



International Journal of Economic Research

ISSN : 0972-9380

available at <http://www.serialsjournals.com>

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Volume 14 • Number 20 • 2017

Prisoners' Rights Violation in Nigeria: A Sociological Study

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ABSTRACT

In this study, it is pointed out the conditions in the prison that violate the prisoners' rights, factors responsible for the violations of the prisoners' rights, effects of the violation and measures to overcome the violations of prisoners' rights in Nigerian prisons. The study posited factors responsible for the violations of prisoners' rights, effects of prisoners' rights violations on the prisoners, and how to tackle the problem of prisoners' rights violation. The study finding suggests there is violation of rights in prison ranging from inadequate feeding, poor medical facilities, vocational skills, clothing, insufficient beddings and overcrowding. The police do not bring suspect promptly before a judge or judiciary officer despite the Nigerian Constitution's guarantee. The judiciary fails to ensure all inmates are tried within reasonable time. Based on the study, suggestions have been made that government and stakeholders in the criminal justice system should shun corrupt practices at all levels to ensure effective justice dispensation. Legal scholar is assigned responsibility of prosecuting accused person instead of current practice of prosecution by the police. It is suggested that government should establish a body of welfare committee under the prison services to provide and monitor prison after care services to inmates that have been released. This study concludes that violations of the standard minimum requirement (SMR) constitute a serious social problem in many convict prisons. It is also evident that inmates suffer heavy socio-economic and psychological burden as a result of their participation within the criminal justice system.

Keywords: Prisoner, Rights, Violation, Corruption, Bribe, Policies, Rehabilitation, Anxiety, Ringim, Nigeria.

1. INTRODUCTION

The United Nations Declaration of Human Rights under Article-5 clearly stated that inhuman and crude punishments should not meted out against the prisoners but treated with respect, dignity and value, right to partake in cultural activities and education and accession to health service available in the respective country (Qadir, 2011; Dambazau, 2009). Similarly, the prison Act CAP 366 of the Federation of Nigeria 1990 provides certain rights and privileges relating to feeding, visit and communication. Accordingly, every

prisoner shall be allowed to sufficient quantity of plain and wholesome food; provided with a complete prison dress; provided with suitable bedding, allow to receive a visit from friends in the presence of a person officer, and to write and receive letter at the discretion of the Superintendent. However, these rights and privileges of inmates are often violated in Nigerian prisons. A report by the United Nations on prison conditions in Nigeria (2003), asserts that Nigerian Prisons are filled with people whose rights are systematically violated. Adebola (2004) observed that in many Nigerian prisons, inmates sleep two to a bed or on the floor in dirty cell, toilets are block and over flowing or simply non-existent, and there is no running water. As a result disease is wide spread. Amnesty International (2008) point out that most of the prisons in Nigeria have clinic or sick bay but lack medicine as the guards frequently demand that inmates pay bribes for such privileges as visitors, contacting their families and, in some cases, being allowed outside their cells. And living conditions in Nigerian prisons are appalling, damaging physical and mental well-being of inmates and in many cases constitute clear threats to health. Nigeria Bar Association (2002) categorically stated that Nigeria's human rights obligations extend to those who are in prison, being deprived of one's liberty does not mean forfeiting other human rights. This statement speaks a volume that one may have violated certain normative standards of the society, he or she may be punished for it but it does not mean deprive of all human values.

In recent report by the United Nations on prison conditions in Nigeria (2013), maintained that the Nigerian prisoners are mostly overcrowded and in such deplorable state that they provide fertile breeding ground for communicable diseases. Overcrowding is a significant problem in Nigerian prisons and is mainly caused by the high number of inmates awaiting trial (Dambazau, 2003). Agomoh (2009) argues that many of the cases of congestion occur among prisons located in urban areas. Analyzing the statistics, it was observed that 30 prisons in Nigeria accounted for 22,609 and 16422 of this numbers were awaiting trials (Agomoh. et. al., 2011). Consequently, overcrowding and substandard living conditions increase the likelihood of violence among inmates and can lead to riot. Inmates are inadequately fed and clothed, torture by prisons' guards and rehabilitation programmes are grossly inadequate in Nigerian prisons (Sylvester, 2007). For Tanimu (2010) considering the punitive and dehumanizing state of Nigeria prisons, the declared objectives of reformation and rehabilitation can hardly be realizing. Alumka (2014) maintains that the violation of the rights and privileges of the prisoners are fueled by the problems associated with the Nigerian prisons such as corruption on the part of prison authorities, poor prison infrastructures, lack of diversionary programmes, inadequate legal aid facilities, overcrowding. Dambazau (2009) attributed causes of the prisoners' rights violations in prison to include crowding, bad conservancy, insufficient clothing, bad water and insufficient medical inspection. Lack of adequate funding of prison by government or budgetary constraints is the cause of prisoners' right violations in the prison. This is because inadequate funding of prisons has tempered a lot of programmes and facilities that would have been made available to the prison inmates. He further identifies corruption on the part of prison officials as a factor responsible for the violation of the prisoners' rights. He observed that prison officials often engaged in trading of illegal substances with prisoners. They receive the bribe from privileged or rich prisoners, who in turn give them access to activities outside the prison yard, the officials may even steal from the inmates ration eventually causing shortage of food for the prisoners.

Given the above, it is obvious that there are gross violations of the prisoners' rights in Nigerian prisons which make this study imperative. This study provides first-hand information of prison life during

incarceration, taking cognizant of the disparity between the provision of the standard minimum rules for treatment of prisoners and the practical realities in the prisons. Consequently, this is detrimental to the reformation, rehabilitation and reintegration philosophy upon which the prison is predicted. Apart from poor reformation and rehabilitation, many convicted prisoners ended up becoming improved criminals then when they entered the prison. There is therefore the need for a systematic approach in addressing the problem of violation of prisoners' right in Nigerian prisons. The present study has both theoretical and empirical significance. At the theoretical level, this study contributes scientifically to the existing knowledge on the subject of investigation. It helps to generate or proffer theory on how best to organize the provision to alleviate the breach of prisoners' rights violation. It unveils the cases prisoners' violations and therefore, it is useful to Nigerian prison service authority and policy makers in coming up with sustainable policies for tackling the problem in Nigeria prison. The present study is an attempt to identify the conditions of prisons and the factors responsible for the violation of rights of the prisoners in Nigeria.

2. FACTORS RESPONSIBLE FOR THE VIOLATIONS OF RIGHTS

According to Emeagwali (2008), financial incapability one the major problems militating against the actualization of the prisoners' right. Due to this incapability, most of the prisoners even though are aware of their rights, but could not do anything than to complete their terms in prison. While Aliyu (2009), sees literacy challenges as one of the reasons why most of the prisoners not actualize their rights. He asserts that many prisoners believed that once one becomes a prisoner he or she does not have any rights he or she can exercise again and that all hope must hang on fate. Smith (2010) blames the violation of inmates on frustration by prison officers that majority of prison officials especially the warders are not helping matters. It is a common feature and unofficial prerequisite for visitation for the prison visitors to drop 'something' inform of bribe before one would be allowed to see a prisoner. According to him, failure to bribe, the prison official would use any means at his disposal to frustrate any move by the prisoner or his visitor in actualising any of the prisoner's right. Aliyu (2010), cases are still taken longer time in some courts before final determination. This action certainly affects the right of the accused where in some instance; some may have completed their jail terms as awaiting trial prisoner. Bohn and Haley (2015) feel that staff brutality has cause prisoners' rights violation in prisons. They pointed out that whipping and other related form of corporal punishment have been prohibited by the Equal Amendment Rights and held that prison officials should not use force against inmates that would cause physical injury to the prisoners as that would amount to violating their fundamental rights. Iwarimie Jaja (2005) has accused the prison institution in Nigeria of violating the rights of inmates. He described the room or cell as a small, dark and avenue of infestation with diseases, denial of proper medication, letters are censored and the writing and receiving of letters are forbidden. He simply described the prison institution as hell on earth. He sees inadequate and lack of nutritional food as sources of problem that violate the prisoners' right in prisons. According to him, inmates often complain that food is inadequate and have used this as an excuse for riots. Ladan (2008) identified lack of training, reformation and rehabilitation programmes have been responsible for the violation of prisoners' rights in the prison. He asserts that no proper rehabilitation programmes are carried out at various prisons. He also observed lack of reformation and rehabilitation programmes in prison have resulted to high rate of recidivism among prisoners and the society would not be free from crime where the reforms and rehabilitation programmes are hampered. To him, due to poor reformation and rehabilitation programmes, crime would be on the increase, this possess a lot of threat and insecurity to the society in general.

3. EFFECTS OF PRISONERS' RIGHTS VIOLATIONS

According to Centre for Constitutional Right (2014), the devastating psychological and physical effects of prolonged solitary confinement are well documented by social scientists. Prolonged solitary confinement caused prisoners significant mental harm and places them at risk of even more devastation future psychological harm. Amnesty International (2008) observed that researchers have demonstrated that prolonged confinement causes persistence and heightened state of anxiety and nervousness, headache, insomnia, lethargy or chronic tiredness, nightmares, heart palpitation and fear of impending nervous breakdown. Amnesty International asserts overcrowding and substandard of living conditions increase the livelihood of violence among prisoners and can lead to riots. In Kuje prison, a riot in 2007 resulted in the death of two inmates and left many others injured. Similarly, Sylvester (2007) affirms that overcrowding of the cells combined with inadequate sanitary facilities makes it virtually impossible to keep the cells clean or to enable the prisons to maintain their dignity.

In view of the above, it is imperative to state here that with this negative effect on prisoners, the purpose of imprisonment is defeated. This is because while the purpose of imprisonment is partly correction and an attempt to bring about conformity of social deviants, its objectives of social reformation, rehabilitation and economic empowerment is ironically being impacted negatively on the inmates and this has long term effects on the society at large. Unfortunately, what is obtained in most Nigerian prisons today seriously negates the real philosophy upon which prisons are predicated. It must be said however, in terms of respect for the prisoners' rights, lack of 'fit' between statutory document and the practical operational realities of prison.

Given the above expose on the Nigerian prisons, it is no wonder that virtually all stakeholders and scholars have agreed that there is the need for a fundamental reform of the system (Elias, 1967., Odekule, 1986., Ajibola, 1997., Sanda, 2007., and Tanimu, 2010). However, in spite of the opinion of scholars and stakeholders on the need for reforms, the views and opinion of the inmates are constantly ignored in this regard. It is the considered opinion of this study that the perspective of prisoners could illuminate areas that urgently need reforms in the Nigeria criminal justice system in general and prison in particular. The perspective of the prisoners will also indicate whether by virtue of their experience, prisoners in Nigeria are of the opinion that the prison is actually protecting their rights for the interest of society as a whole, or protecting the interest of a particular class of people in the guise of correction.

4. METHODOLOGY

The present study is restricted to Ringim prison situated in Jigawa state of Nigeria. The choice of Ringim prison for this study is predicated on proximity and familiarity of the area. In order to realize the objectives of the study, both probability and non-probability sampling techniques is employed. Thus, in order to collect data from the inmates, the stratified sampling technique has been used. This is to ensure that different categories of prisoners are adequately represented in the sample so that the level of accuracy in estimating parameters is increased. The use of 'cell' or different categories of inmates is seen as suitable criteria for stratifying inmates in order to have a fair representation of all convicted prisoners in the study. 50 percent of the convicted inmates are proposed to be selected for the study in which simple random sampling technique is used in each stratum. At this phase, all convicted inmates, have the same opportunity of being included in the sample. Ballot system is applied by giving inscription of 'yes' or 'no' in pieces of papers squeezed and mixed in a container. The number of ballots with 'yes' is equal to the sample, while the remaining ballots

is written 'No'. Each convicted inmates are allowed to pick a piece of paper at random. Those who pick papers with 'yes' are sampled and represent the population, while those that pick the piece of papers with 'No' are unselected. By this process every convicted inmates have been given equal opportunity of being selected in the study. An open-ended questionnaire, a predesigned interview schedule and observation methods are employed for collection of data from the selected inmates of Ringim prison. Interviews have been conducted with some selected staff who are directly involved in the handling of prisoners in the prison. Interviews also conducted with some selected prisoners, 10 are proposed selected which have been drawn from different categories of prisoners in the prison. The prison staff are selected for interview includes, (i) officer in-charge of the prison, (ii) head of welfare unit, (iii) head of medical unit, (iv) head of intelligence, and (v) head of administration and a few of the prison staff that may be available. This has been done in order to substantiate the responses given by the prisoners that they are being treated in the prison and to ascertain some of the challenges facing the prison necessitating violations of the prisoners' rights. In order to enhance the validity of data collected through other methods, more information was obtained through observation especially (non-participant observation). Aspects which have been observed are food/feeding, medical, recreational facilities etc. Others include the educational facilities available for reformation and rehabilitation programme, accommodation facilities and the general treatment of the prisoners in prison. The secondary data are obtained from the statutory documents on the prisoners' rights and treatment while in prison. The primary data are analysed using of statistical package for social sciences (SPSS version 20) software.

5. RESULTS AND DISCUSSION

The quantitative method of data analysis was used simultaneously and in complement with qualitative method.

Table 1
Factors Responsible for Prisoners' Rights Violations

S.No.	Factors responsible for prisoners' rights violations in the prison	Responses (in per cent)				Total (in per cent)
		Strongly agreed/ Adequate	Fairly adequate/ Agreed	Inadequate/ Disagreed	Neutral/ Undecided	
1.	Funding of prison by government	90	3	7	0	100
2.	Corruption on the part of the prison staff	3	17	60	20	100
3.	Shortage of prison staff	37	57	3	3	100
4.	Adequate reformation and rehabilitation programmes	13	0	87	0	100

Table 1 shows that majority (90 percent) of the respondents affirmed that funding of prison is done by the federal government. Emeagwali (2008) financial incapability was one of the major problems militating against the actualization of the prisoners' right. Due to this incapability, most of the prisoners even though are aware of their rights, but could not do anything than to complete their terms in prison. For Danbazau (2009), lack of adequate funding of prison by the government or budgetary constraints is the cause of prisoners' rights violation in prison. This is because inadequate funding of prisoners hampered

a lot of programmes and facilities that would have made available to prison inmates. Of the total, 60 per cent of the respondents disagreed or inadequate with related to corruption on the part of prison staff. In this regard Smith (2010) blames the violation of inmates on frustration by prison officers, that majority of prison officials especially the waders are not helping matters. It is a common feature and an official prerequisite for visitation for the prison visitors to drop ‘something’ in form of bribe before one would be allowed to see a prisoner. He pointed out, failure to bribe, the prison official would use any means to at his disposal to frustrate any move by the prisoner or his visitor in actualizing any of the prisoner’s rights. He observed that prison officials often engage in trading of illegal substances with prisoners and receive bribe from privileged or rich prisoner. Majority (57 per cent) agreed that there is a shortage of prison staff. While 87 per cent agreed that there is an inadequate reformation and rehabilitation programmes. Ladan (2008) has identified lack of training, reformation and rehabilitation programmes not being carried out at various prisons. Overall, the result indicates that factors responsible for prisoners’ rights violations in the prison.

Table 2
Effects of Prisoners’ Rights Violation on the Prison

S.No.	Effects of prisoners’ rights violation on the prison.	Responses (in per cent)			Total (in Per cent)
		Strongly agreed/ Adequate	Agreed/Fairly adequate	Disagreed/ Inadequate	
1.	Bad/Poor health condition in prison.	80	20	0	100
2.	Psychological trauma	7	90	3	100
3.	Recidivism as a result of lack of rehabilitation programmes	13	0	87	100

Table 2 shows that majority of the respondents affirmed that health condition in the prison is very poor (80 per cent), psychological trauma (90 per cent) among the prisoners’ is very high. Majority of the respondents (87 per cent) are of the views that recidivism among the prisoners’ as result of in existence of rehabilitation programmes. In the existing literature, it shows that anxiety and nervousness, headache, insomnia, lethargy or chronic tiredness, nightmares, heart palpitation and fear of impending nervous breakdown (Amnesty International, 2008). This study also shows that devastating psychological trauma and physical effects of the inmates due to prolonged solitary confinement leading to poor health conditions.

On measures to tackle the problem of violations of the SMR for the treatment of prisoners, respondents suggested the followings:

- (i) Government should increase funding of prisons as inadequate funding has hampered a lot of programmes and facilities that would have been made available to prison inmates.
- (ii) Certain prisons should be designed as either remand or convicted prisons where their peculiar problems could be addressed.
- (iii) Monitoring team should be established to monitor and supervise the general treatment of inmates in prisons and development of training programmes on human rights norms and the minimum standard rules and development of inmates for prison staff.

Therefore, effort aimed at tackling this ugly situation should be accompanied by reform in our socio-economic policies where equity and social justice reign.

6. SUMMARY AND CONCLUSION

Conditions in the prison that violate the Standard Minimum Rules (SMR) for the treatment of the prisoners were found to be widespread. These include inadequate feeding, inhuman, cruel and degrading treatment, poor medical facilities and sanitary installations, poor accommodation and its facilities, poor clothing, poor vocation/skill acquisition programmes, poor educational programmes, unsatisfied trial prior to imprisonment/conviction and among others. Regarding factors responsible for the violations of the SMR for the treatment of prisoners in the prison, this study reveals that the poor funding of prisons by government, corruption on the part of prison staff, brutal and cruel method of punishing inmates, delay in the administration of justice, overuse of prison sentence by judges and shortage or pressure on prison staff and lack of rehabilitation programmes are factors responsible for the violations of the SMR violations in the prison. In terms of the effects of these violations on inmates in the prison, the study shows that there is a devastating psychological and physical effect as solitary confinement causes persistent and heightened state of anxiety and nervousness, headache and fear of impending nervous breakdown on inmates. It is also revealed from the findings that lack of proper rehabilitation programmes while in the prison is responsible for high rate of recidivism. The study also reveals that the appalling condition in the prison could lead to the riot or jail break in the prison.

Based on the findings of the study, it can be said that there are widespread violations of the SMR for the treatment of prisoners in the study area and stakeholders throughout the Nigeria Criminal Justice System are culpable for maintaining the ugly situation. The police do not bring suspect promptly before a judge or judiciary officer despite the Nigerian Constitution's guarantee that this occurs within 24 hours. Suspects are usually ill-treated in police custody and the police routinely use torture to extract confession. The judiciary fails to ensure that all inmates are tried within reasonable time; indeed, most inmates are awaiting trial most of whom have been waiting for their trial for years. Most of the inmates in Nigeria's prisons are too poor to be able to pay lawyer, although governmental legal aid exists but they are too few for all the cases that require representations. The living conditions in 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. Conditions such as overcrowding, poor sanitation, lack of food and medicine and denial of contact with families and friends that are widespread in prisons fall short of UN Standard for the treatment of inmates. The reality remains that those in prisons stand little chances of their rights being respected. Those who lack money stand even less chances. Corruption and lack of funds have been blamed for creating this deplorable situation in the prisons. Therefore, one can say that most of the facilities and programmes of the prison are outdated, unsuitable and irrelevant to the declared objective of correction and rehabilitation and inmates have lost hope in the ability of the prison to correct and rehabilitate them.

It is evident that violations of the SMR constitute a serious social problem in many convict prisons. It is also evident that inmates suffer heavy socio-economic and psychological burden as a result of their participation within the criminal justice system. The opening of prison to non-governmental organization (NGO) has a positive effect. NGOs bring food, educational materials, medicines and lawyers to the prison to help ameliorate the appalling conditions of inmates in the prisons. They organize religious activities, offer counseling and teach inmates. However, NGOs are not primarily responsible for the welfare of the inmates. It is time the Nigerian government faces up its responsibilities for those in its prisons. Therefore, efforts aimed at ensuring strict adherence to the SMR for the treatment of inmates will achieve no result

except when combine with changes in the mode of production and distribution of the resource as well as the distribution of the political power towards social justice. Panel philosophies should be rooted in the reformation and rehabilitation ideals that would translate into identifying the reason for the antisocial behaviour of offenders and teaching and training them to become useful citizens in the society.

7. RECOMMENDATIONS

The following recommendations are drawn from the study that have the potential benefit of ameliorating the incidence of violations of the SMR for the treatment of prisoners in Nigerian Prisons should be given immediate attention.

- (i) Corruption has been identified as a major challenge that lead to violations of the SMR for the treatment of prisoners. The study recommends that government and stakeholders in the Criminal Justice System should shun corruption at all levels of the administration to ensure effective justice dispensation. This can be achieved through implementation of anti-corruption programmes with strict penalty such as dismissal.
- (ii) The study reveals that police prosecutors are inefficient in prosecuting cases. This study recommends a different body consisting of legal scholars be assigned the responsibility of prosecuting accused persons instead of the current practice of prosecution by the police. This, it is hoped will ensure efficiency in prosecuting cases and will also reduce the workload of the police and allow them to concentrate on their primary role of crime prevention and the protection of life and property.
- (iii) Lack of adequate funding by government has been attributed to the poor facilities and appalling conditions in the prison. This study therefore, recommends that government being the sole runner of the prisons should endeavor to provide funding and increase budgetary allocation to the prisons for effective correction and rehabilitation of inmates.
- (iv) It has also been observed from the findings that some of the inmates are recidivists which account for the increase of inmates' population leading to overcrowding in the prison. The study recommends that the government should establish a body of welfare committee under the prison services to provide and monitor prison after care services to inmates that have been released. This will help in reducing the number of recidivists in the prisons.
- (v) It has also been revealed from the findings that there are elements of torture and other inhuman treatments meted on inmates by the police and guards. This study recommends that the government should ensure that the police and guards do not commit act of torture on suspects and inmates. All cases of torture and inhuman treatment should be independently and impartially investigated and perpetrators be brought to justice. Every law enforcement officer under investigation should be suspended from active duty pending the outcome of the investigation.

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