



## REFORMATION POLICIES IN THE NIGERIAN PRISONS SYSTEM

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### **Abstract**

**T**he main aim of establishing the prison institution in all parts of the world including Nigeria is to provide a rehabilitation and correctional facility for those who have violated the rules and regulations of their society. However, the extent to which this maxim is true in practice has been a subject of controversy. A casual observation of the population that goes in and out of the prisons in Nigeria presupposes that there are some problems in the system, hence the prisons system has not been able to live up to its expected role in Nigeria. Against this background, this paper makes an argument on why reform is necessary in the Nigerian prisons. Some of these reasons include reforming the prisoners to be better than what they were before they were imprisoned, rehabilitate the prisoners in order to equip them with new skills or improve on their old ones, and seclude criminals from the rest of the society, pending

when they have atoned for their “sins”. The structural-functionalist approach of the system theory for the study of human society and

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culture as proposed by Radcliff-Brown of the British School of social anthropology and later developed by Meyer Fortes and Max Gluckman is utilized in explaining prison environment. Main sources of information for this study are secondary materials which include, journals and official bulletin of the government.

*Among other issues, this discourse articulates various reforms that have already taken place and are still on-going in the Nigerian prison system. These include efforts in the decongestion process, provision of necessary infrastructure facilities and other logistics including transportation services and general skills acquisition programmes. This article also makes a critical impact appraisal of the reform processes in the system. From the appraisal, the author believes that there are more gains than pains in the system since the gradual reform processes therein. In order to deal finally with prison congestion, this paper suggests that the decongestion committee needs to be strengthened in its work by changing their*

*periodic visit to the prisons to be more regular and frequent, more prison yards need to be built, more non-governmental organizations should be encouraged and allowed to visit the prisons to monitor the activities there, from which they can make an input in form of suggestions to the various reform committees on what to do.*

## INTRODUCTION

**O**n the general issue of imprisonment as an aspect of punishment, the retributivists and the deterrent philosophers' stress that a deviant should be punished in order to pay him back for his actions and to deter him or others from committing crime. Imprisonment is most appropriately conceived as a formal perspective of inflicting pain on the individuals, which has been an aspect of the traditional criminal justice system in various societies in Nigeria (Obioha 1995; Obioha 2002). While imprisonment is a prescription, prisonization is the process of living within a confinement known as a prison. A prison according to Mc Corkle and Korn (1954) is a physical structure in a geographical location where a number of people live under highly specialized conditions, utilize the resources and adjust to the alternatives presented to them by a unique kind of social environment that is different from the larger society in so many ways. Obviously, there are basic social and cultural characteristic that are present in the prison community and other total institution alike, which do not exist in the larger society. The prison community with its distinct culture and way of life epitomizes a complete design capable of changing the attitudes

of individual members for good or bad depending on the personal experience and the social network action. The way of life in the prison provides the means and ways for the adjustment processes of inmates. Its culture is a dynamic<sup>1</sup> one, which consists of all sorts of value reorientation and internalizations (Obioha 1995). The Nigerian prison system was established in accordance with three forms of penal legislation which operate alongside each other in the country; the Penal Code and the accompanying Criminal Procedure Code Cap 81 Laws of the Federation 1990 (CPC); the Criminal Code and the accompanying Criminal Procedure Act Cap 80 Laws of the Federation 1990 (CPA) and the *Sharia* penal legislation in 12 northern states (which applies to only Muslim members of these states). By its establishment philosophy, the Nigerian prison service is an institution meant to administer penal treatment to adult offenders. Its importance is in the bid to reduce crime in the society. On the basis of imprisonment policy, the prison service was established to manage criminals in prison yards. This constitutional function empowers the Nigerian prison operatives to:

- keep convicted offenders (prisoners) for safe custody;
- keep awaiting trial inmates in custody, until law courts ask for their production;
- punish offenders as instructed by the law courts;
- reform the convicted prisoners; and
- rehabilitate and to re-integrate prisoners who have completed the sentences in the prison (extract from prison training manual) (cited in Adetula et al. 2010).

Inferring from the above, the main aim of establishing the prison institution in all parts of the world including Nigeria is to provide a rehabilitation and correctional facility for those who have violated the rules and regulations of their society. However, the extent to which this maxim is true in practice has been a subject of controversy. Instances abound where the prisons have become a training ground for criminals instead of rehabilitation home in Nigeria (Obioha 1995). A casual observation of the population that goes in and out of the prisons in Nigeria presupposes that there are some problems in the

system, hence the prisons system has not been able to live up to its expected role in Nigeria. The worry about the manifestation that Nigerian prisons has not lived up to expectations in terms of impacting positively on lives and vocations of inmates has raised several questions that have not yet been completely addressed on the system's functions and existence. Against this background of the existing gap arising from the questions of functionality of the prisons in Nigeria, this paper articulates the problems that exist in the Nigeria prisons and the reform processes that have been put in place by successive governments to address them. The extent to which these reform agendas have been implemented and the impacts they have had on the overall prison system in Nigeria are also discussed.

### **Conceptual and Theoretical Overview of the Prison as a Social System**

The concept, prison has been a subject of debate among various scholars in the social science disciplines. The concept has been treated from various perspectives, which include structural and functional dimensions. For instance, McCorkle and Korn (1954) described a prison as a physical structure in a geographical location where a number of people living under highly specialized condition adjust to the alternatives presented to them by the unique kind of social environment. Similarly, Sykes (1958), Goffman (1961) and Okunola (1986) conceived prison as where people are highly secluded from the rest of the world with entirely new order of control. The above conceptualizations as advanced by scholars are limited towards an understanding that a prison is a physical environment, and could be described geographically or spatially. Quite different from the physical conception, there are other schools of thought that are based on function, framework and label. From the functional perspective, a prison is perceived as a place to punish offenders, where criminals that are removed from the society are dumped to protect the society from further criminal activities of the offenders; and a palace to rehabilitate, and teach offenders to be law abiding and productive after their release. Prisons are also perceived as a total institution, from the perspective of framework. Okunola (1986) and Goffman (1961) variously defined the concept in this manner. While Okunola sees a total institution as a place unlike free environment or community that houses those who

are socially rejected, insane or mentally retarded, Goffman on the other hand conceptualized total institution as where there is a basic split between a large class of individuals who are restricted contact with outside world and stereotypical behavioural pattern where social mobility is restricted. Yet from the labeling point of view, the prison is a place for vagrants, who may pose actual danger to social life in the larger society, which pre-supposes that every person in the prison is a vagrant and irresponsible person. This is the position of Howard (1960) who demonstrated his view with what obtained during the ancient Greek times. Perhaps this conceptualization by Howard is rekindled in the attitudes of “Mr. Political Leaders” towards prisoners, who they regard as the “dregs” of the society. Yongo (2000) commenting on the past neglects meted to the prisons by past leaders noted,

*Cursory look into the past will reveal that when Gen. Obasanjo headed Nigerian government between February 1976 and September 1979, he did little to develop the prisons, as if he was unaware that some Nigerian citizens were there. May be to him, they were the dregs of the society.* However, with recent developments, the general conception about the prisons seem to be changing at least in the minds of some people, especially with reference to the erroneous idea that people in the prisons are dregs of the society. The new conception, which is credited to Yongo<sup>2</sup> perceived the prison as “home for all”. The main thrust of this idea is rooted in the pragmatic and positivist point of view, regardless of what the traditional views are. His argument is anchored on the premise that it is not only the guilty that are found in the prisons, only some prisoners actually committed offences they are alleged to have committed. This is true of the Nigerian situation where it has become “acceptable” to have most of the prison yards overflowing with awaiting trial inmate population.

### ***Structural-Functionalist and Social Structure based Theoretical Explication of the Prisons***

Some sociological theories propounded by notable scholars are adopted as models for understanding the prisons as both structural and functional entity in the society. The structural-functionalist

approach of the system theory for the study of human society and culture was proposed by Radcliff-Brown (1952) of the British School of social anthropology and later developed by South African born anthropologists, Meyer Fortes (1906-1983) and Max Gluckman (1911-1975). The crux of this theory is that social structure is an abstraction based on social relationship with which the society can be analyzed into three main levels of individuals, institutions and sub-systems. Like the society, in applying this assumption to the prisons, the prison system is seen as a functional, structural whole with different parts. This implies that aspects of the prison life ways such as the norms, values, and folkways form integral parts of the institutional systems of social control, and other behavioural patterns. Similar to the structural-functional theory of social system is the Merton's Social Structure perspective. In this approach, Merton (1949) identified and distinguished the manifest and latent functions of institutions and cultural traits. This perspective is an appropriate model towards understanding the intended and unintended functions of the prisons system. Prisonization, social control, regimented culture and seclusion are designed to produce positive results in the life of the individual prisoners upon release. The whole re-socialization processes in the prison system are actually intended to mould the cultural behaviour of individual inmates. Thus, the prison culture is perceived from Merton's social structure perspectives as capable of producing both well-adjusted and mal-adjusted individuals in the society.

In Nigerian contexts, the essence of sending offenders to the prisons are not yet met because offenders are likely to be more hardened than they were, before imprisonment. The functional parts of the prisons are all broken down, thus contributing negatively in maintaining the whole structure of the prisons system. Due to the nature of Nigerian prisons, the end result of the whole process is ironically intended<sup>4</sup> to the contrary. In order to prepare the prisoners for eventual meaningful contribution to the development of a nation, it is ideal to treat them with human dignity. A theoretical background of best practice to treat prisoners in Atlanta constitutions reads *“demeaning and demoralizing prisoners is the worst way to prepare them for the world outside the*

walls”. From this brief theoretical background, it is informative that the prison system should be made to be more responsive and productive in the society.

### **The Problem of Nigerian Prison System**

The Nigerian prisons have been enormously characterized by some problems, which several studies have indicated to be the reasons for the inadequacies of the system as a corrective institution. In various respects, life in Nigerian prisons in general is overly regimented to the extent that there is strict control in virtually all activities of the inmates. This often leaves the prisoners in a mentally brutalized manner with broken body and spirit, which destroys the individuals. In this regard, it is apparent that the prisons system in Nigeria is faced with the problem of destroying the individual members of the community, which negates the essence of imprisonment, amounting to human development wastage in the national calculus. It is evident that various prisons in Nigeria are saddled with the problem of turning out maladjusted releases. Studies like Obioha (1995), Adetula et al. (2010) have shown that contact with the prison institution in Nigeria makes the less hardened individuals to be more hardened in criminal activities upon release, with more tendencies than not, to relapse to criminal activities, which generates high frequency of recidivism. According to Adetula et al. (2010), the penal institutions subsystems; the justice, the police, prison yard and the operatives ways of administering justice is believed to bring about breeding and enhancing criminal behavior and recidivists than serving; deterrence, repentance, reformatory and reconciliatory attitudes between ex-convicts and people in free society to enhance confidence in physical and conceptual security. This position has also been validated in other countries. For example, the study of Gendreau et al. (1999) in Canada found a positive correlation between length of stay in the prisons and the offenders’ rate of recidivism, especially for the high risk group. In other words, the longer an offender stays in the prisons the more the possibility of recidivism and vice-versa. How-ever, the fundamental cause of this post-release problem of maladjustment and recidivism could be traced to the lock up pattern and content of the prisons. In most prisons in Nigeria, the re-mand and

convict populations; the minor and serious offenders', the younger and older in-mates are not systematically sorted out in different cells according to the Standard Minimum Rules (SMR)<sup>4</sup> for imprisonment, which pre-scribes that prisoners should be locked up according to their various categories.

The Nigerian prisons have been identified as a veritable avenue for human resources wastage in the society. There is idleness and wastage among the inmates, while old time trade ideas and occupations vanish (Obioha 1995). Where there are existing trade and skills acquisition centers within the prison yards, they are either not functioning or unsuitable for some of the inmates who may prefer other trades and educational learning processes that are non existence in the prisons rehabilitation curriculum. For instance, some inmates have demonstrated ability and the desire to acquire higher academic qualifications while in the prison in order to improve on both their social status and meet up with their life educational ambition which may not necessarily be related to the vocational trades in the prison yard. It is not an exaggeration to adduce that Nigerian Prisons System is a home for idle minds due to lack of what to do, lack of workshop facilities (Aiyedogbon 1988; Obioha 1995) and lack of good skills, which the prisoners would like to learn (Ishaka et al. 1986; Kanagiwa 1986).

In relation to social infrastructure, there are no good recreational facilities and other amenities in most prisons in Nigeria, as reported by Soyinka (1972) Kangiwa (1986) and Obioha (1995) in Sokoto and Ibadan prison yards respectively. The Nigerian prison environment with regard to amenities have been characterized as “uncheerful” (Awolowo 1985), “dehumanising” (Soyinka 1972), and “a hell” by Abubakar Rimi after his life experience as a political prisoner in Nigeria at the termination of the second republic. This lack of social amenities accounts for the culture of fragility<sup>5</sup> and explosive social violence that is recurrent and descriptive of Nigerian prison community over the years. Physical infrastructure and housing facility could better be described as uncivilized. The rooms and cells are not good for human

habitation, while the beddings are in most cases absent as many prison inmates in Nigeria sleep on bare floor.

Furthermore, in spite of the heinous cry by human rights organisations, most prison yards in Nigeria are overcrowded beyond the design-ed population (Ifionu et al. 1987; Obioha 1995). This manifests in most of the prisons holding more population of inmates than they were origi-nally planned to accommodate, which in turn overstretches available infrastructure beyond their limits of function due to human pressure. It is a recurring administrative problem that had been identified in notable Nigerian prisons prior to colonial rule, as Lord Fredrick Lugard (1903) notes about the Kano prisons, (cited in Meek 1969)“*the Kano prisons in Nigeria prior to colonial rule were highly congested to the extent that inmates have trodden on one another*”

This problem of congestion in the Nigerian prisons is discovered to be the major cause of some killer diseases, such as air born infections.<sup>6</sup> The deplorable health condition have led to infectious diseases, such as skin scabies and bilharzias as reported in Agodi prison in 1987 (Ifionu et al. 1987). To worsen the situa-tion, there are no standard hospitals, drugs and qualified medical personnel to take care of the sick inmates (Ishaka and Akpovwa 1986; Igbeare 1987). Even when there is a need to take a sick inmate out of the prison yard for treatment in a hospital, there are no motor vehicles to do that. The apparent out- come of this situation without standard health facilities in the prisons can be imagined from the point of view of what happens to a sick inmate in coma or critical emergency condition that requires urgent medical attention which is neither readily available nor accessible. With the above problems in Nigeria prisons, it may be difficult for Nigerian society to have prisoners rehabilitated for better lives. The government has to make it clear, through fina-ncial and other necessary supports that the prison system has a responsibility to work on the inmates, so that they can be useful to them-selves and the society in general upon their release. Except the right tools and right working atmosphere are provided, mere sloganeering will serve no useful purpose as all the goals for prisons reforms will continue to remain a mirage.

### **Challenges and Rationale for Reform of the Nigerian Prisons System**

From what have been identified in the previous section of this paper, Nigerian prisons are wallowing in decadence in most aspects of their operations. As summarized in Amnesty International (2008:1), the “living conditions in the prisons are appalling. They are damaging to the physical and mental well-being of inmates and in many cases constitute clear threats to health. Conditions such as overcrowding, poor sanitation, lack of food and medicines and denial of contact with families and friends fall short of UN standards for the treatment of prisoners. The worst conditions constitute ill-treatment. In many Nigerian prisons, inmates sleep two to a bed or on the floor in filthy cells. Toilets are blocked and overflowing or simply non-existent and there is no running water. As a result, disease is widespread. Most prisons have small clinics or sick bays which lack medicines, and in many prisons inmates have to pay for their own medicines. Guards frequently demand that inmates pay bribes for such “privileges” as visiting the hospital, receiving visitors, contacting their families and, in some cases, being allowed outside their cells at all. Prisoners with money may be even allowed mobile phones, whereas those without funds can be left languishing in their cells. One inmate said: “If you don’t have money, if you come to prison, you will suffer. They collect money from you. It is not right.” These unpleasant conditions do not need to be over emphasized, rather, they should be perceived as the signal posts for the need to over-haul the entire prison system. One of the important rationales for a total overhaul of the prison system in Nigeria is to reposition the system in order to perform its constitutional and expected roles in the society, which are not yet met.

#### ***These roles include:***

- Reforming the prisoners to be better than what they were before prisonization.
- Rehabilitate the prisoners in order to equip them with new skills or improve on their old ones.
- Seclude criminals from the rest of the society, pending when they have atoned for their sins. On this, Oluwakuyide (2001) notes, “imprisonment is a form of punishment to make the

offender atone for his sins. It is assumed that the threat of putting an offender behind the bars could deter potential criminals and a convicted criminal who has lost his freedom to steer clear of antisocial behaviour that may send him back to jail.”

A lot have been said and done on paper about the restructuring and repositioning the prisons, yet it appears that little or nothing has been achieved in practical terms. The myriad of problems in the prison system in Nigeria require urgent attention to avoid further human and material wastage in the prison system which would have been channeled to other productive sectors of the society and economy. Yongo (2000) notes:

*It is evident among others that the prisons lack uniform for both staff and inmates; they lack accommodation for staff, they lack vehicles to convey prisoners to court, or sick prisoners to hospital even in emergencies. The prison lacks good source of water and even drugs for inmates, often sick prisoners taken to the hospital are returned untreated. These and many more of such conditions daily plague the lives of prisoners and warders and so make it difficult for our prisons to reform and rehabilitate their inmates.*

An important observation which needs to be taken seriously in any reform process of the prisons, is that the Nigerian prison system still remains within the traditional perception of prison system as a passive actor in the chain of criminal justice administration, which need to be changed (Agomoh 1996). She emphasised that ‘traditionally, the prisons are made to play a passive role in the chain of criminal justice administration. It is made to act as the stomach that has to gulp and keep any food given to it. We advocated for a change in this regard. Even the stomach sometimes rejects food that are not conducive for it through constipation, diarrhea, gas or other means.’

It is an understatement to allude that the Nigerian prison system is more punitive and dehumanizing than the supposed corrective

assignment that it should be focused on in the present global dispensation and demands for actualization of human rights in the prisons of member countries that are signatories to the international convention on human rights. Nigeria is a signatory to this convention and many other human right prescriptive rules, such as UN Standard Minimum Rules for Treatment of Prisoners<sup>7</sup>, which certainly oblige Nigeria to conform completely to these rules.

Amnesty International (2008:5) pointed out the enormity of obligations that Nigeria should conform to in keeping with the functions of the prisons in the country. Nigeria became a member of the United Nations in 1960 and is obliged to comply with the UN Universal Declaration of Human Rights. In addition, Nigeria has ratified several other international and regional human rights instruments such as:

- International Convention on the Elimination of All Forms of Racial Discrimination (CERD), ratified on 4 January 1969;
- African Charter on Human and Peoples' Rights, ratified on 22 June 1983;
- Convention on the Rights of the Child (CRC), ratified 19 April 1991;
- International Covenant on Civil and Political Rights (ICCPR), ratified on 29 October 1993;
- International Covenant on Economic, Social and Cultural Rights (ICESR), ratified on 29 October 1993;
- African Charter on the Rights and Welfare of the Child, ratified on 23 July 2001;
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), ratified on 28 July 2001;
- Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), ratified on 13 June 1985 and its Optional Protocol on 22 November 2004.

Nigeria's human rights obligations extend to those who are in its prisons. Being deprived of one's liberty does not mean forfeiting other human rights (Amnesty International 2008); (The UN Basic Principles for the Treatment of Prisoners: Principle 5).<sup>8</sup> For prisoners, as for

everyone, the right to life and the prohibition of torture and ill-treatment must be respected at all times. Furthermore, Article 10(1) of the International Covenant on Civil and Political Rights (ICCPR) states: “All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person.”

### **Highlight of Some Contemporary Reform Efforts in the Nigerian Prisons System**

Like many other sectors of Nigeria, the prisons system has gone through some reform processes. This owes to the fact that reformation and rehabilitation are the modern objectives in the treatment of offenders. Thus, the programme of action towards the realisation of these virtues should be well-articulated and implemented. In this section of the paper a critical examination is made on the various reform attempts in Nigerian Prisons System. Our focus, however, is on the functionality of the prisons as a community where inmates live and interact, with distinct social organization and structure independent of the society macro system, instead of the entire prison service. The reform process of the prisons system is supposed to be instituted as an ongoing and self-sustaining exercise, rather than a once off palliative approach. The road map to the intention to reform Nigerian prison system in recent time can be traced to June 2001, when the government proposed to review prison laws and prison reform, train personnel, rehabilitate inmates and revitalize the prison system with the Prison Reforms Program. This was against the realisation of the conditions in the Nigerian prisons, especially those of the awaiting trial which the then Head of State, Chief Olusegun Obasanjo described as inhuman. Since 2000, in order to actualise the mission to reform the prisons, the preliminary steps taken include the establishment of several working groups and committees on prison reforms with different mandates and terms of reference up to 2007.

- The National Working Group on Prison Reform and Decongestion 2005
- The Inter-Ministerial Summit on the State of Remand Inmates in Nigeria’s Prisons 2005

- Presidential Committee on Prison Reform and Rehabilitation 2006
- The Presidential Commission on the Reform of the Administration of Justice (PCRAJ) established 2006
- The Committee on the Harmonization of Reports of Presidential Committees Working on Justice Sector Reform 2007

The agenda set for most of the committees and groups that were involved in the task of the Nigeria prisons reforms focused in all or at least one of the following pressing areas of decadence, namely congestion and overcrowding, physical/ infrastructure facilities, treatment of inmates, logistics and transportation system, and skills development.

### ***Tackling the Prison Congestion and Overcrowding***

This is one of the major problems in Nigerian prisons. Most of the prison yards are congested and over- populated beyond their designated capacity. In order to solve this problem, the federal and state government had taken two worthwhile steps to better the system, namely, the prerogative of mercy by the head of state of the federation, and institutionalization of decongestion committee headed by the Chief Judge of each state. Mechanism was set up in all states of the federation by the government. Among other things, they are charged with following functions

- Grant amnesty to deserving prisoners.
- Pay frequent visits to the prisons to see the living conditions.
- Review occasionally the cases of those convicted and suspects who have stayed waiting trial and release them as appropriate.

Before 1999, these mechanisms of ensuring that inmates do not over populate Nigerian prisons did not meet much of the expectations because the prison population was still estimated on the high side in some prisons. In practical terms, the National Working Group on Prison Reform and Decongestion was set up by the Federal government. The committee which comprised of a mix of stakeholders and role

players in human rights issues was given a mandate to accomplish. They reviewed 144 prisons and revealed in its 2005 report that the population of Nigerian prisons over the previous 10 years had summed between 40,000 and 45,000 inmates, most of them concentrated in the state capitals. Of those, 65 per cent were awaiting trial. Figure 1 shows population pro-file of selected prisons in Nigeria and the excess holdings.

In order to get the stakeholders together and mobilise them towards decongestion, NGN 690 million was sourced by the government and relevant partners. Six Pilot Prisons were selected and reviewed (Akure, Goron-Dutse, Kuje, Maiduguri, Oji River and Port Harcourt). For the purpose of decongestion of the prisons, NGN 66.6 million, NGN 40 million and NGN 20 million were allocated to the Ministry of interior to decongest Kirikiri, Ikoyi and Enugu Prisons in that order.

### ***Expansion of Capacities and Physical/ Infrastructure Facilities for Selected Prisons***

In relation to the need to decongest the prisons, no new ones have been built since the re-form began in 1999. However, there is a viable proposal to establish a new Prison Yard in Bayelsa State. In addition, expansion of capacities in selected prisons in Nigeria is ongoing. The project is targeted at decongesting some old prisons that do not have room for any expansion. For instance, Oji River and GoronDutse are aimed to relieve Enugu and Kano prisons of their excess loads respectively.

Over the years, the federal government has been doing some works in rehabilitating the existing physical structures of the prisons. In 1979, the federal government commissioned the building of more prison yards. In order to substantiate this claim, the government budgets and spends substantial amount of money in maintaining the Nigerian prisons physical/infrastructure facilities annually, even in recent years. A total of NGN2,874,998,00; NGN2,555,760,000; NGN4,549,583,139 and NGN5,000,000,000 capital project allocation was earmarked for the prisons in 2005, 2006, 2007 and 2008 financial years (Amnesty International 2008: 47). These figures represent substantial focus and increasing funding allocation for capital projects in the Nigeria prisons.

In some prisons, mud walls have been replaced by concrete, while boreholes are provided to meet the high demand for water in the prisons. There is an ongoing plan to embark on total and continuous physical rehabilitation of the prisons in Nigeria. A total budget of NGN 2.07 Billion was earmarked for this purpose, which was launched by the Head of State on 24<sup>th</sup> August 2006 (Partnership for Prisons Reform 2006). The fund was meant for renovation of buildings, improvement of sanitation system, access to clean water, electricity, construction of playgrounds and other recreational facilities. Renovation of central sewage system and conversion of bucket toilets to water system was a pointer to the commitment of Nigerian government to change the face of the Nigerian prison system. In the years 2005, 2006, 2007 and 2008, NGN18 million, NGN39. 2 million, NGN43.1million and NGN50 million were allocated for the above purpose in the respective years (Amnesty Inter-national 2008:47).

### ***Logistics/Transportation System***

With reference to the transportation of accused to court, Nigerian Police performed this role in the past. However, in the present dispensation, from 1999, the role of transporting inmates from the prisons to the courts is now the duty of the prison service. The motor vehicles that were operated by the Nigerian Po-lice were transferred to the prisons service to ease transportation problems. In the reform process, about sixty-four (64) escort vehicles have been distributed to the prisons. Records and statistics confirm that the Federal government of Nigeria has committed considerable financial resources to improve the transport infrastructure in Nigerian prisons. In 2005, 2006, 2007 and 2008 financial years a total of NGN200,000,000; NGN100,800,000; NGN 270,000,000 and NGN99,600,000 was budgeted for the purchase of vehicles (black maria) that are used for conveying awaiting trial in-mates to the courts (Amnesty International 2008:47). Apart from vehicles provided, ad-equate security gadgets are provided regularly to the prison's officers to ensure security of conveyance. Previously, prison officers do not have need for using service guns (arms or am-munitions), but today the reforms have made it poignant for them to carry arms.

### ***Skills Acquisition and Development Initiatives***

Previously, there are instances of prisons skills acquisition and development programmes.

In the present prisons reforms, a unit known as Prison Furniture Cottage Industry designed to give prison inmates some vocational training has been established. It is a reformation centre where doors, office equipment, beds, household furniture, key holders, walking sticks etc. are produced (Oluwakuyide 2001). Other vocational trainings are also provided for inmates, especially those who had no stable job before their incarceration. The role of non-governmental organizations especially the faith based ones are noticeable on the landscapes of most Nigerian prisons today.

The rehabilitation and reintegration programmes have been supported with some financial promises. The federal government spare headed the launching of about NGN1 Billion for the provision of relevant skills (Partnership for Prisons Reform 2006). The new programme is more broadened than the former concept of providing skills to inmates. Specifically, the target here is for the newly released and about to be released inmates.

### ***Capacity Building for Prison Personnel***

There are new conceptualizations of general and specific training for prison service staff and officials. This also include the human resource development of the Prisons Staff Training Academy, Kaduna in the following areas, library, ICT, logistics, conference facilities, curriculum development, computer based training among others. There is an on-going finger print course for selected officials of the Prison Service.

### ***Computerization and Data Management***

The prisons system in Nigeria is still under-going gradual computerization to meet the standards that exist all over the world. According to top prison officials interviewed, the service is about to complete the computerization process of the administrative records. The next phase will be the inmates' finger printing and identification through the computer. Based on comprehensive assessment, new protocols are being established on data management. This includes nationwide

central data management system accessible at the national headquarters.

### ***Health Care Delivery***

Enhanced health care delivery system with facilities including 10-15 bed space clinic, ambulance, counseling centers on Drug-Demand Reduction and HIV/AIDS treatment centers for pregnant inmates as well as improvement of the medical staff quarters are issues that have been budgeted and launched by the Federal government and her partner agencies for about NGN 1 Billion (Partnership for Prisons Reform 2006). Presently, there are prison clinics in Ilesa, Bauchi, Kaduna, Lagos and Kuje (Abuja). However, most of them do not have resident doctors in attendance to the prison inmates. The service has employed some doctors and nurses to improve the standard of health care management generally.

### **Impact Appraisal of Prisons System Reforms in Nigeria**

Presently, one may not jump into conclusion that the whole reforms that have taken place in the Nigerian prisons system have failed. There is a mix feeling of success and failure stories in the whole reform process, with particular reference to specific issues. A critical examination of the outcome of the prisons decongestion process being carried out by decongestion committee in each state of Nigerian federation shows that there are successes and failures. The committee succeeded in reducing the prison's population in Nigeria in a particular year, as a reference. This Day Newspaper notes. "...the population of the nation's prison inmates has reduced from 60,000 to 43,000 following the recommendation of the committee on prerogative of mercy set up by the General Abubakar's administration" (This day 1999). In support of this finding, the observation from the Prisons Headquarters Abuja indicates that the inmates population has further gone down from 43,312 in 2000 to 39,061 as on December 2005 (My visit to the Prisons Records, Abuja). On the other hand, some social and human rights activists believe that the establishment of the decongestion committee has not made any significant impact on the decongestion of the prison

remand population as most of the prison yards are still over populated today by awaiting trial inmates. Perhaps, what this group is trying to convey is that the exercise is not sustained, as the gains in the process are not consolidated.

In reality the actualization of decongestion of Nigerian prisons is still a far cry as most of the prison yards or complexes still hold inmates' population that are beyond their capacities. An insight from a sample of ten prisons across Ni-geria (Amnesty International 2008) indicates that the decongestion policy has not actually been sustained because of the apparent statistics from these prisons. For instance, Ikoyi, kano central, Suleja, Kuje, Enugu and Kirikiri female prisons hold inmates population that are 100 percent over and above the prescribed capacities, with Ikoyi prisons housing inmates' population to the rate of 241 percent (1933) in relation to the capacity (800) as at 2008. A critical look at the population composition further reveals that the awaiting trial inmates constitute over three quarter of the population in most locations (94.2 %, 88.0 %, 81.7 %, 78.9 % and 66.4 % for Ikoyi, Kuje, Kirikiri female, Kano central and Enugu prisons). The present situation also portend some negative implications on the staff quality of service as most of these pris-ons in line with various overpopulation status also have a dismal staff inmate ratio that are unacceptable.

On physical/infrastructure facilities, there is enough evidence to show that the federal government has been spending money through its budget to ensure that the physical/infrastructure facilities in the prisons are improved upon. However, the inmates in the prisons do not yet feel the impacts of these efforts. Most Nigerian prison yards are still the way they were built by the colonial masters.<sup>14</sup> The roofs are leaking, the walls falling apart, while there are no bed-ding materials for the inmates to sleep on. The descriptive dark walls and tiny cell rooms as described by Soyinka (1972) and Awolowo (1985) as “dehumanizing” have not changed significantly up till the present time. Amnesty (2008: 49) indicates the current state of Nigerian prisons infrastructure from a sample of ten prison yards across the country. With colonial history, most of the prisons structures in Nigeria were built before 1960 (the year of Nigeria's independence). Up till the year 2008, a brief analysis of the

current situation (Amnesty International 2008) shows that three out of the ten sampled prisons do not have any medical facility such as hospital or clinic. Similarly, there are no schools in some of them, in spite of the fact that some of the inmates, especially those in the awaiting trial category are still in the schooling age brackets and no skills acquisition workshops in some of them. The establishment of new skills development centers in the prisons and refurbishing of existing ones have not had much positive impact on the lives of the inmates after their release from the prisons because these workshops where they exist do not have sufficient instructors and equipments. It is not only that these skills are not good enough for some prisoners; the workshops are not functioning to their optimum capacity. Besides, most of the training provided in the workshops seems to be only just for the period of incarceration because many prisoners do not fit into the available vocational skills. Thus, a major weakness and limitation of the prisons reforms from human development angle is that educational facilities for those who wish to continue in their academics are absent. There are instances where prisoners of grave offence still crave for higher education in spite of all odds against them as discovered in Agodi prison yard in Ibadan. This case justifies a need for extra-mural educational adult education programmes in the prisons. There is apparently no electricity let alone communication means such as television and radio for the inmates to keep abreast with what goes on outside the walls. Precisely, this information represents an unfortunate situation and surprise that still exists in the Nigerian prison system, in spite of the acclaimed reformation programmes that have been ongoing since over a decade. Logistics and transportation system, which have witnessed some changes for better in the present reform agenda, have not had much expected positive impact on the overall prison system. It was the expectation of everyone that when the transportation vehicles are transferred from the Nigeria Police Force to the Prisons Service, the accused would be transported to their respective courts at the appropriate time and date, which may reduce the rate of adjournment in the courts. However, most of the vehicles are not functioning optimally, and the problem of transporting accused from the prisons to the courts continues unabated.

The computerization process is ongoing at a very slow pace. Most of the things done are manually transmitted and recorded. The old filing system is still the much desired by yet to be computer literate staff. The expectation of everyone in the wave of globalization is that Nigerian prisons would have been totally com-puterized and the inmate records kept electronically. There is still the tendency of jailbreaks owing to the facts that inmates are aware that there is no central security system where their pictures and other personal data are documented for record and security purposes. One of the causes or factors that negate quick computerization of the works of the service is the seem-ingly low educational qualification of some of the staff, even at the management cadre. This situation leaves much to be done and desired as other government agencies and parastatals are overhauling their staff quality content. Why not the Prisons Service? The medical facilities are still inadequate and the number of medical staff, mainly doctors and nurse to manage the health system keep on dwindling. Recruitment to maintain standard is not regular which gives room to some leak-ages that are yet to be sufficiently blocked. The Nigerian government has, on numerous occasions, stated its willingness to reform the criminal justice system, acknowledging its role in creating a situation of prolonged detention and overcrowding. Despite many Presidential Commissions and Committees recommending reform of the criminal justice system, these rec-ommendations have not been implemented, instead, the government has simply set up new committees and commissions to study, review and harmonize the previous recommendations (Amnesty International 2008: 4).

It is also worthy of note that the draft prison bill which was presented to the National Assembly in 2004 has not been passed into law even at the end of 2007, neither had the Police Act (Amendment) Bill, nor any of the other acts aimed at reforming the criminal justice system. The Amnesty International (2008) reported that the Nigerian government has, on several occasions in 2006 and 2007, announced that it would release considerable numbers of inmates, including those awaiting trial and those on death row, which raised the expectations of inmates but did not lead to their release. Up till July 2007, none of the inmates whose release had been announced in May 2007 had actually been released,

which was blamed on the administrative procedure. However, the number of committees established by the government and the increase in allocated budget over the years could indicate that the welfare of Nigeria's prison population is of concern to the authorities as one of the committees is reported to have said: "If you want to know how much a nation cares for its citizens you should go to its prisons" (New Nigeria 2006).

From its studies, Amnesty International (2008) concludes that Nigeria does not take seriously its responsibility towards its citizens in prison. Recommendations made by national and international organizations have failed to lead to any action by the government. The recommendations of all governmental committees and commissions appear to be little more than words, which have left the real situation in Nigeria's prisons unchanged. Inmates awaiting trial – especially those who cannot afford legal support – wait years for their trial to take place; the prisons remain overcrowded; prison authorities do not appear to receive the funds that have been allocated to improving conditions. Amnesty International is extremely concerned that few of the Nigerian government's promises have been translated into action.

### **Entrenching a Sustainable Prisons System in Nigeria**

In evaluating the successes and failures of prisons reform process in Nigeria, it is discovered that some necessary steps and actions that ought to have taken place did not happen, while some undesirable actions that ought not to be done were done. There is no doubt that there are usually substantive gains that are made from time to time when a particular reform process is initiated and meticulously implemented, even in the case of the Nigeria Prisons reform. However, there is nothing to prove that the gains that accrued from the reform exercise are sustained, or that there are systems in place to sustain them. The whole process therefore appears more like a patch patch approach of perpetual patching and leakage circle.

In order to move Nigeria prisons to the greater heights and reposition it to perform the tasks it ought to do and produce a corresponding result as expected, the following should be done.

First, to deal finally with prison congestion;

The decongestion committee needs to be strengthened in its work by changing their periodic visit to the prisons to be more regular and frequent.

- Unavoidably, more prison yards need to be built. If the standard of distribution of prisons across the country before independence is to be revisited, where there was at least one prison per province, there is an apparent need now to have at least one prison yard in each senatorial district in Nigeria.
- Similarly, there should be regular re-distribution exercise, if need be backed up by legislation to share inmates almost equally to all the prisons and also according to their capacities. From our finding, it is in the records that the total prison capacity in Nigeria is far above the total inmate population.
- The non-governmental organizations should be encouraged and allowed to visit the prisons to monitor the activities there, from which they can make an input in form of suggestions to the decongestion committee on what to do.
- As more prisons are recommended, there should be adequate provision for bedding and other infrastructure facilities, such as recreation facilities, etc. The existing prison yards should be re-furnished in terms of the physical structure/facilities in them among others. Ensuring that all the capital budgetary allocations to the prison services are supervised through a standby committee that may be constituted by the minister would do this.
- The transportation of the accused from the prisons to the courts should be made to be realistic when the allocated vehicles are made to function properly.
- Designing of skills training should be made to satisfy the aspiration of most inmates. Limiting the training facilities to carpentry, bricklaying, barbing etc. may not lead to successful rehabilitation. More crafts and vocational skills, including computer operation should be included in the prisons vocational

curriculum in order to provide opportunity for those that still aspire for higher educational qualifications and to boost the esteem of the prisoners when they are released. Similarly, facilities to help academic oriented inmates ought to be provided. Prison libraries are needed and part time teachers to teach various subjects including English language and mathematics could be engaged. This recommendation is based on the observation that some prison inmates are more interested in educational/academic careers than in vocational education.

- Importantly, if the desired decongestion of the prisons is realistic, then the government should be thinking of taking these three measures.
  - 1) Prison-based courts should be established in order to ease the problem of transporting the inmates/accused to the courts.
  - 2) There is an urgent need to institute alter-native measures to imprisonment. When this is done, the number of people going to prison will be reduced. One of the notable alternative measures is the New Restorative Justice mechanism, which has been tested and proved to be effective in some developed countries.
  - 3) The government through the Prison Re-forms Committee should revisit the act establishing the Prisons to know whether the issue of awaiting trials population will be settled amicably. The Prisons claim that keeping the custody of the awaiting trials is not strictly part of their job. Orakwe (2005) argues from the books “ ... our prisons were designed to take into custody convicted persons for the purpose of their reform and rehabilitation. The prisons were not designed to keep people awaiting trial on a long-term basis. If persons awaiting trial are remanded in the prisons, it was intended to be for a short while, probably not more than six months and they were either jailed or sent home...”

The computerization of the total prisons system for administrative records to inmate fingerprints and identity is much desired at this

present time in Nigerian development. This has to go together with the overhauling of the prison staff in terms of requisite qualifications that are necessary for the present challenges. It is strongly recommended that only staff with at least first degree or equivalent and at the same time computer literate will be promoted up to the management position in order not to fore-stall the wave of computerization.

## **CONCLUSION**

This paper had given a background on prison system in Nigeria, including the problems, reform processes and the extent of their effectiveness. From what have been discussed in the paper, the problems in the prison system in Nigeria are not new, especially with regard to overcrowding and congestion, which date back to the period of colonialism. In this regard, all efforts in form of reforms to better the living standard in the prisons and reposition it to contribute to national development should be more articulate and serious. Various dehumanizing nature in the prisons and lack of rehabilitation facilities makes the system to be incapable of refining its inmates. Ideally, the prison should serve every society as a reformatory, but only when the necessary things are in place, if not, the whole process will amount to wastage of human resources. In Nigeria, because the prison system does not have the capacity to rehabilitate, it contributes very little or nothing to the development efforts in the country. It has been alluded that the Nigerian distributive justice system guidelines by default suggest imprisonment culture of dehumanizing, substandard, poor living environmental conditions to Nigerians, which presents inadequate sanitization and improper reformation, rehabilitation and correctional processes for attitude change by inmates and people in the free society (Adetula et al.2010: 1).However, if the in-mates are reformed properly by subjecting them to dignifying human condition and made to be more responsive, then their contribution to the overall development in Nigeria could be felt upon their release. One may be wrong to conclude that various reform efforts have not worked any good; rather it may be more appropriate to infer that the gains of these efforts are not sustained or may not be sustainable.

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