

INCONGRUITY IN DEFINITIONS OF A CHILD: IMPLICATIONS FOR CRIMINAL RESPONSIBILITY IN NIGERIA*

Abstract

The recognition of children as holders of rights is now a settled principle, premised on the understanding that the inherent vulnerability of childhood demands sustained protection. As Jeremy Bentham observed, 'everything must be done for an imperfect being, which as yet does nothing for itself.' However, the possession of rights is inseparable from the notion of responsibility, including responsibility for conduct that infringes upon the rights of others. This article interrogates the legal conception of the child within the criminal justice system and examines how this conception influences the attribution of criminal responsibility. Employing a doctrinal research methodology, the study critically analyses relevant primary and secondary legal sources. The research is of practical significance to a wide range of stakeholders, particularly policymakers, judicial officers, and child-rights advocates involved in decisions affecting children. It recommends, *inter alia*, that the Child's Rights Act (CRA) should expressly prescribe a minimum age of criminal responsibility to eliminate ambiguity surrounding the applicable age threshold for offences under the Act. Such reform would also harmonise the conflicting age provisions currently contained in the Criminal Code, the Penal Code, and the Administration of Criminal Justice Act (ACJA).

Keywords: Child, Criminal Responsibility, Offences, Child Justice System, Nigeria

1. Introduction

Criminal responsibility, in its generic sense, is non-discriminatory; every individual is liable for crimes committed, without distinction on any ground. However, cases occur where a person is exempted from criminal responsibility for acts that are offensive to the state. Under the Nigerian criminal law, criminal responsibility is determined by a range of factors, including but not limited to the mental condition of the alleged offender—such as insanity or intoxication; the presence or absence of requisite intent and in certain circumstances, the official status of the offender, as where a judicial officer performs or omits to perform an act in the exercise of judicial functions¹ and immaturity of age. Age assumes particular significance in determining a person's criminal liability. The two principal criminal statutes in Nigeria—the Criminal Code and the Penal Code, applicable in the southern and northern regions respectively—prescribe a minimum age of criminal responsibility: once a person is established to be seven years of age or below, he is conclusively presumed *doli incapax*. Although Nigeria still applies the doctrine of *doli incapax* which it borrowed from Britain, as one of the consequences of colonization, the doctrine has been long abolished by the Crime and Disorder Act² of the United Kingdom. While the criminal liability of a child had not been much of a problem in Nigeria, particularly with reference to the age of assumption of that responsibility, the enactment of the Child's Rights Act, with its explicit statutory definition of a child above the age stated in the Criminal and Penal Codes, has introduced complexities into the child justice system in determining the age of child offenders. Negligently, the Act did not provide for a minimum age of criminal responsibility as obtainable in some other jurisdictions. This has left the status of the child offender open to complicated, assumptive and speculative inferences. Regrettably, no concerted legislative effort has been made to harmonise these apparent inconsistencies, which have severe implications on the child justice system. While considerable intellectual energy has been devoted to reviewing and advocating for the rights of the child, comparatively limited effort has been directed toward understanding the responsibilities of the child to crimes committed by him. One of the foremost challenges in the discourse on the criminal responsibility of children lies in determining who qualifies as a child. This Article sought to examine the disharmony in the conceptualization of child, with its attendant challenges in the child justice system and possible ways of achieving both child rights protection and correction in the criminal justice system.

2. Definition of a Child

In the legal context, the difficulty in propounding a uniform definition of the child seems to be more pronounced. In recognition of this difficulty, Joseph observed that:

the law as to children is complex, so much so that even the specialist lawyer is bewildered by its interspersions and ramifications. It is hardly an auspicious start to find that the definition of the word

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Criminal Code Cap C38 LFN, 2004.section 31.

² 1998, Section 34 provides that: 'The rebuttable presumption of criminal law that a child aged 10 or over is incapable of committing an offence is hereby abolished.'

‘child’ varies with the statutes, so that a child is a child in one statute but not a child in another. Indeed, there is a legislative hesitation as to whether a child is properly to be termed a child, a minor or an infant. Nor is this the only terminology to be considered. There are also juveniles and young persons to be woven into the legal fabric.³

The Black’s Law Dictionary⁴ defines a child to be a ‘person under the age of majority. The dictionary, however, did not define age of majority. The Oxford Advanced Learner’s Dictionary⁵ defines a child as ‘young human being who is not yet an adult.’ It went further to define an adult as ‘a fully grown person who is legally responsible for his actions.’ The dictionary did not also explain when a person becomes fully grown. In some instances, the age of majority is deemed to be a full age.⁶

In Nigeria, the child is defined as ‘a person under the age of eighteen years,’ while ‘age of majority’ is defined as the age at which a person attains eighteen years under the CRA.⁷ This CRA’s definition of a child accords with the internationally accepted definition of a child. Generally, under international law, there appears a consensus that a child is a person under the age of 18 years. Article 1 of the Convention on the Rights of the Child, (CRC) in defining a child stated that: ‘For the purposes of the present Convention, a child means every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier. The definition of a *child* under the Convention on the Rights of the Child (CRC) seeks to achieve a measure of uniformity among State Parties, while simultaneously allowing for the recognition of diverse national age thresholds. Nonetheless, although the Convention permits States to set a lower age limit, it does not allow the extension of childhood beyond eighteen years. This flexibility, however, remains open to criticism, as the discretion granted to States to modify the age benchmark arguably undermines the intended universality and consistency of the definition. Similarly, the Convention No. 182 on the Worst Forms of Child Labour define a ‘child’ as a person under 18 years of age.⁸ A child under the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (the ‘UN Trafficking Protocol’ is anyone below the age of 18 years.⁹ Article 1 of the African Charter on the Rights and Welfare of the Child adopted the same meaning as the CRC. It provides that: ‘for the purposes of this Charter, a child means every human being below the age of 18 years.’ The above definition is in tandem with the definition of a child in Article 3(d) of the ‘Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime¹⁰. For the purpose of this discourse, we shall adopt the CRA’s definition of a child.

3. Criminal Responsibility

Criminal responsibility denotes personal accountability for unlawful acts committed by an individual or legal entity, irrespective of age, sex, nationality, or any other distinguishing status. It is also defined as a person’s mental fitness to answer in court for his or her actions. It is used in criminal law in the sense of criminal liability and hence, means answerability to criminal law.¹¹ Criminal responsibility is defined in section 1 of the Criminal Code of Nigeria as ‘liability to punishment as for an offence’. In other words, it simply means culpability. Culpability in the sense that you have done an act contrary to law and thus you should be punished for it. According to Okonkwo:

All legal systems have to some degree or other incorporated the simple moral idea that no one should be convicted of a crime unless some measure of subjective fault can be attributed to him. Nigerian criminal law is no exception. Most offences are defined in terms of intention or knowledge. Defences are provided for those who cannot be said to be at fault for the insane, for young people, for those who acted in a state of unconsciousness or under compulsion and so on.¹²

Except for strict liability offences, criminal responsibility is established by two basic elements: *actus reus* and *mens rea*. A person cannot usually be found guilty of a criminal offence unless these two elements are present. This is depicted in the Latin maxim ‘*actus non facit reum nisi men sit rea*’ which means that a guilty act alone

³ Clarke Hail and Morrison on Children, (London, Butterworths Publishers, 1977), iv

⁴B A Garner, *Black’s Law Dictionary*, 2004, 8th Edition, West Group, St. Paul MINN, 254.

⁵ 6th Edition

⁶ Constitution of the Federal Republic of Nigeria, 1999, section 29(4) (a).

⁷ CRA, 2003, Section 277

⁸ Article 2

⁹ Art. 3(d)

¹⁰ 2000

¹¹ ‘Criminal Liability under the Nigerian Criminal Jurisprudence’, <<https://eprints.gouni.edu.ng/4642/1/3262-6447-1-SM.pdf>>, accessed on 10/12/2025.

¹² C O Okonkwo, & Naish, M. E., *Criminal Law in Nigeria*, 2nd ed. (London: Sweet and Maxwell, 1980), p.379.

does not make a person liable for an offence unless it is accompanied by a guilty mind. This age-long principle was reiterated in *Yelli v State*¹³ where the Court stated that:

It is a fundamental principle of criminal law that a crime consists of both a mental and a physical element. *Mens rea*, a person's awareness that his or her conduct is criminal, is the mental element, and *actus reus*, the act itself, is the physical element. The concept of *mens rea*, which is Latin for 'guilty mind', developed in England around 1600, when Judges began to hold that an act alone could not create criminal liability unless it is accompanied by a guilty state of mind. The degree of *mens rea* required for a particular crime varied then.

This position is predicated on the principle of criminal law that there shall be no liability without fault. The Nigerian criminal law incorporates the principle that no one should be held criminally responsible for his act or omission unless he is to a certain extent, at fault. The underlying philosophy of this position is that ten guilty men should escape rather than one innocent man made to suffer. The physical element may consist of an act or, more rarely, an omission and sometimes a passive state of affairs. It may not only be limited to the conduct of the accused but it may also include the consequences of the conduct. According to Glanville Williams, *actus reus* means the whole definition of the crime, with the exception of the mental element. It includes all external circumstances and consequences specified in the rule of law as constituting the forbidden situation. *Mens rea*, traditionally, refers to the state of mind of the person committing the crime. It has been expressed in various epithets – intention, recklessness, negligence, accident, unconsciousness. It is also called culpable mind. The justification for punishing an offensive act is that it must be predicated on a culpable mind.¹⁴ Accordingly, it is not every unlawful act or omission that attracts criminal responsibility; the law recognises that a certain fact or set of facts may be present in a particular case that can exculpate the accused person from criminal liability. The facts that can constitute acceptable defences include, infancy, insanity, and intoxication, among others.¹⁵

4. Incongruities in the Definition of a Child and their Effect on the Criminal Liability of the Child

Before identifying these incongruities, it must be clearly stated that while a child is generally understood to be an individual who has not attained adulthood, the age of criminal responsibility establishes the threshold at which criminal prosecution becomes permissible. This distinction is significant, as criminal accountability presupposes a level of mental understanding and volitional control. Although sustained efforts have long been made to distinguish criminal proceedings involving children from those applicable to adults, the persistent lack of coherence among Nigeria's criminal laws and procedural frameworks has rendered the administration of child justice largely fragmented, ineffective, and, in certain respects, dysfunctional. This lack of uniformity is traceable primarily to the incongruities in the legal definitions of 'a child,' a concept that is not merely foundational but also central to the effective operation of the child justice system.

In Nigeria, children are subject to a multiplicity of criminal and quasi-criminal statutes, including the Criminal Code, the Penal Code, the Child's Rights Act, the Violence Against Persons (Prohibition) Act, and the Administration of Criminal Justice Act, among others. Nigeria's ratification and domestication of the United Nations Convention on the Rights of the Child (CRC), achieved through the enactment of the Child's Rights Act 2003 (CRA), designed to serve as a comprehensive and uniform framework for child protection defines a child, under Section 277 as 'a person under the age of eighteen years,' while 'age of majority' is defined as the age at which a person attains eighteen years. Although the CRA is not, strictly speaking, a criminal statute, it provides an extensive and holistic regulatory framework governing matters relating to children.

International law encourages states to stipulate a fixed minimum age of responsibility in their laws subject to their discretion.¹⁶ However, the Beijing Rules¹⁷ recommends that the beginning of the minimum Age of criminal responsibility shall not be fixed at too low an age level, bearing in mind the facts of emotional, mental and intellectual maturity. In line with this rule the Committee on the rights of the Child¹⁸ has recommended States parties not to set a minimum Age of criminal responsibility below the age of 12 years. States parties are encouraged to increase their lower minimum Age of criminal responsibility to the age of 12 years as the absolute minimum age and to continue to increase it to a higher age level.

¹³ 2022-09) Legalpedia 43052 (SC).

¹⁴ <https://www.learnnigerianlaw.com/learn/criminal-law/criminal-responsibility-elements>

¹⁵ Chinazor Queen Umeobika. 'Examining the Criminal Trials and Liability of Child Offenders in Nigeria: The Need for an Effective Child Justice System' *AFJCLJ* 1 (2016) 159.

¹⁶ CRC, Article 40(3).

¹⁷ United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules). Adopted. 29 November 1985. BY. General Assembly A/RES/40, Rule 4.

¹⁸ Comment 32

Prior to the enactment of the Child Rights Act (CRA), the regulation of matters concerning children in Nigeria was governed by a constellation of statutes which, either expressly or by necessary implication, delineated the legal conception of the child. Notably, section 2 of the Children and Young Persons Act defined a *child* as a person under the age of fourteen years, while a *young person* was described as a person who had attained the age of fourteen years but was below seventeen years. This statutory bifurcation reflected an age-based approach to childhood that was neither uniform nor comprehensive.

In contrast, neither the Criminal Code nor the Penal Code contains an express definition of the term ‘child.’ Nevertheless, an implied conceptualisation of childhood may be gleaned from provisions governing criminal responsibility. Section 50 of the Penal Code and section 30 of the Criminal Code establish that a child below the age of seven years is absolutely exempt from criminal responsibility and is conclusively presumed to be *doli incapax*. Furthermore, children between the ages of seven and twelve years are rebuttably presumed to lack criminal capacity, unless it is affirmatively established that, at the material time, the child possessed sufficient maturity to appreciate the wrongfulness of the act or omission in question. In this context, a child's status is not determined solely by chronological age, but also by their individual mental maturity and moral capacity to discern right from wrong.

With regard to responsibility to sexual crimes, the Criminal Code presumes that a male child under the age of twelve years is incapable of having carnal knowledge. These provisions reveal that the Codes approach childhood primarily through the lens of criminal culpability rather than by articulating a holistic definition of the child. This is applicable to both situations where the child is a victim or an offender. Indeed, while the Codes extensively prescribe age thresholds for the protection of child victims and culpability of child offenders, they conspicuously refrain from defining their legal status in clear and unified terms. Both statutes incorporate numerous provisions that criminalize conduct directed against children. These include, *inter alia*, indecent treatment of boys under fourteen¹⁹, defilement of girls under thirteen, inducement of a girl for illicit intercourse,²⁰ cruelty to children,²¹ amongst others.²² Such provisions reflect a legislative recognition of childhood vulnerability, even in the absence of a unified or explicit definitional framework. Worst still, the CRA did not provide for age of criminal responsibility aside the definition.

On its part, the Violence Against Persons (Prohibition) Act (VAPP Act) makes repeated reference to the term ‘child.’²³ and ‘minor’ without providing statutory definitions for either. It might reasonably have been expected that the enactment of the Child Rights Act (CRA) would have resolved this definitional disharmony by establishing a coherent and authoritative standard. However, this expectation was undermined by the subsequent enactment of the Administration of Criminal Justice Act (ACJA) in 2015, which instead introduced further conceptual ambiguity. The ACJA employs, with notable frequency, the terms ‘infant,’ ‘young person,’ and ‘child,’ assigning to each distinct age thresholds. Specifically, section 494 of the ACJA defines a ‘young person’ as an individual who has attained the age of fourteen but has not yet attained the age of seventeen, thereby reintroducing the definition by the Children and Young Persons Act. It defined an ‘infant’ as a person who has not attained the age of seven years, and a ‘child’ as a person who has not attained the age of eighteen years. It also defined an ‘adult’ to mean a person who has attained the age of 18 years or above. This multiplicity of age-based classifications, while perhaps intended to serve procedural or penological objectives, exacerbates the lack of uniformity in the legal conception of childhood and perpetuates uncertainty within the broader criminal justice framework. Unlike the Administration of Criminal Justice Act (ACJA), the Child Rights Act (CRA) does not create any dichotomy between an infant, a child, or a young person. Rather, the CRA adopts a unified definition by recognizing every person below the age of eighteen years as a child, without further categorization or differentiation.

One positive step taken to harmonise the divergence of definitions of the child is *section 274* of the CRA on suspension and inconsistency which provides that:

- (1) The provisions of this Act supersede the provisions of all enactments relating to-
 - (a) children;
 - (b) adoption, fostering, guardianship and wardship;
 - (c) approved institutions, remand centres and borstal institutions; and
 - (d) any other matter pertaining to children already provided for in this Act.

¹⁹ Section 216

²⁰ Section 275 Penal Code

²¹ Section 238 of the Penal Code

²² Section 218

²³ Section 6, which deals with female genital mutilation; section on abandonment of Children without sustenance.

(2) Accordingly, where any provision of this Act is inconsistent with that of any of the enactments specified in Subsection (1) of this Section, the provision of this Act shall prevail and that other provision shall, to the extent of its inconsistency, be void.

This provision implies that any statutory definition of a child that is not consonant with that contained in the CRA is rendered void. While this development is commendable, it has not resolved the persistent inconsistency surrounding criminal liability. Given that the definition of a child and the age of criminal responsibility are distinct legal concepts, the absence of a uniform statutory age of criminal responsibility has rendered the legal status of the child offender contentious. It is also pertinent to note that the CRA creates offences that mirror those contained in other statutes such as sexual offences, for which a child offender may be charged. The critical issue that arises, however, is the applicable age of criminal responsibility in the absence of an express provision under the CRA. The question is whether the relevant age is the eighteen years stipulated in the definition section of the Act, or whether recourse must be had to the ages prescribed under the Criminal Code, the Penal Code, or the ACJA. This inconsistency is exemplified in circumstances where, under existing Criminal Code, a male child below the age of twelve is presumed incapable of sexual intercourse, whereas under the CRA, such a presumption does not arise. Again, does section 274 apply to subsequent enactments to bring the ACJA subject to it? While it is settled that the CRA has addressed the incongruities in the definition of a child, the incongruities in the age of criminal responsibility are still undetermined. Regrettably, this lacuna within the Child Rights Act (CRA) has exacerbated the inconsistency surrounding the age of criminal responsibility, as these statutes bearing different ages and definitions will continue to operate independently of one another.

5. Criminal Responsibility of Children in Another Jurisdiction (Kenya)

Like Nigeria, Kenya was a British colony that inherited its criminal justice system from the common law. However, unlike Nigeria, Kenya has abolished the principle of *doli incapax* which formed the basis of child justice administration. Kenya operates a dual framework for the protection and regulation of children, comprising both constitutional and statutory provisions. The Constitution of Kenya expressly recognizes the child as a subject of legal protection. Section 260 of the Constitution defines a 'child' as an individual who has not attained the age of eighteen years, while correspondingly defining an 'adult' as an individual who has attained the age of eighteen years. These provisions clearly delineate the legal thresholds of minority and majority within the Kenyan legal system. The Children's Act reinforces this constitutional position by adopting the constitutional definition of a child under section 2, while further clarifying the meaning of age for legal purposes. Under the Act, 'age' refers to the chronological age of the child. In the exact words of the Act, 'age' means the actual chronological age of the child from conception or the child's apparent age as determined by a Medical Officer in any case where the actual age of the child is unascertainable. This definition is consistent with the internationally accepted conception of a child as provided under the Convention on the Rights of the Child (CRC), which forms part of Kenyan law. Although Kenya has enacted domestic legislation adopting the CRC with modifications suited to its local context, the Constitution adopts a monist approach to international law. Sections 2(5) and 2(6) of the Constitution affirm that the general rules of international law form part of the law of Kenya and that any treaty or convention ratified by Kenya automatically forms part of Kenyan law. Consequently, the CRC enjoys direct applicability within the Kenyan legal system upon ratification. The section provides that: 'the general rules of international law shall form part of the law of Kenya. Any treaty or convention ratified by Kenya shall form part of the law of Kenya under this Constitution.'

Like Nigeria, Kenya has complied with the requirements of Article 40(3) of the Convention on the Rights of the Child (CRC), which obliges States Parties to establish a minimum age of criminal responsibility. The principal distinction between the two jurisdictions lies in the legislative placement of this age threshold. In Nigeria, the minimum age of criminal responsibility is provided for under the Criminal Code and the Penal Code, rather than in the Child's Rights Act. In contrast, Kenya expressly incorporates the minimum age of criminal responsibility within the Children's Act, thereby situating the age threshold squarely within its child-specific legislative framework. Kenyan law fulfils this international obligation not only by defining the legal status of a child but also by expressly prescribing a specific minimum age for criminal culpability. Accordingly, a 'child' means an individual who has not attained the age of eighteen years²⁴ while a 'child in conflict with the law' means a person who is above the age of twelve years, but below the age of eighteen years, who has been dealt with or punished in accordance with Part XV of this Act or any other written law for contravention of the law²⁵ Section 221 of the Children's Act²⁶, which centers on the Criminal liability of a child of the Act states that:

²⁴ Children's Act, section 2.

²⁵ *Ibid*

²⁶ 2022

- (1) A person under the age of twelve years shall not be criminally responsible for any act or omission.
- (2) A child who commits an offence while under the age of fourteen years shall be presumed not to be capable of differentiating between right and wrong, unless the Court is satisfied on evidence to the contrary.
- (3) The provisions of this Part shall apply to a person who reaches the age of eighteen years before proceedings instituted against them pursuant to the provisions of this Act have been concluded.

Similar to the position in Nigeria, Kenya operates a Penal Code which, prior to the enactment of the Children's Act, contained provisions governing the minimum age of criminal responsibility that now appear to conflict with section 221 of the Children's Act. Section 14 of the Penal Code, under the heading 'Immature Age,' provides that:

- (1) A person under the age of eight years is not criminally responsible for any act or omission.
- (2) A person under the age of twelve years is not criminally responsible for an act or omission, unless it is proved that at the time of doing the act or making the omission he had capacity to know that he ought not to do the act or make the omission.
- (3) A male person under the age of twelve years is presumed to be incapable of having carnal knowledge.

On the contrary, Section 221(1) of the Children's Act prescribes twelve years as the minimum age at which a child may be held criminally responsible for any act or omission, up to the age of fourteen years. This provision establishes a rebuttable presumption that a child between the ages of twelve and fourteen years lacks the capacity to distinguish between right and wrong. Be that as it may, section 4 of the Children's Act expressly affirms the Act's supremacy over all other legislation relating to children's matters, thereby according section 221(1) precedence over the Penal Code.²⁷ Section 4 states that '(1) This Act shall prevail in the case of any inconsistency between this Act and any other legislation on children matters. Except where such legislation offers a greater benefit in law to a child.

Note that the silence of the CRA on the minimum age of responsibility does not mean the absence of such age. the CRA accommodates the provisions relating to the child in other criminal laws but subjects them to its provisions. Therefore, except where there is inconsistency with the Act, those other laws remain valid. However, the Nigerian law failed to comply with the age limit stipulated by the CRC, which is twelve years.

Unlike Kenya, the Nigerian child justice system did not comply with the internationally recommended minimum age of criminal responsibility.

6. Conclusion and Recommendations

The work examined the inconsistencies in the definition of a child, particularly in relation to criminal responsibility under Nigerian law. It identified the divergent definitions of a child and the minimum age of criminal responsibility as contained in the relevant criminal legislation. While both the Criminal Code and the Penal Code expressly prescribe an age of criminal responsibility, no corresponding minimum age is stipulated under the Child Rights Act (CRA). This omission generates doctrinal and practical difficulties. A comparative analysis was undertaken with reference to a selected foreign jurisdiction, which revealed that the minimum age of criminal responsibility varies significantly, largely as a result of historical and cultural differences. The study further observed a discernible shift from the traditional approach of prescribing a fixed minimum age of criminal responsibility towards a more contemporary approach that emphasizes an assessment of a child's moral and psychological capacity. This modern approach considers whether, based on the child's individual level of discernment and understanding, he or she can be held criminally responsible for conduct that is fundamentally antisocial. In light of the foregoing, the following recommendations are made:

1. The Child's Rights Act (CRA) should expressly stipulate a minimum age of criminal responsibility in order to eliminate uncertainty as to the applicable age threshold for offences under the Act. This would also resolve the conflicting age limits presently found in the Criminal Code, the Penal Code, and the Administration of Criminal Justice Act (ACJA).
2. The use of multiple and overlapping descriptors of a child—such as *minor*, *juvenile*, and *infant*—with differing age definitions, particularly as seen in the ACJA, should be discontinued in favour of a single, uniform terminology.
3. The minimum age of criminal responsibility prescribed under the Criminal Code and the Penal Code should be increased to bring Nigerian law into conformity with prevailing international standards.

²⁷Cedric Kadima, Kabarak, 'Raising the minimum age of criminal responsibility', *Kenya Journal of Law and Ethics*, Vol 7 (2023)

4. The common law principle of *doli incapax* should be abolished and replaced with a modern approach to determining criminal liability, as articulated in the Beijing Rules which states that a modern approach would be to consider whether a child can live up to the moral and psychological components of criminal responsibility; that is, whether a child, by virtue of her or his individual discernment and understanding, can be held responsible for essentially anti-social behaviour.
5. Nigeria should, following the example of jurisdictions such as Kenya, provide a clear and comprehensive statutory definition of a child applicable across all relevant legislations.