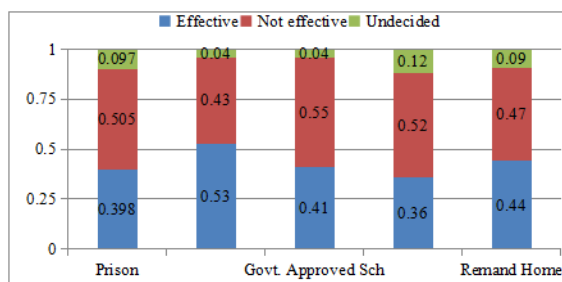


Fig. 12: Effectiveness of Institutions in Juvenile Justice Administration

Source: **Abdulraheem-Mustapha** (2019)

Prins (2010) deepens this critique by arguing that children and young persons who commit serious offences require proper inquiry into their mental state and allied conditions before penal decisions are made. The criminal justice system must know whether the child's behaviour is associated with trauma, mental disorder, developmental delay, abuse, substance exposure or family breakdown. A purely punitive response may satisfy public anger, but it will not necessarily address the causes of the conduct or protect society in the long run. This is also why a socio-legal approach is necessary in situations involving children affected by insurgency, displacement and violent recruitment. In my work with Onuora-Oguno, I argued that the *Boko Haram* insurgency demonstrates the limits of a purely legal response to children caught within structures of violence, trauma and social dislocation (Onuora-Oguno & **Abdulraheem-Mustapha**, 2018).

South Africa's institutional framework again provides useful lessons, not because it is free from problems, but because it has attempted to diversify child justice institutions. The framework includes Child Justice Courts, Children's Courts, Child and Youth Care Centres, One-Stop Child Justice Centres, drop-in centres and correctional facilities with separation requirements. The South African model recognises that not every child problem is a prison problem. Some require care, some require protection, some require diversion, some require supervision, and a small number may require secure placement. Nigeria's future reform must be similarly differentiated (**Abdulraheem-Mustapha**, 2019a, 2020a).

Detention also raises the question of educational continuity. A child in custody should not lose the right to learning. If a custodial centre removes a child from school without providing serious educational support, it deepens the child's disadvantage. Vocational training is important, but it should not be used as a substitute for literacy, numeracy, civic education and emotional development. The goal is not simply to keep the child busy. The goal is to prepare the child for meaningful reintegration.

The custodial system must, therefore, be governed by enforceable standards. Children must be separated from adults. Staff must be trained and abuse must be reported and investigated. Facilities must be inspected. Children must have access to legal assistance, family contact, education, health care and psychosocial support. Reintegration must begin before release, not after the child has returned to the same conditions that contributed to offending.

Diversion and Restorative Justice as Responsible Mercy

Mr. Vice-Chancellor, my contribution lies in the advocacy for diversion and restorative justice. Diversion is sometimes misunderstood as leniency. It is not because properly designed diversion is responsible mercy. It holds the child accountable while preventing unnecessary exposure to the formal criminal process. It may involve counselling, apology, restitution, educational intervention, skill acquisition, community service, family conferencing, victim-offender mediation or supervised welfare programmes as shown in Figure 13 below. Its purpose is to interrupt the journey from misbehaviour to criminal identity.



Fig. 13: Practical Model for Diversionary Measures

Source: **Abdulraheem-Mustapha** (2014; 2018, 2019; 2026)

The Beijing Rules encourage diversion at different stages of decision-making, provided there is appropriate consent and accountability (United Nations, 1985). Rule 6 recognises the need for discretion at different levels of juvenile justice administration, while Rule 11 supports diversion from formal judicial proceedings where suitable. This is not an invitation to arbitrary decision-making. It is a call for structured and accountable discretion. A child justice system without discretion becomes rigid. A child justice system with unregulated discretion becomes dangerous. The challenge is to build accountable discretion.

Restorative justice deepens this idea by asking what harm has been caused, who has been affected, what obligation arises and how relationships may be repaired. In the context of children, this is particularly important. A child may steal because of hunger, peer pressure, neglect or survival instinct. This does not erase the harm to the victim. But it changes the question. The question becomes: how do we repair the victim's loss, correct the child's conduct, involve the family or community, and prevent recurrence? This is far more constructive than simply marking the child with a criminal label.

The Child Rights Act supports this rehabilitative orientation by discouraging the language of conviction and sentence in relation to children and by promoting treatment that enables the child to play a constructive role in society (Child Rights Act, 2003). Owasanoye and Wenham (2004) observe that the police, prosecutors and courts may all serve as points of diversion where the system is properly designed. This multi-entry possibility is crucial. Diversion should not depend only on the final mercy of a judge. It should be available from the earliest reasonable point. My work on strengthening the criminal justice system through alternative dispute resolution similarly argues that non-custodial and restorative mechanisms can reduce overreliance on imprisonment, especially for minor offences and vulnerable categories of offenders (**Abdulraheem-Mustapha**, 2018).

Restorative justice also has African resonance. This is because many indigenous justice traditions understood wrongdoing as a disturbance of relationship rather than merely an offence against abstract law. This is not to romanticise tradition. Some traditional practices were harsh and must not be revived. The point is that African societies possess ethical resources for reconciliation, apology, restitution, family accountability and community repair. These resources can be reconstructed within constitutional and child rights safeguards (Abdulraheem-Mustapha, 2015a).

Restorative justice is also victim sensitive because a child-sensitive system must not forget the victim. If a child has caused harm, the victim's loss, fear and dignity must be recognised. Diversion should not trivialise the victim's experience. Proper restorative processes can allow victims to be heard, receive restitution where appropriate and participate in repair. This is often more meaningful than a distant court process that punishes the child but leaves the victim emotionally wounded.

Diversion is, therefore, not a retreat from justice. It is justice adapted to childhood. It asks the child to face harm without being crushed by the machinery of adult criminality. It asks the family to participate. It asks the community to support correction. It asks the state to supervise without destroying. This, to my mind, is one of the most promising directions for Nigerian child justice reform.

Socio-economic Realities and the Making of Delinquency

A child justice system that ignores poverty will repeatedly punish symptoms rather than address causes. Children do not grow in legal abstraction. They grow in families, streets, schools, markets, religious communities, peer groups, digital environments and neighbourhoods. Where these environments are protective, they form character; where they are broken, they may produce vulnerability to offending. My research on the predictive factors of juvenile delinquency has, therefore, argued that legal analysis must be joined with empirical attention to

family life, school experience, peer influence, community structures and wider socio-economic conditions (**Abdulraheem-Mustapha**, 2013, 2014, 2015, 2016b).

Sociological theories of delinquency remain important because they show that offending is not always the product of isolated wickedness. It may emerge from family disintegration, poverty, school exclusion, peer pressure, unemployment, abuse, street survival, conflict, displacement and weak community supervision. This does not deny agency. Rather, it recognises that agency is formed within conditions. The World Youth Report connects juvenile delinquency to social exclusion, weak institutions, poverty and the absence of legitimate opportunities (United Nations, 2003). This is especially relevant to Nigeria, where street hawking, child labour, school dropout and informal survival economies often expose children to risky social spaces.

Older criminological and developmental insights reinforce this argument. Tarde (1912) observed that many serious offenders began as abandoned children shaped by hunger, lack of education and street association. Quetelet (1835) showed that crime could be studied through patterns linked to social conditions, while Moffitt (1990) demonstrated that delinquency may follow developmental pathways shaped by childhood difficulties and adolescent peer dynamics. These insights point to one conclusion: a child justice system that waits at the police station has arrived late.

The case of street children is, therefore, instructive. A child who steals food because of hunger, displacement or abandonment has committed a legal wrong, but the moral biography of that wrong cannot be ignored. The same applies to children drawn into gangs, trafficking, substance abuse or violent extremism. Gender also matters, because girls may be criminalised for survival strategies or for fleeing abuse. Child justice is, therefore, a mirror of our families, economy, schools, welfare institutions and legal compassion. Prevention is not a soft alternative to justice. It is the most intelligent form of justice.

The Architecture of Betrayal: Why the System Fails the Child

Mr. Vice-Chancellor, Nigeria's criminal justice system betrays its youngest not because every officer, judge, lawyer or welfare worker is indifferent. Many work sincerely under difficult conditions. The betrayal lies in the structure itself: uneven domestication of child rights laws, underfunded institutions, poorly trained personnel, adult-centred policing, weak Family Courts, non-specialised Child Police Units, non-rehabilitative custodial centres and welfare systems too fragile to protect children before they offend.

The first betrayal is definitional because Nigeria has not fully harmonised childhood and criminal responsibility. Where age documentation is weak, a missing birth certificate, a police officer's guess or a court's impatience may determine whether a child is protected or punished as an adult. The second is geographical. A child's protection may depend on the state in which he or she is found, despite the constitutional promise of dignity and equality (*Constitution of the Federal Republic of Nigeria*, 1999, as amended). The third betrayal is procedural and institutional. Children often enter through adult-centred policing and encounter Family Courts or Child Police Units that exist in law but fail in practice. The fourth is custodial and developmental. Detention may expose children to harmful conditions, while the system responds only after poverty, neglect and exclusion have matured into offending. Child justice must, therefore, begin before the child offends.

Rethinking Reform: Lessons from Nigeria and South Africa

Comparative analysis is useful when approached with caution. South Africa is not Nigeria, and reform cannot be imported without attention to constitutional structure, culture, federalism, funding and administrative capacity. Yet, comparison shows what is possible. My work on Nigeria and South Africa demonstrates that both countries inherited colonial legal structures, but South Africa has made more deliberate efforts to build a specialised child justice system through the

Children's Act and the Child Justice Act (**Abdulraheem-Mustapha**, 2016a, 2019 2020; Child Justice Act 75 of 2008; Children's Act 38 of 2005). Its One-Stop Child Justice Centre model is instructive because it brings together police, probation officers, legal aid, courts, welfare and diversion services to reduce delay and protect children from adult court environments. Nigeria can adapt this gradually through Child Justice Support Centres, preliminary inquiry, stronger monitoring and differentiated responses that match each child's needs.

Child Justice, Family Failure, and Public Responsibility

No child comes before the criminal justice system from nowhere. Every child comes from a history, even when that history is hidden from the charge sheet. The formal record may say theft, assault, wandering, truancy or breach of public order. The deeper story may reveal hunger, parental death, displacement, domestic violence, street survival, school exclusion, trauma or peer exploitation. A child-sensitive justice system must, therefore, read beneath the offence without denying the harm caused.

Family remains the first institution of child formation. It is within family that a child first learns authority, affection, discipline, trust and responsibility. Where family is stable, it provides moral and emotional anchorage. Where it is broken, violent, absent or overwhelmed by poverty, the child becomes more exposed to harmful influences. The Riyadh Guidelines rightly place family support at the centre of delinquency prevention (United Nations, 1990b).

The state, schools, communities and religious institutions also bear responsibility. The Child Rights Act (2003) requires a protective environment in which the child's welfare is a primary consideration. Schools must not simply exclude difficult children without referral and communities must resist stigma. Reintegration requires a culture of second chances that corrects wrongdoing without making one offence the permanent identity of a child.

The Future of Child Justice Scholarship in Nigeria

The Vice-Chancellor, Sir, an inaugural lecture should not merely close a chapter; it should open a direction. My future scholarly concern is to move child justice research in Nigeria from diagnosis to tested reform. The weaknesses are clear: legal fragmentation, poor age documentation, weak Child Police Units, underdeveloped Family Courts, inadequate diversion programmes and harmful custodial conditions. The next task is to design, pilot, evaluate and refine practical reform models.

This requires empirical mapping of Child Police Units, assessment of Family Court functionality, evaluation of diversion outcomes, and regular inspection of custodial and reintegration systems. Uju *et al.* (2024) have already provided important evidence on children and young adults deprived of liberty. Future research must build on such evidence through interdisciplinary, comparative and reform-oriented inquiry. Child justice scholarship must remain faithful to doctrine without being imprisoned by doctrine. It must listen to children, protect victims and preserve child dignity.

Language, Dignity and Public Persuasion

The language of child justice matters because law shapes public imagination through words. When children are described only as criminals, hoodlums or threats, society becomes less willing to examine the conditions that produced offending. A child-sensitive justice system must recognise victims, protect communities and uphold responsibility, while also acknowledging that labels such as “criminal,” “delinquent” or “hoodlum” can stigmatise children, shape how police, courts and communities perceive them, encourage punitive treatment and obstruct rehabilitation. Its language should therefore describe the conduct without fixing the offence as the child’s permanent identity, thereby preserving the possibility of growth and reintegration. Diversion is not escape from justice, restorative justice is not forgiveness without accountability, and rehabilitation is not weakness. It is the intelligent design of consequences so that the child learns, the victim is recognised, society is protected and future offending is reduced.

The Moral Economy of Second Chances

A child justice system must believe in second chances without denying wrongdoing. Such a chance keeps open the possibility of recognising that a child's identity is still forming. Yet, second chances need structure: schooling, counselling, family support, mentorship, community acceptance and lawful opportunity. A child released without guidance, diverted into an empty programme, or returned from custody to rejection, has not truly been restored. Victims must also be included through restitution, apology, supervised service or family conferencing. Justice should repair harm, strengthen accountability and choose the response most likely to prevent future harm wisely and humanely for all concerned.

Re-reading Criminal Responsibility through Childhood

Criminal responsibility is often treated as technical doctrine, but it is also a moral judgment about the person before the law. Adult offenders are generally presumed to possess settled capacity to understand rules, anticipate consequences and choose among alternatives. That presumption becomes fragile when the person before the law is a child. Childhood is a period of formation; moral reasoning, emotional control and social understanding.

The minimum age of criminal responsibility is society's attempt to draw a legal line, but the line alone is not enough. If it is too low, children may be punished before they are developmentally ready for blame. If it is too high without strong welfare systems, harmful behaviour may go unaddressed. Nigeria's plural legal traditions, including the Criminal Code, Penal Code, Child Rights Act and Shariah-influenced penal frameworks, often speak differently. This creates uncertainty. The minimum protection every child deserves must, therefore, rest on dignity, best interests, fair hearing, proportionality and rehabilitation. Child justice must also resist the culture of control, where fear and insecurity produce demands for visible punishment (Garland, 2001). Public safety matters, but punitive panic can deepen harm.

The Child, the Victim and the Community

A child-sensitive justice system must avoid one-sidedness. It must not erase the victim in order to protect the child. It must not erase the child in order to satisfy the victim. A child may be vulnerable and still cause harm. A victim may deserve repair without demanding the destruction of the child. The community may require safety without surrendering to vengeance.

Restorative justice asks how harm can be acknowledged and repaired. It allows the child to understand the impact of conduct, the victim to be heard, and the family and community to participate in a structured way. This approach is close to my argument on alternative dispute resolution in Nigeria's criminal justice system, where I maintained that non-adversarial mechanisms could strengthen justice if they protect the victim, the accused and society (**Abdulraheem-Mustapha**, 2018a). Yet, not every case is suitable for restorative justice. Serious offences, power imbalance, intimidation, trauma and safety concerns must be carefully assessed.

Reconstructing the Institutional Pathway

A reformed child justice system must be imagined as a continuous pathway, not isolated events. It begins before arrest, through family support, education, child protection and prevention. It continues at police contact, where age, vulnerability, offence seriousness and welfare needs are assessed. It then moves through diversion, family tracing, legal assistance and social inquiry. Where trial is necessary, proceedings must be child-sensitive; where custody is unavoidable, it must be humane, educational and time-bound. Reintegration should be planned, supervised and evaluated. Universities can support this pathway through research, clinics, legal aid, policy labs, restorative justice training and community outreach.

My Contributions to the University

As a member of the academic staff of the University of Ilorin, I have contributed significantly to teaching, research, administration, and institutional growth. I served as the Head of

the Department of Public Law between 2020 and 2022, where I provided academic and administrative leadership aimed at strengthening the department's teaching, research, and community service mandate. I have also served as the Departmental Level Adviser and Examinations Officer, contributing to students' academic development and ensuring the integrity of the examination process. Beyond the Department, I represented the Faculty of Law on the Faculty of Engineering and Technology Board, Faculty of Life Sciences Board and the General Studies (GNS) Board, fostering interdisciplinary collaboration and academic excellence.

Currently, I serve as a Member of the Governing Council of the University of Ilorin, contributing to policy formulation, strategic planning, and institutional governance. I have also served on numerous Faculty and University Committees, including the University 50th Anniversary Committee, Mock Accreditation Committees, and several other ad-hoc and statutory committees that have enhanced quality assurance, accreditation success, and institutional advancement. My contributions to scholarship are reflected in my role as both Principal Investigator and Co-investigator for two different Senate Research Grants, where I am leading research initiatives that address contemporary legal and societal challenges. Through teaching, mentoring, supervision, and research, I have contributed to the training and development of future legal professionals and scholars.

Professional and Academic Contributions

Beyond the University of Ilorin, I was a Pioneer member of Governing Council of the First Technical University, Ibadan, Oyo State (now Abiola Ajimobi Technical University), where I contributed to laying the foundation for education and institutional development during its formative years. I serve as a Consultant to the National Institute for Legislative and Democratic Studies (NILDS), National Assembly, Abuja, contributing to legislative research, policy development, and capacity building. I am also a Fellow of the African Humanities Programme, in recognition of my contributions to scholarship and academic leadership in Africa.

In recognition of my academic and professional contributions, I received the prestigious All African University Award and African Humanities Programme on Ph.D. Dissertation completion. I serve as the Coordinator/In-Charge of Law, Sherifat College of Professional and Legal Studies, where I provide academic guidance and professional mentorship to aspiring legal practitioners. I also serve as External Examiner on law programmes in many institutions and as a reviewer of scholarly books, contributing to academic quality assurance and the advancement of legal scholarship.

Contributions to the Community

My commitment to community service extends beyond academia. I serve as the Legal Adviser to the Molaba Ago-Igi Isubu Association, Igboho, Oyo State; providing legal guidance and support on matters affecting the organisation and its members. I am the Deputy General Secretary of the Irepo Grammar School, Igboho Old Students Association, contributing to initiatives aimed at promoting educational development, alumni engagement, and support for the growth of the institution. Furthermore, I founded the Network for Vulnerable Persons in Nigeria (NVPN), a non-governmental organisation dedicated to advocating for, and supporting vulnerable members of society through *pro bono* services, legal awareness, empowerment initiatives, and social intervention programmes.

Through these various academic, professional, and community engagements, I have consistently sought to promote good governance, educational advancement, social justice, institutional development, and community empowerment, thereby contributing meaningfully to both the University and society at large.

Conclusion

When a child stands at the door of justice, the child may be frightened, defiant, hungry, ashamed or silent. Behind that child may lie a broken home, a lost school opportunity, the death of a parent, an exploitative adult, a manipulative peer group, poverty, neglect or a moment of youthful foolishness. Before that child stands the state, armed with law, police, courts and

custodial power. This is why the children in this lecture are described as being “in the cage”. The cage is not only the prison cell, the police station, the remand home or the custodial institution. It is also the cage of poverty, abandonment, school exclusion, weak family support, poor age documentation, institutional delay, stigma and the absence of effective welfare services. Long before some children are physically detained, they may already have been confined by social conditions that narrow their choices and expose them to offending. When the justice system responds only to the visible offence and ignores these deeper forms of confinement, it punishes the child without understanding the pathway that brought the child before the law.

Justice is therefore “on trial” because every encounter between the child and the criminal justice system tests the humanity, competence and moral credibility of the state. Justice is on trial when a child is processed as an adult, detained unnecessarily, denied a functional Family Court, handled by untrained personnel or placed in an institution that deepens rather than corrects harm. Justice is equally on trial when the victim is ignored, accountability is avoided or public safety is treated casually. The real challenge is to hold together the child’s responsibility, the victim’s harm and the child’s continuing capacity for reform. If the state sees only the offence, it may punish without wisdom. If it sees only vulnerability, it may excuse harm without responsibility. However, if it sees both the offence and the child, it may administer justice.

The purpose of child justice is not to deny wrongdoing, but to correct without crushing, to protect without becoming permissive, and to recover the child without disregarding the victim. A society that cages its children through neglect and then confines them through punishment places its own future in danger. A society that corrects, protects, rehabilitates and reintegrates child offenders invests in peace, security and human dignity. Children in conflict with the law are citizens in formation. They are not beyond accountability, but neither are they beyond redemption. They are too young and too vulnerable to stand alone. When children remain in the cage, justice remains on trial.

Recommendations

My recommendations are as follows:

1. The Child Rights Act must be harmonised and implemented across all states.
2. Courts and agencies should adopt one enforceable national standard for applying the best interests of the child.
3. No Nigerian child should enjoy fewer protections because of state boundaries. Minimum safeguards must apply nationwide.
4. Police must handle children with caution, professionalism and restraint, not as adult suspects. Every police command should operate trained Child Police Units with monitored arrest, interview, referral and diversion procedures.
5. Functional Family Courts should operate in child-friendly spaces with trained personnel and compulsory social inquiry reports.
6. Diversion should be the normal response for suitable minor cases through counselling, education, restitution, community service and family conferencing.
7. No child should be detained with adults. Custodial centres must provide education, healthcare, psychosocial support and reintegration planning.
8. Birth registration and reliable age determination must become justice priorities.
9. Schools, religious bodies, traditional institutions, NGOs and professional associations should create local protection and reintegration networks.
10. Nigeria should establish a national child justice database tracking arrest, detention, diversion, trial delay, release and reoffending.
11. Female young offenders require dedicated Borstal institutions or equivalent gender-responsive rehabilitation programmes whenever necessary.
12. Child protection budgets must be ring-fenced, publicly reported and independently monitored.

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I remain profoundly grateful to the Vice-Chancellor, Professor Wahab Olasupo Egbewole, SAN, the Governing Council, Senate, Principal Officers, and the former and current Chairmen of the Library and Publications Committee, Professor A.A. Adeoye and Professor A.O. Issa, whose painstaking efforts brought this lecture to fruition. I appreciate the Faculty of Law, my colleagues, teachers, late Professor M. M. Akanbi, my Ph.D. supervisor, Professor Ibrahim Yusuf Arowosaiye, Professor Ibrahim Imam, my students, professional and faith-based communities, and everyone who contributed to this academic moment.

This milestone is not mine alone; it is the culmination of many lives, sacrifices and acts of grace that made my journey possible. My late father, Raheem Agoro Eniadunmo, occupies a cherished place in this story. I have no doubt that he would have been among the happiest people witnessing this occasion. I pray that Almighty Allah forgives his shortcomings, illuminates his grave and admits him into Al-Jannatul Firdaus (Āmīn).

I owe an immeasurable debt of gratitude to my beloved mother, Alhaja Sifawu Abeke, my cherished Alhaja One. Her life has been a testimony to endurance, faith and maternal devotion. She sustained hope when circumstances could easily have produced despair. Her prayers, sacrifices and quiet strength gave me the courage to continue whenever the road became uncertain. She

taught me that hardship should not become an excuse for surrender and that, with faith, patience and determination, a child from modest circumstances could still aspire to meaningful achievement. May Almighty Allah preserve her in good health, strengthen her īmān, increase her in mercy and blessings, and grant her happiness in this world and the Hereafter.

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Mr. Vice-Chancellor, permit me to pay tribute to my beloved husband, Dr. Abdulrafiu Mustapha. He has been my companion, confidant and pillar of support. Many see the Professor standing here today; few know the sacrifices of the man behind the Professor. When we met, he held a Grade II Certificate. Through determination and Allah's grace, he earned an NCE, Bachelor of Education, Master degree and Ph.D. in Educational Management. He now serves as Deputy Controller of Corrections and Officer-in-Charge of Ijebu-Ode Custodial Centre, Ogun State. May Allah preserve him, reward his sacrifices and increase love and mercy between us.

Finally, I say Alhamdulillahillāhi Rabbil-‘Ālamīn. Wa mā tawfīqī illā billāh, “My success is only through Allah” (Qur’an 11:88). I sincerely appreciate all distinguished guests present here and those joining virtually for sharing this memorable occasion.

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