PENAL REFORM FACT SHEET

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PRISONS INFRASTRUCTURE

INTRODUCTION

The term 'imprisonment' connotes a process of being confined in a facility. The Prison Act, Cap. P29, Laws of the Federation of Nigeria 2004 defines “prison” as any building or place set aside for the purpose of imprisonment. Therefore, a prison is invariably associated with infrastructure.

Prison infrastructure refers to all the civil and sundry works that make up a prison facility such as the perimeter walls, office locks, cell blocks, churches or and mosques, hospitals or clinics, kitchenettes, laundries, libraries, schools, officers’ and barracks accommodation among others. It is also instructive that the nature of a prison and the type of regime it runs can be determined by the type of infrastructure available in the prison.
EVOLUTION OF PRISONS

Prisons have been in existence for a long time now. The biblical reference to prisons is depicted by a cave. In pre-historic times, caves and dungeons were used as prisons because prisons have always implied confinement away from the rest of the society. Examples of early prisons were in ancient Roman Empire, Greece, and the Ottoman Empire, to mention a few. References to prisons of these eras painted a picture of caves, dungeons and massive holds where felons were confined.

The prisons of old were decidedly punitive. Offenders were crowded into squalid dungeons without regard to classification by gender, age, offence and degree of guilt. These dungeons were characterized by noise, filth, darkness, overcrowding, torture and brutality. There was scant regard for the dignity of the prisoners. Solitary confinement in dank and dark holes, insufficient and unwholesome food, and illness were the trademarks of these punitive dungeons. Examples of such prisons were the Tower of London, the Bastille of France and the Black Hole of Calcutta, India.

Rather, it tended to destroy persons who were subjected to such mode of punishment. Accordingly, between 1860 and 1900, several civil rights groups campaigned for a more humane treatment of prisoners, leading to the construction of better and more hospitable prisons. Instructively, it was during this period that the colonial powers assumed control of Nigeria.

PRISONS INFRASTRUCTURE IN NIGERIA

Before the advent of colonial rule, there were prisons or prison-like institutions in some parts of Nigeria. In Northern Nigeria, the Islamic criminal justice system - with its broad divisions of the Police (Yan Doku), judges (Khadis) and the Prisons (Yaris) - established prisons which were similar to the early prisons, with their punitive and suffocating ambience. In the South, the prison structures were more diffused among the Yoruba and the Bini where the institution was not as formalized as in the North. On the other hand, in the East and the rest of South-South, banishment and ostracism were the norm.

The advent of colonial government with its police formation and judicial system necessitated the establishment of modern prisons in Nigeria. Suffice it to say that in 1872, the Broad Street Prisons was built in Lagos, housing 300 inmates. This was followed by the establishment of more prisons in Abakaliki (1902), Zaria (1903), Owerri (1903), Awka (1904), and Sapele (1905), to name a few.

THE QUEST FOR RESTORATIVE JUSTICE

The prisons of old were crude, suffocating and punitive. As the years went by, it was realized that punitive imprisonment did not serve the intended purpose of deterring felons.
All the colonial prisons were built between 1890 and 1960.

It is noteworthy that the colonial government continued to allow the use of pre-colonial prisons in the North, notwithstanding that the prisons lacked the facilities found in the newer prisons. This is because the Indirect Rule permitted the continued functioning of the criminal justice system that existed in the North. Between 1940 and 1960, the colonial government built the following prisons: Kakuri Open (1953), Maiduguri (1954), Umuahia (1954), Maximum Security Lagos (1957), and the Female Prison Lagos (1960). Instructively, these prisons were built with blocks, bricks and corrugated iron sheets at a time most Nigerian homes were built with grass or thatched materials. Many of these prisons also had pipe-borne water which was generally lacking in the larger society. These prisons largely conformed to the United Nations Standard Minimum Rules for the Treatment of Prisoners (UNSMR) issued in 1955 to provide a universal guide for the treatment of prisoners.

between 1960 and 1980, only a few prison farm centres were built. The farm centres were established in line with the policy of feeding prisoners through farm centres. This goal remains largely unrealized till date.

These farm centres include:

- Ibite Olo Farm Centre - 1975
- Ozalla Farm Centre - 1975
- Adim Farm Centre - 1975
- Bimnik Kudu Farm Centre - 1975
- Lakushi Farm Centre - 1976
- Kujama Farm Centre - 1976

It is worrisome that more than 100 years after the colonial powers built the first modern prisons in Nigeria, the facilities have been abandoned to rot, with little or no maintenance. Given that these prisons have not developed to serve the geometrically rising population of the country, the prison infrastructure deficit is now assessed at almost 90 per cent.

The prisons are faced with decay and dilapidation arising from many years of neglect and poor funding. The dilapidation of prison cells and increase in the number of Awaiting Trial Prisoners (ATPs) has the combined effect of making Nigerian prisons a mockery of the UN standard minimum rules on prisons. If the Native Authority prisons were regarded as decrepit in early 1900, it is better imagined that such structures are still in use and without any substantial renovations more than 100 years later.

POST-INDEPENDENCE PRISONS

At independence, Nigeria had 58 colonial prisons and 62 Native Authority prisons. Nigeria’s population was 45.2 million at this period. Equally instructive is the fact that
Accommodation is invariably the most important factor in the life of most prisoners. This is because it has been shown that the way prisoners are housed is critical in the manner they responded to the restorative programmes in the prisons. Where prisoners are detained in a congested and dilapidated environment, it tends to degrade their humanity and imperil the potential to reintegrate them into the society post-incarceration. The idea that dumping prisoners in damp and dark cells led to penitence has been shown to be highly flawed and out-moded. The more prisoners are treated inhumanely due to the infrastructural deficit, the more they are psychologically subjugated and prone to recidivism – thus the ‘revolving door’ syndrome.

Recently, the crisis of decayed prison infrastructure was thrown into bold relief with the collapse of the sewage system at the Enugu Maximum Security Prison. Built in 1915 for 638 inmates, the prison now houses 1,800 inmates. Little wonder then that the overstretched sewage system caved in, spewing faeces around the prison yard and adjoining environment including the popular Ogbete Market. This poses serious health hazards to both the inmates, prison officials and residents. The inability of successive governments to build more prisons to correspond with the growing population is worrisome. It has been argued that the lack of expansion or modernisation of the prisons to reflect the increasing population of prisoners demonstrates a lack of understanding by policy makers of the paradigm shift from punitive to restorative justice regimes. That explains why cells built over 100 years ago were not only left to decay, but are subjected to massive overcrowding often in excess of 300 percent of their carrying capacity. Today, a cell which in 1910 housed 22 prisoners is crammed with about 180 prisoners. The special rapporteur on prisons and conditions of detention in Africa, Hon. Commissioner Med S. K. Kaggwa at the 52nd Ordinary Session of the African Commission on Human and Peoples’ Rights in Yamoussoukro, Côte d’Ivoire reflected on the hazards of overcrowding in prisons thus: “It is sad to therefore note that Africa’s prison populations have risen by 71 per cent since 2009 meaning an escalating prison population that aggravates associated problems of overcrowding – central to innumerable problems – and depleted resources, leading to poor prison control, inadequate operation, and ongoing failure to protect inmates’ rights. The 2010 figures estimate that almost all African prisons are dangerously above capacity. Around 50 per cent of prisoners are on remand, possibly for crime as minor as stealing a pen knife or a chicken. A shortage of lawyers and the inmates’ lack of means can greatly extend remand periods.”

EFFECTS OF POOR PRISON INFRASTRUCTURE

The Awaiting Trial Menace
The inaugural issue of the Fact Sheet attempted to shed light on the deleterious effects of the exploding Awaiting Trial Prisoner population in combating crime and building an effective criminal justice system. Instructively, the infrastructural deficit in the prisons finds vivid expression in the housing of ATPs. Overcrowding
in the prisons compels the prisoners to live under sub-human conditions that endanger their psyche and overall well-being. It is noteworthy that any discourse on prison congestion in Nigeria invariably turns on the adverse effect of the ATP population on this menace and almost exclusively in urban prisons.

The nexus between dearth of prison infrastructure and recidivism remains fluid. Although it is reckoned that many who went into the prison for even minor offences come out as 'graduates of serious crimes' and virtual 'enemies of state' because they benefited from the 'coaching' by hardened criminals – all made possible by the lumping of different classes of prisoners in dehumanising detention facilities – the authors are not aware of any empirical studies on the causal relationship between these variables.

More importantly, however, the process of radicalisation and recruitment of mere prisoners and ATPs into terrorism and other subversive acts is fuelled by prison congestion and the dire prison conditions. These squalid conditions tend to encourage a sense of 'bonding' among the prisoners, occasioned by perceived 'oppression' by both government and the larger society. It is believed that this bonding only leads to increased criminality and harm for the society.

PRISON INFRASTRUCTURE REFORMS

Nigerian prisons have a long history of neglect and poor funding. However, it was not until 1980 when the population of Nigeria had risen to 73.7 million that the issue of prison infrastructure was revisited by the government. That year, to make up for the exploding population and the creation of States and local government areas, the Federal Government decided to build 47 new prisons. These prisons were either to be sited in locations to serve the new criminal justice jurisdictions arising from the creation of new States or to replace some of the Native Authority prisons which had become highly dilapidated. Efforts were also made to upgrade the existing ones.

These efforts were however viewed as only partly successful given that almost 40 years after the 1980 proposal and with an exploding population of about 182.2 million in 2017, only 20 prisons of the 47 proposed prisons have been completed. The 12 other prisons that could have been regarded as completed are without barracks and therefore cannot operate as prisons. It is perhaps a measure of the level of dearth of infrastructure in the
prison system that some of these uncompleted prison projects are being put to use.

Instructively, the emergent focus on prisons was driven by interventions by some non-governmental organisations like the Prisoners Rehabilitation and Welfare Action (PRAWA), as against the largely closeted nature of Nigerian prisons which kept most stakeholders in the dark as to the real state of the prisons. Perhaps for the first time, stakeholders began having high-profile conversations on the conditions of the prisons. Prison authorities were also sufficiently comfortable to open up the prisons to television cameras and the mass media generally through these efforts. The result was that many were able to have a first-time glimpse into the huge infrastructural deficit in the prisons. These efforts ultimately gave rise to the Prisons Reform Initiative of 1998 and the 2003 National Conference on Prisons which again threw searchlights on the deplorable condition of prisons in the country.

The Buhari Administration has initiated some prison infrastructure by ploughing N9.064 Billion of the N14.435 Billion 2016 capital allocation for prisons into prison infrastructure face-lift. The completed prisons without barracks are Ogwashi Uku Delta; Aguata, Anambra; Keffi, Nasarawa, Nasarawa, Nasarawa; Auchi, Edo; Ilorin, Kwara; Okene, Kogi; Kaaba, Kogi; Ondo, Ondo; Yenagoa, Bayelsa; Kotonkarfe, Kogi; and Numan, Adamawa. The following are in various stages of completion, namely Ibadan, Oyo; Gashua, Borno; Omoku, Rivers; Okitipupa, Ondo; and Birnin-Gwari, Kaduna. Work has not commenced at the following sites: Kano, Kano; Calabar, Cross River; Lafia, Nasarawa; Orlu, Imo; Gwagwalada, FCT; Mbaise, Imo; and Obudu, Cross River.

However, given the longstanding decay and the magnitude of infrastructural deficit, this would seem like a drop in the ocean, thus the need for more deliberate and improved funding.

**WAY FORWARD**

National planning is concerned with reading trends and designing policies and programmes to tackle emerging trends. Such plans are also expected to read crime trends and devise measures for better management of the criminal justice system. Strangely, though Nigeria has an unflattering crime portfolio, it has not done much to remedy its huge prison infrastructure deficit.
Accordingly, it is imperative that stakeholders should encourage speedy dispensation of justice by ensuring quick determination of cases. This will aid prison decongestion and ensure that only persons who have been duly processed through the justice system remain in prison while the innocent are set free. The courts should also reduce the use of our trial detention by deemphasizing remand.

There is need for use of non-custodial measures (bail, community service sentence, fines) especially for minor offences that need not attract imprisonment, thereby reducing the prison population.

While an urgent assessment and upgrade of all prison facilities have become urgent to bring them in line with UNSMR provisions, upgrade of prison staff facilities is crucial in boosting morale among the prison workforce. Government should also explore the public-private sector partnership (PPP) model in revitalizing prison infrastructure especially with respect to prison staff housing scheme.

It is envisaged that while the menace of ATPs and infrastructural deficit in Nigerian Prisons will not evaporate with the waving of a magic wand, the building of more prisons will ensure such ATPs are housed in more humane conditions that speak to their fundamental rights to dignity and ensure that they receive quality training and education to enable them start life anew.

The failure of the Nigerian State to build more prisons or expand existing ones since 1960 when the population was 47.2 million or complete the proposed 47 prisons in 1980 with a 73.7 million population has occasioned the dire state of prison infrastructure. Today, with an estimated 182.2 million, the country still grapples with prison infrastructure designed to cater for the 1960s. Whether this scenario will change in the coming years is left to be seen.

**APPENDIX**

Excerpts from the UN Standard Minimum Rules for the Treatment of Prisoners (Sections 9-14):

9. (1) Where sleeping accommodation is in individual cells or rooms, each prisoner shall occupy by night a cell or room by himself. If for special reasons, such as temporary overcrowding, it becomes necessary for the central prison administration to make an exception to this rule, it is not desirable to have two prisoners in a cell or room.

(2) Where dormitories are used, they shall be occupied by prisoners carefully selected as being suitable to associate with one another in those conditions. There shall be regular supervision by night, in keeping with the nature of the institution.

10. All accommodation provided for the use of prisoners and in particular all sleeping accommodation shall meet all requirements of health, due regard being paid to climatic conditions and particularly to cubic content of air, minimum floor space, lighting, heating and ventilation.

11. In all places where prisoners are required to live or work, (a) The windows shall be large enough to enable the prisoners to read or work by natural light, and shall be so constructed that they can allow the entrance of fresh air whether or not there is artificial ventilation, (b) Artificial light shall be provided sufficient for the prisoners to read or work without injury to eyesight.

12. The sanitary installations shall be adequate to enable every prisoner to comply with the needs of nature when necessary and in a clean and decent manner.

13. Adequate bathing and shower installations shall be provided so that every prisoner may be enabled and required to have a bath or shower, at a temperature suitable to the climate, as frequently as necessary for general hygiene according to season and geographical region, but at least once a week in a temperate climate.

14. All parts of an institution regularly used by prisoners shall be properly maintained and kept scrupulously clean at all times.