

REFORMATION OR DEFORMATION OF HUMAN
DIGNITY? QUESTION ON THE SORRY CONDITIONS
OF THE PRISONS IN NIGERIA.

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ABSTRACT

This paper examines the general challenges confronting the prison system as the agent of rehabilitation of the offenders in the society. It lays strong emphasis on those problems as they affect the prison system in Nigeria in particular. It is argued in this paper that conditions of the prisons in Nigeria dehumanize the human dignity of the prison inmates. Those conditions make the prison system to further deform the human dignity of the prison inmates that has already been affected by their prison sentences, instead of reforming such human dignity through proper and productive rehabilitative programmes that would turn the inmates around and make them good citizens of this nation in the future. The ways to solve the problems plaguing the Nigeria prison system are discussed, with the hope that if they are judiciously implemented, would turn the Nigeria prison system to a celebrated one within the international community of nations.

Keywords: *Prisons; Inmates; Human Dignity; Rehabilitation and Nigeria.*

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INTRODUCTION

The functions of the prisons in every criminal justice system cannot be underrated in any country of the world. Prisons are the hope of every society in turning offenders into law abiding citizens. The main focus of the prisons is to make a saint out of a sinner; so to say. Prison is a penal institution which punishes offenders for their wrong doings in the society. The goals of the imprisonment include: separation of criminal from society, punishment of criminal behaviour, deterrence of criminal behaviour and rehabilitation of criminals (Tischler, 2002). Macionis and Gerber (1999) added retribution to the goals previously mentioned.

Rehabilitation, which is a program for reforming the offender to preclude subsequent offences (Macionis and Gerber, 1999), is the least fulfilled goal of imprisonment. The reason for this was that new inmates often become more serious offenders as they adapt to the culture of the most hardened, long term prisoners. Hence, prison often turns criminals into worse criminals (Brym et al, 2003). Obioha (2011) argued that prison system in Nigeria destroys the individual members of the community which goes against the goals of imprisonment, amounting to a total wastage of human development when taking into cognizance, the national development calculus. Obioha (2011) noticed that in most prisons in Nigeria, the remand and convict populations: the minor and grievous offenders, the younger and the older inmates are not systematically separated in different cells according to the demand of Standard Minimum Rules (SMR) for imprisonment, which advocates that inmates should be locked up according to their various categories. Apart from the problem of categorizing inmates are: problems of overcrowding, feeding, bedding, health, hygienic environment, recreational facilities and others.

The quest for writing this paper is borne out of the challenges confronting the prison system in Nigeria as mentioned above. Those challenges are explained in this paper to justify whether the Nigerian prison system is actually reforming the human dignity, lost to conviction of crime or deforming such human dignity further.

2 GENERAL PROBLEMS OF THE PRISON

Virtually all the prison systems in the world have one challenge or the other. The well developed western countries of the word are not excluded from the problems, although the

problems may vary from one country to another. The developing countries of the world, mostly in Africa and Asia experience the worse prison problems when compared with the developed countries. The summary of all the problems shows that situations on the ground fall short of meeting the objectives of the prison system, in term of material, infrastructure, finance, regulatory and human problems (Linonge, 2010).

2:1 PROBLEM OF INADEQUATE DATA

The problem of inadequate data on the prison systems, especially among the developing countries is a serious one. The lack of both information and data production is shockingly high in the sphere of the prison systems. Production of this data is fundamental for the state to be able to develop new public policies and to evaluate their results of implementation (Joint Submission by Relevant Stakeholders, 2011)

2:2 PROBLEM OF OVERCROWDING

The problem of prison overcrowding is a common phenomenon, globally. International Bar Association (2010) noticed that Brazil's poor prison conditions and severe overcrowding are well documented. The association argued that slowness of the judicial system, poor monitoring of inmate status, increased crime rates, high recidivism rates, and the popularity of tougher law and order approaches favouring longer prison terms over alternative sentences has resulted in severely overcrowded prisons. Robins (2009) when explaining the prison conditions in Sierra Leone, Tanzania and Zambia, argued that at the root of the challenge faced by all three prison system is the issue of overcrowding. The author argues that prison congestion puts pressure not only on the accommodation facilities but also on the prison staff.

2:3 PROBLEM OF VIOLENCE IN THE PRISON

Another serious problem of the prison is inmate-on-inmate violence. In most dangerous prisons, powerful inmates may kill others with impunity and in some; other forms of mistreatment are common. (International Bar Association, 2010). Prisoners with Intellectual disability may be exposed to bullying and intimidation from other prisoners. They may also be tricked out of their money by other prisoners when struggling to be accepted within the prison culture and resorting to exploitative behaviour in order to fit in (Sondenaa et al, 2010). In addition to the violence against the intellectual disables is the abuse of the young by older

inmates as argued by Robin (2009). Weaker inmates and those who have committed especially heinous crimes may also be victimized by other inmates (Viano, 2008)

Prison Staff also contribute to the violence in the prisons. Meskell (1999) argued that chronic abuse of prisoners by staff exists both in England and America. Like what Wacquant (2012) said, when deterrence turned out to be a glaring failure, the staff turned to retribution: 'make a prisoner smell like a prisoner'. The method of making prisoner smell like a prisoner include: humiliation, locking up to inflict pain and other sorts of punishment. Human Right Watch Asia (1995) include: widespread use of solitary confinements; restrictions on contacts between prisoners and the outside world; the correction system's obsessiveness about rules; the draconian punishments; and numerous incidents of guards' brutality as part of the problem of violence which exists in prisons.

Finally, lack of regard for inmates' concerns and relationship is a form of violence against inmates by the prison staff (Henderson, et al, 2000). This is coupled with prison institutional misconduct, especially, assaultive misconduct which may be a potential important barometre of post -release outcomes (Trulson et al, 2011)

2:4 PROBLEM OF POOR BEDDING

Inadequate bedding: beds, blankets, mattresses and pillows are a serious problem in every prison, especially in Africa and Asia. Robins (2009) argued that in Zambia, lack of sleep as a result of overcrowding has come out as one of the biggest problems facing prisoners, with some prisoners sleeping while standing. Bedding in the form of mattresses and blankets are still in short supply in most prisons.

2.5 PROBLEM OF POOR FEEDING

Robins (2009), when writing on prison policy in Sierra Leone, Tanzania and Zambia, observed that in most prisons, food is inadequate both in quality and quantity. This inadequate food nutrition has been attributed to overcrowding in the prisons. Prisoners are undernourished and in poor health due to inadequate food.

Williams and colleagues (2009) argued that diet and nutrition are the most prevalent issues of concern among inmates. Common complaints were poor food preparation and

unhealthy choices. Williams and colleagues (2009) described food in the prisons as unpalatable and not fit for human consumption. Fresh fruits were not common and food for evening meals was often prepared shortly after mid day and then deteriorated while kept hot throughout the afternoon. Furthermore, those placed on special diets cannot receive them.

2.6 PROBLEMS OF INADEQUATE HEALTH FACILITIES AND HEALTH ATTENTION

Williams and colleagues (2009) observed that most inmates have at least one chronic health condition or the other. The issue of right to health for prisoners is defined in International Law. Davies (2011) in his work on elderly inmates, argued that a significant number of elderly inmates encounter a myriad of health related issues in the prison setting. This ranges from respiratory conditions through to cardiovascular and musco-skeletal conditions. These health related problems pose significant challenges for prison resources. Davies (2011) argued that the elderly prisoner might not be so readily welcomed by the family as he brings with him not only his criminal past, but also problems with physical and mental health.

Robins (2009) observed that prisoners suffer serious illness due to lack of exercise and prison clinics lacked drugs and medical facilities to dispense medication or provide treatment. Non-availability of good water, poor hygiene and sanitation further complicated the problem of the health in the prisons.

3 CHALLENGES FACING NIGERIA PRISON SYSTEM: PIVOTS FOR REFORMATION OR DEFORMATION OF HUMAN DIGNITY?

The conditions of the prisons in Nigeria are very terrible and far below the recommendations of the International Laws on Protection of Fundamental Human Rights. The prisons in Nigeria are kept in unhealthy environment with no medical attention and highly over populated. The inmates sleep in unimaginable conditions even to the extent of sleeping in the same place where their own faeces are (Dinkpa, 2011).

Overcrowding is the first notable challenge confronting the prisons in Nigeria. The number of the inmates is relatively higher than the capacities of the prisons. Prisons are congested and over populated. Adelola and Atere (2003) observed that those persons awaiting

trial largely cause the overcrowding of the prisons. They argued that it is not uncommon for persons awaiting trial to wait endlessly for periods far exceeding the period of imprisonment, were they eventually convicted of offences for which they are being held. Adelola and Atere (2003) argued further that the apartments in Nigerian prisons are so filthy and therefore appalling, nauseating and most unattractive.

The table below shows the evidence of overcrowding in the Nigerian prisons.

Table1: Prison capacity and population in Ondo/ Ekiti States Prison Commands:

Prison	Ado Ekiti	%	Owo	%	Ondo	%	Okiti Pupa	%	Total	%
Capacities	200	100	170	170	40	100	60	100	485	100
Total Population	419	209.5	342	201.2	114	285	105	175	981	202.2

Source: Adelola and Atere (2003: P11)

Obioha (2011) protested that most prison yards in Nigeria are overcrowded beyond the designed population. This is reflected in most of the prisons, holding more population of inmates than they were originally intended to accommodate, which in turn overburdens the available infrastructure beyond their capacities of function as a result of human pressure.

The above table confirms the argument of Obioha (2011). The analyses in the table above shows that Ado-Ekiti prison was 209.5% overstretched, Owo prison was 201.2% overstretched, Ondo was 285% while OkitiPupa was 175%. The percentage (average) of the overstretch for the four prisons was 202.2%

The overcrowding has created a lot of more problems in the prison in area of bedding. Beds were not enough in the prisons and bedding materials like mattresses, pillow, blankets and bed sheets were in short supplies. Obioha (2011) observed the same problem. The author argued that beddings are in most cases; absent as many prison inmates in Nigeria sleep on bare floor. The conclusion that can be drawn from this observation is that rooms, cells and prison conditions are not good for human habitation.

Apart from problems of overcrowding and beddings, clothing is another area where inmates have been subjected to dehumanized conditions. Okunola et al (2002) cited the survey conducted by civil liberties organization, in which it has been reported that not more than 10% of the inmates of any prison in Nigeria are fixed adequately in clean and strong clothes. The report shows that 80% are either always half-naked or clothed in worn and torn clothes. The remaining, approximately 10%, are naked, but for the blankets they wrap round themselves.

Feeding is another area where Nigerian prison system is facing a big challenge. Feeding the prisoners adequately has become an impossible task for the prison authorities in Nigeria. It has been reported that the menu in prison is pre-dominantly carbohydrate blended with some protein contents. Inmates normally eat meat or fish once a day but often this is limited to 3 days in a week (Okunola et al, 2002).

In the analyses of the menu chart, Okunola et al (2002) explained that the charts were largely dominated by starch: eba, rice, pap and bread. This according to them cannot, by any standard be regarded as balanced diet. The food always given to the average prisoner is qualitatively inadequate for an average human being and it can only be described as starvation diet. Sharp practices of food contractors have been reported and the quantity and quality of food available is rendered even more inadequate, by the warders who generously help themselves from prisoners' food supplies (Okunola et al, 2002). Adelola and Atere (2003) presented the table below as a typical example of menu chart.

Table 2: Menu Chart for Ado-Ekiti Inmate

	Days	Brekfast	Lunch	Dinner
1	Monday	Beans	Rice	Eba
2.	Tuesday	Beans/Bread	Eba	Agidi (pal)
3.	Wednesday	Pap, Sugar or Akara	Rice	Eba
4.	Thursday	Beans/Bread	Eba	Eba
5.	Friday	Beans	Rice	Eba
6.	Saturday	Beans/Bread	Eba	Eba

7.	Sunday	Bread/Tea & Stew	Eba	Eba
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Source: Adelola and Atere (2003: p 63)

A cursory look at the above table shows that balance diets did not feature in the menu chart. The menu table, according to Adelola and Atere (2003), is predominantly carbon-hydrate blended with some protein content. The reason for carbon-hydrate, perhaps is to give the prisoners, enough energy to undergo hard labour' component of imprisonment. The absence of enough protein and vitamins makes the prisoners more prone to illness and deaths than otherwise, would have been the case if they had balanced diets (Adelola and Atere, 2003).

Health is another area through which the dignity of humanity has been denied the inmates. The health conditions of inmates can be a function of the prison population. It has been discovered that most treatment in prisons were limited to administration of drugs such as panadol, and there are sometimes when prisoners needed to get the drugs through outside sources through their money or assistance of their relatives (Okunola et al, 2002). Adelola and Atere (2003) observed that it was not until 1971 that Nigerian prisons started having their own established clinics manned by its own staff. However, the prison clinics were opened not only to prisoners but also to staff and staff's dependants. As a result of poor feeding and poor health, the inmates look emaciated, skeletal with bones almost visible from the skin, curved back and often 'decorated' or rather adorned with rashes all over the body. When opened out for fresh air, they look like ghosts who have been bathed in ashes, scratching heads and dreadful to look at (Okunola et al, 2002). It is not physiological forces which make up health but available factors like: medical technology, the socio-economic variables, use and non use of available facilities, nutritional conditions and psychological factors, all play important roles. All these perfectly work against the inmates.

Obioha (2011) observed that some killer diseases exist in Nigerian prisons such as airborne infections. The author cited skin scabies and bilharzias as common diseases like the one reported at Agodi prison in 1987. He added that there are no standard hospitals, drugs and qualified personnel to take care of the sick inmates. Moreover, no motor vehicles (ambulance), to transfer sick inmates on emergency to General Hospital for proper medical treatment.

Very similar to the problem of health is the problem of personal and environmental hygiene. Okunola et al (2002) noted that both personal hygiene and environmental hygiene are in terrible state. The prisons are in unhealthy environment (Dimkpa, 2011).

The walls of the cells are coloured with faeces, scurry water and littered with holes (Adelola and Atere, 2003). Spiders, bed bugs, lice and mosquitoes were found to be companions of the inmates. The windows of the cell are small and the air, is therefore, short-supplied. Inmates often struggle to occupy spaces near the windows for air supply. The cell windows were termed “our air-conditioners” (Adelola and Atere, 2003).

Finally, good recreational facilities and other amenities are grossly inadequate in most of Nigerian prisons. The Nigerian prison environment, with regard to amenities and recreational facilities, have been characterized as “uncheerful” , “dehumanizing” and “a hell”. This lack of social amenities brought about the culture of fragility and explosive social violence that is recurrent and descriptive of Nigerian prison community over the years (Obiona, 2011).

The justification for imprisonment features rehabilitation, which is a programme for reforming the offender to preclude subsequent offences. Rehabilitation emphasizes constructive improvement (Macionis and Gerber, 1999). Rehabilitation is the socialization of criminals to conform to society’s values and norms and the teaching of usable work habits and skills. It is the important goal of imprisonment and almost all corrections’ officials (Tischler, 2002). The sole aim of rehabilitation is to teach prisoners to be productive upon release (Brym et al, 2003). However, the nature and conditions in Nigerian prisons are far from being rehabilitative. The nature and conditions are, instead, more than destructive. Rehabilitation is synonymous with reformation. Crime is destructive to the society as well as to the offenders, because the conviction of crime destroys the dignity of the offender in the society. Hence, it is the function of the prison system to reform and restore the human dignity that the offenders have lost to the convictions of their crimes. Prisons must reform the offenders and restore them to the law abiding citizens of the country.

It is quite unfortunate that the prison system is far away from being termed a rehabilitative one. Instead, the prisons in Nigeria destroy the dignity of the offenders which the prisons are supposed to restore and reform. The prison congestion and overcrowding is a

degradation of human dignity of the Nigerian prison inmates. The environment and personal hygiene seriously dehumanized them. The environments of the prisoners are even worse when compared with domestic animals which receive attentions from their keepers. Food being given to the inmates is to keep body and soul together not to nourish and keep them healthy. Food that is served is not balanced diet and the food of some pets at homes is far better and more nutritious than the inmates' food. What a great dehumanization of fellow country men and women?

The nakedness of the inmates due to inadequate clothing is another human degradation of the inmates. Most inmates, as explained earlier on, are half-naked. Adequate clothing enhances human dignity but nakedness is a disgrace to human dignity. Health is wealth. However, where good health provision is not made available, the human dignity can be made to suffer. Illness and disease can strip one of dignity and personality, because one's is rendered incapacitated and helpless, especially when medical attention was not given to the person. If the pets can receive sympathy and given medical attention when sick, how much more are fellow human beings that only have their freedom curtailed by the state. Health, therefore, is another area where the dignity of man has been denied the inmates who are in the Nigerian prisons.

The overall assessment of the conditions in the Nigerian prisons shows that there exists, the gross violation of the fundamental human rights of the prison inmates. The ugly conditions and situations in the prisons have pathetically dehumanized the inmates. The inmates have been deformed socially, psychologically, physiologically, mentally and "hopefully". In summary, Nigerian prison system deforms the inmates instead of reforming them for the future glory of the nation.

4. ACTIONS TO RESCUE THE SITUATIONS- THE RECOMMENDATIONS

Hope for the good future is not lost for the Nigerian prison system. There is a strong belief that the country's prison system can be like those of Scandinavian prison systems, which are known for their low rates of imprisonment and relatively human prison conditions in the world (Pratt and Eriksson, 2011). Action should be taken by the federal government to rescue the rotting conditions of the prison in Nigeria by inaugurating a stand-by committee for the welfare of the Nigerian prisons. Such federal committee should be drawn from the experienced legal

practitioners, human rights activists and law enforcement officials. The committee must be saddled with the responsibilities of monitoring and reporting the conditions in every prison in Nigeria, to the federal government. The committee must ensure the good welfare of all the inmates in all the Nigerian prisons. The people that will form the committee should ensure that the welfare of the Nigerian prison inmates meet the required international standard. It should monitor the overcrowding, congestion, bedding, personal and environmental hygiene of all the prisons and make sure they are up to standard required.

Federal government should always release enough fund to cater for the needs of the Nigeria prison service. The spending of such fund must be monitored while corruption within the prison service must be checked at all levels.

We advocate for proper renovation of the prison facilities all over the country. New facilities must be built for expansion, to cater for the needs of the inmates. This is especially of the recreational facilities and health facilities. Moreover, more medical doctors and nurses must be employed to oversee the health problems of the inmates. In addition to this, experts in nutrition and diet must be employed that would ensure the good quality of the food taken by the inmates.

Experts in guidance and counseling and competent psychologists must be employed for proper counseling of the inmates who need to be counseled and assisted in overcoming their prison- prompted mental and psychological problems.

Government should ensure that the needs of the inmates are met adequately. Bedding materials must be provided promptly. Clothing must be sufficiently given to the inmates. Proper fumigation of the cells and prison environments must be periodically carried out. Good hygiene must be strictly followed, personally and environmentally.

We advocate alternative programmes for prison sentences. Nigeria federal government must see to how 'probation' and 'parole' as prison alternative, can be incorporated into the Nigerian criminal justice system, for some minor offences and for first time offenders. This will lessen the burden of the prison system by reducing overcrowding and congestion. This is very important for the nation's justice system.

Finally, we advocate that restorative justice be introduced to help the inmates' reintegration into the society. The fundamental premise of the restorative justice paradigm is that crime is a violation of people and relationship rather than merely a violation of law. The most appropriate response to criminal behaviour, therefore, is to repair the harm caused by the wrongful act. As such, the criminal justice system should provide those closely affected by the crime (the victim, the offender, and the community), an opportunity to come together to discuss the event and attempt to arrive at some type of understanding about what can be done to provide appropriate reparation (Latime et al, 2005)

Restorative justice will give the ex inmates the opportunity to be accepted back into the society and the opportunity for the community that has been wronged to forgive the offender. Restorative justice would lower the rate of recidivism among the ex inmates in Nigeria.

5. CONCLUSION

This paper has highlighted the general problems confronting the prison system as last agent of criminal justice system. Emphases have been laid particularly on these problems, with particular references to the prison system in Nigeria. It has been argued that as a result of those problems, the prison system in Nigeria is actually deforming the more, human dignity, which it is supposed to reform through good rehabilitative programmes, that is unfortunately, grossly lacking within the Nigerian prisons. However, we are optimistic that if recommendations provided in this paper are painstakingly implemented, they would go a long way in solving the problems negating the efforts of the prison officials in properly rehabilitating the inmates, to ensure that they become the future good citizens of the country we can be proud of.

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