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AN APPRAISAL OF THE CUSTODIAL RIGHTS OF AN OFFENDER IN THE NIGERIAN PENAL SYSTEM

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1.0 Introduction

Imprisonment is essentially a form of punishment imposed on the offender by courts or tribunals. However, it is the sentence of imprisonment, and not the treatment accorded in prisons that constitute the punishment. This is so because offenders come to prison not for punishment but as punishment imposed on them by a court of law based on the principles of revenge (ie retribution) or expiation or deterrence or rehabilitation and reformation.[1]

Accordingly once the court ensure that an offender receives his just deserts by means of a prison sentence that is neither too short nor too long, having regard to the gravity of the offence and the offenders culpability, as a matter of policy the Nigerian Prison authorities cooperate by ensuring that the offender remains within the walls for the whole term.[2] Infact, every superintendent of the Nigerian Prison Service is by law auhthorised and required to keep and detain all person duly committed to his custody by any judge, magistrate, justice of the peace or other authority lawfully exercising civil and criminal jurisdiction, according to the terms of any warrant or order by which any such person has been committed until that person is discharged by due course of law.[3]

The Nigerian Prison Service is thus, responsible for the human treatment of all categories of prisoners. To achieve this objective, the prison service has the duty under the existing prison rules and regulations as well as other relevant statutory enactments on the treatment of prisoners, to ensure respect for prisoners human rights, to provide qualitative and adequate food, clothing, bedding and medical care to all prisoners; to safeguard by ensuring that prisoners have access to bath and other forms of hygiene, vocational training, visits and communications etc.

Accordingly, the ways and manner by which prisoners are treated by prison authorities may determine whether a prisoner will at the end of his

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[1] Nwogugu, E.I. (Ed.) Current Legal Problems in Nigeria – Proceedings of the Anambra State Law Conference, 1986, Fourth Dimension Publishing Co.Ltd. Enugu, 1988, Page 173

[2] See Tabiu, M. And Ladan, M.T. (Eds.) Human Rights and the Prison System in Nigeria - A Publication of the National Human Rights Commission, Abuja 1998 P. 103.

[3] Refer to Section 3(3) of the Prisons Act, Cap P.29, Laws of the Federation of Nigeria. 2004

prison term abandon his antisocial behaviour and lead a good and purposeful life as a reformed member of the society.

It is intended in this paper therefore, to examine whether prisoners in Nigerian Prison suffer any deprivation in terms of their basic needs such as food, clothing, shelter, health etc. within the context of human rights provision. The examination becomes necessary with a view to determine whether or not the prisoner ultimate reformation and social rehabilitation can be attained.

1.1 Foods and Regular Feeding

Pertaining to prisoner feeding, the Nigerian Prison Regulation 22 declares: "every prisoner shall be allowed a sufficient quantity of plain and wholesome food regard being had to the nature of labour to be performed by him...[4]

In the same spirit, Rule 20(1) of the United Nations (U.N) Standard Minimum Rules for the treatment of prisoners states that: "Every prisoner shall be provided by the administration at the usual hours with food of nutritional value adequate for health and strengths of wholesome quality and well prepared and served"[5]

Subsection (2) further states that drinking water shall be available to every prisoner whenever he needs it.

Notwithstanding the contents of the above provisions a prisoner may be ordered to be kept upon reduced diet for any term not exceeding Six days as a disciplinary measures or certain of the constituent diet be omitted if the medical officer is satisfied that such a reduction or omission will not be detrimental to the general health of the prisoner.[6]

Thus what to include or omit from the prisoners diet is the sole discretion of the prison authorities. And such power can be exercised arbitrarily.

Aside from prison death and congestion, feeding the inmate population is the most serious and so far, most intractable problem facing the Nigerian prison system. In 1989, one News Magazine published a report on

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[4] The Prison Regulation and Standing Orders of the Prisons Act Cap P.29 LFN 2004.

[5] Standard Minimum Rules for the Treatment of Prisoners: Adopted by The First United Nations Congress on the Prevention of Crime and the Treatment of offenders, Held at Geneva in 1955, and Approved by the Economic and Social Council by its Resolution 663 C(XXIV) of 31 July 1957 and 2076 (LXII) of 13 May 1977.

[6] Refer to Regulation 49(1)(b)(ii) of the Prisons Act Op.Cit

Nigerian prison conditions in which it wrote, in connection with the food situation that:

> *"Food is a major problem. The quality of the food served, especially to those awaiting trial, is so nauseating that to talk about quality is to do extreme damage to language. You could not call it food really, what they did was mix a little paste of what passed for garri and give you some bitter liquid which is suppose to be soup. Prisoners remain famished and malnourished."*[7]

The Report was confirmed two years later in 1991 by yet another report which recorded the same findings based on surveys of prison officials and inmates.[8] It suffices to say, that the problem is not a recent one as evidenced by the 1983 report of the Nigerian Law Reform Commission Survey which reported that:

Prisoners in most of the Prisons are generally fed with some unbalanced diet such as garri with sugar, boiled cassava with palm oil and some other local food stiff. The feeding in the Prisons is considered to be quite deplorable.[9]

The report further observed that the quality of prison food comes in part from its unhygienic preparation. Although, cooking is generally done by the prison welfare department with the participation of the prisoners, the ingredients and equipment provided are almost always inadequate. This could be attributed to the extremely small statutory allocation to the feeding of prison inmates in Nigeria.

Evidence has shown that prisoners are generally fed regularly or thrice a day at the regular intervals. However, in view of the facts that provision for prisoner feeding is grossly inadequate, the quality of food served in the prisons is bound to be poor. In 1990 the daily feeding allocation for each inmate went up from ₦2.50k to ₦5.00. It was increased again in January 1992 to ₦10.00.[10] The Abacha and Abdulsalami Administration subsequently increased the daily feeding allocation for each inmate from

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[7] See Newswatch Magazine, Lagos, Vol.9, No25 of June, 19th 1989 P. 12.

[8] See Ajomo, M.A. and Okagbue I. E (Eds.) Human Rights and the Administration of Criminal Justice in Nigeria Published by Institute of Advance Legal Studies, Lagos 1991 at PP. 201 – 202.

[9] See Nigerian Law Reform Commission Report and Draft Bill for the Reform of Prisons in Nigeria, Lagos 1983.

[10] See Ehonwa, O. L. (Ed.) Behind the Wall - A Report on Prison Conditions in Nigeria and the Nigerian Prison System Published by Civil Liberties Organisation, Lagos 1996 2nd Edition, PP. 81 – 82.

₦10.00 to ₦40.00 and from ₦40.00 to ₦100.00 respectively. Yet still, the daily feeding allocation for each inmate was further increased to ₦150.00 by the current Chief ObAsanjo Civilian Administration.

Laudable as these improvements would appear to be, yet, the gains deriving from it are wiped out by ever rising cost of feeding in the country. A standard plate of meal cost an average of ₦100.00 all over the Nation. Even at that conservative rate, three meals a day would cost ₦300.00. Accordingly, the present feeding allocation of ₦150.00 falls short of what is required by as much as ₦150.00. This apart, if theft by prison officials is taken into consideration, what actually gets to the inmates comes much less. Several reports indicate that while government provisions for the prison system is grossly inadequate, prison officials help themselves with the little that is provided for inmates. In 1991 the Civil Liberties Organisation reports on the issue, thus;

"The quality and quantity of food available is rendered even more inadequate by the warders who generally help themselves to prisoner food suppliers."[11] Similarly, the Nigerian Institute of Advance Legal Studies (N.I.A.L.S.) report, referring to theft of prison food, reads in part:

"Another source of problem with the supply of food to the Prisons, is that inspite of an inadequate funding of the feeding of the prisoners based on head count, the food meant for the prisoners tends to be consumed in quite some instances by both inmates and prison officials. Again the effect is the reduction of the overall supply to the prisoners."[12]

Commenting on the same issue, one News Magazine also reported that:

> *"To make matters worse, prison officials are known to pilfer the food meant for prisoners."*[13]

Aligned to the twin problems of inadequate funding and theft of prison food is another problem that is inherent in the contracting system of the prison service. Because contractors cost into their supply what they have spent on securing and retaining their contracts, these deductions are certainly felt in the quantity and quality of the food supplied to the prisoners.[14]

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[11] Ibid at P. 94
[12] See Ajomo, M. A. And Okagbue, I. E. Op. Cit
[13] See Newswatch Magazine Op.Cit
[14] See Ajomo, M.A. And Okagbue I.E., Op. Cit

In view of the foregoing factors militating against the enjoyment of prisoner's basic right to food, one may safely conclude that the first authority or body responsible for bad prison food is government. However, the prison authorities as a government parastatals must share in this responsibility also. None-the-less, wherever the responsibility rest, the fact is that prisoners in Nigerian penal System are very poorly fed.

1.2 Decent Clothing

Nigerian Prison Regulation 25 provides for the right to proper and decent clothing for convicted prisoners. The section reads thus:

Every convicted criminal prisoner shall be provided with a complete prison dress and shall be required to wear it at all time during the day.

It proceeds to detail this "complete dress";

The clothing shall be issuable as follows:

> (a) *a male prisoner on conviction with 2 jumpers, 2 pairs of shorts and 2 caps; at the end of each Six months of his sentence with 1 each of the above articles; and anytime upon the recommendation of the medical officer with 1 linsey grey flannel undervest;*
>
> (b) *a female prisoner on conviction with 2 gowns and 1 wrapper and when necessary with a further 1 dress and 1 wrapper.*

Similarly, Rule 17(1) of the United Nation Standard Minimum Rules for the treatment of prisoners provides:

Every prisoner who is not allowed to wear his own clothing shall be provided with an outfit of clothing suitable for the climate and adequate to keep him in good health. Such clothing shall in no manner be degrading or humiliating.

The right to decent clothing for prison inmates has suffered tremendously in the deterioration of the Nigerian Prison System. A comptroller of prisons for Kaduna State, once in the past testified to this fact when he wrote that:

> *"The statutory requirements of two parts of uniforms for each prisoner is almost a luxury at a time like this when it is with great difficulty that one pair is provided for each prisoner. It is not an uncommon sight that convicted prisoners whose single pairs of*

uniforms are torn cover themselves with blankets. There are other convicted prisoners who cannot find a place in the main stream of prison life because there are no uniform to issue to them".[15]

Describing what has become of the unhappy situation, one report stated that:

> *"The inmate population of Nigerian prisons is the tattered bottom of Nigeria. From our observation, and from accounts given by warders and inmates, it appears never more than 10% of the inmates of any prison are attired in adequately clean and strong clothes. Close to 89% are either always half-naked or clothed in worn and tattered clothes. The remaining approximately 1% are naked but for blankets they wrap round themselves".*[16]

Another has also reported that:

> *"...None of the prison studies claimed adequate supply of uniforms and clothing for convicted inmates. Infact, it is well known that prisoners on remand are scarcely supplied with prison uniforms or any other forms of clothing to the extent that there were several cases observed in the prison studied while prisoners were seen in various stages of near nudity, either as a result of lack of clothing or the ragged nature of what they had on."*[17]

It is evident from these reports that the Institutional Practices of the Nigerian Prison System respect neither the *Prison Regulation* nor the *United Nation Standing Minimum Rules* on the treatment of offenders. The situation therefore is a flagrant dehumanisation of the Nigerian Prisoners. Obviously, many a convict has to make his uniform himself. Even those who are lucky enough to be issued with new uniforms become tattered after few scrub from prison life. In effect, most convicts are forced to live in their own clothes but which does not translate into more decent clothing. Thus, it behoves on the Nigerian Prison Service to make adequate provision of decent prison uniform for the inmates. However, this may only be possible if government shows serious commitment towards the adequate funding of the Nigerian Prison Services

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[15] Mato, B. A. Quoted in Behind the Wall Op. Cit P. 47.
[16] See Behind the Wall Op.Cit PP. 46 – 47.
[17] See Ajomo, M. A. And Okagbue, I. E. Op.Cit P. 200.

1.3 Access to Bath and Other Forms of Hygiene

In connection with the right of access to bath and other forms of hygiene Nigeria *Prison Regulation,* 31 says that:

> *Prisoners shall be required to keep themselves clean and decent in their prisons.*
> *Every prisoner not exempted by the medical officer shall bath daily*

Rule 15 of the *United Nations Standard Minimum Rules* for the treatment of Prisoners also provides that:

> *Prisoners shall be required to keep their persons clean, and to this end they shall be provided with water and with such toilet articles as are necessary for health and cleanliness.*
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> *Sanitation in the Nigerian Prison System is a serious problem in its own right. Thus, it is well arguable that only inmates death, congestion and poor feeding problems that rank ahead of the insanitary conditions in the Prisons. One report in 1990 described the situation thus:*
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> *Accounts of the sanitary conditions from prison to prison, from lock-up to lock-up irrespective of their geographical location, exhibit a depressing consistency in painting a grim picture of grime and poor personal and environmental hygiene. Naturally, the situation is worse in the most crowded prisons and lock-ups. There is no escaping the fact of squalor in all of them, however.*[18]

In view of the fact that female prisoners constituted a small percentage of the inmate population as contrasted with male prisoners, this problem is not as severe in the female prisons of Kirikiri, Kaduna, Jos, 0ko and Agodi as in male prisons generally. The civil liberties report in 1996 testifies to this fact when it reported that:

> *Among male prisoners, the facilities of personal hygiene are in as terrible state as those for environmental hygiene. There is hardly a prisoner in all the prison visited who has his bath once in two days.*[19]

In contrast, it was found that the female prisoners are usually in a far better state in this connection. Accordingly at the Jos Prison as in most

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[18] See This Day Newspaper, Lagos, Vol.4, No. 1362 of January 14th 1999.
[19] See Behind the Wall 2nd Edition P.37.

other female prisons covered by the survey, water supply were inadequate quantities. However, inspite of the supply of water, the toilets and other sanitary facilities at many of the prisons were reported to be very bad. Most of the inmates were thus, unable to take their baths regularly and many were not supplied with sanitary towels. This situation becomes worse when the inmates are in their menstrual periods. As they are provided with neither soap nor disinfectant so also are they supplied neither with pads nor toilet tissue.[20] Obviously, this is in clear breach of prison regulation which provides that women prisoners will always be given sufficient supply of sanitary towels when required.[21] Further, every prisoner will receive a weekly issue of 2 ounces of soap for his personal use, (3 ounces in the case of female prisoners) and the washing of his uniform.[22]

Another important aspect of person hygiene is that of washing the clothes. In the 1991 Publication of the Nigerian Institute of Advance Legal Studies, it is reported that in the case of convicted prisoners, 94% of prison officials interviewed claimed that they are allowed to wash their clothes regularly, while only 5% claimed that such access is occasional.[23] According to the report, the reasons for restriction of access revolved around basic resources. This fact is corroborated by yet another report which observed that most prisoners wash their clothes only once in a rare while, the length of this rarity being directly proportional to the length of rarity of water, soap and time.[24]

Other major aspects of personal hygiene which suffer from inadequate resources include toilet facilities. This is evidenced by the Nigerian Institute of Advance Legal Studies report (earlier referred to) which reported that:

> *"While some of the prisons studied claim that toilet facilities exist for different categories of inmates, interviews and discussion showed that they are either inadequate for the number for which they are meant, or exist only as primitive imitation of the facilities referred to."*[25]

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[20] See Tabiu And Ladan Op.Cit P. 120.
[21] Refer to Section 316 of the Prison Standing Orders.
[22] Refer to Section 322 Ibid.
[23] See Ajomo, M.A. And Okagbue, I. E. Op. Cit. P. 200.
[24] See Behind the Wall Op. Cit PP. 40 – 41.
[25] See Ajomo, M.A. And Okagbue, I. E.. Op. Cit. P. 201.

The report of the findings stated further that accounts by both officials and inmates of what constitutes toilets for prison inmates show that reference is often to a bucket or any container often placed in one corner of an over crowded cell where inmates go to do in the public glare and to the hearing of all present, an activity usually done in private.

Fifteen years after the above findings, the situation may not have considerably changed given the poor state of funding of the prisons system. There exist hardly a prison in which water – closets are in use. Virtually, all the prisons have only shit buckets or pit latrines. It is obvious that such a facility will naturally attract cloud of flies to the cells and thus, constitute health hazards to the inmates, especially as they also eat their food in their cells.

1.4 Accommodation and Bedding Facilities

On prisoner accommodation, the *United Nations Standing Minimum Rule* 9 States that:

> *(1) Where sleeping accommodation is in individual cells rooms each prisoner shall occupy by night a cell room by himself. If for special reasons, such as temporary over crowding, tit 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.*

It is further provided in the *United Nations Standing Minimum Rule* 10 that:

All accommodation provided for the use of prisoners and in particular all sleeping accommodation shall meet all requirement of health due regard being paid to climatic conditions and particularly to cubic content of air, minimum floor space, lighting, heating and ventilation.[26]

The typical prison cell in Nigeria holds twice its capacity. Reporting on the issue, the Nigerian Institute of advance Legal Studies observed thus:

> *"Each of the prisons studied contained inmates beyond their normal capacity. The normal of all prisons as at the time of study put together was 4,679 inmates while the number of inmates was 10,551 representing 225.5 percent excess of capacity."*[27]

[26] Refer also to Nigerian Regulation 17.s

[27] See Ajomo, M.A. And Okagbue, I. E Op. Cit P. 201.

Hence, the basic picture is clearly one which depicts the prisons as being over crowded. Infact, this situation persists till date. In the present circumstances, it is only natural that the existing accommodation facilities are rendered inadequate and extremely over-stretched or even useless. The conclusion to be drawn therefore is that the prisoner is deprived of his right to decent accommodations

With regards to provision of bedding facilities, the *United Nations Standard Minimum Rules* states that:

> *Every prisoner shall in accordance with local or national standards, be provided with a separate bed and with separate and sufficient bedding which shall be when issued, kept in good order and changed often to ensure its cleanliness.*[28]

Similarly, the Nigerian Prison Regulation provides thus: Every prisoner shall be provided with suitable bedding.[29]

Notwithstanding the above provision however, congestion in the Nigerian prisons has made the use of beds and bedding practically impossible For instance, the 1991 Institute of Advance Legal Studies report reveals that, of the ten prisons studied across the country, only one prison provided bed for inmates.[30] Similarly, the Civil Liberties Organisation report in 1990 observed that in every prison visited, most of the prisoners slept on the floor.[31] Investigation among prison officers reveals that this trend still persists.

1.5 Access to Medical and Health Facilities

The *United Nations Standing Minimum Rule* 22 deals with the right of access to medical services and facilities. Subsection (1) of the RULE states that:

At every Institution, there shall be available the services of at least one qualified medical officer who should have some knowledge of psychiatry. The medical services should be organized in close relationship to the general health administration of the community or nation. They shall include a psychiatric service for the diagnosis, and in proper cases, the treatment of states of mental abnormality.

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[28] Refer to article 19 of the United Nations Standard Minimum Rules for the treatment of offenders.
[29] Refer to Regulation 26 of the Prisons Op.Cit.
[30] See Ajomo, M.A. And Okagbue, I. E. Op. Cit. P. 191.
[31] See Behind the Wall Op. Cit. P.11

Subsection (2) of the same RULE further states that:

Sick prisoners who require specialist treatment shall be transferred to specialized institutional or to civil hospitals where hospital facilities are provided. In an institution, their equipment, furnishing and pharmaceutical supplies shall be proper for the medical care and treatment of sick prisoners and there shall be a suitably trained staff.

On the same issue, the Nigerian *Prison Regulation* 30 provides that:

An infirmary or proper room or place for the reception of sick prisoner shall be set apart in the prisons.

Nigerian *Prison Regulation* 32 further provides that:

If a prisoner complains of illness to any prison officer, the prison officer shall report the complaint without unnecessary delay to the Superintendent and no prisoner so complaining is to be compelled to labour until he has been examined and directions have been given.

Accordingly, with regards to the health conditions and medical care in Nigerian Prisons, one report described the situation thus:

> *"A critical aspect of the deprivation of basic needs in Nigerian Prisons has to do with access to good health and medical care. The conditions of incarceration such as overcrowding, the denial of access to facilities for personal hygiene contribute to a questionable health status for Inmates".*[32]

In view of the above unpleasant situation, it is only natural that the prisoner's health status and situation remain a matter of concern among human rights groups and the media.[33] Reports reveal tales of inmate suffering health wise. Major among the health problems suffered by inmates, are tuberculosis, scabies, kwashiorkor, malaria and other infectious disease in the Nigerian prison and an attendant high rate of deaths.[34] Medical staff and facilities at all the prisons are inadequate to deal with these health problems... The actual strength of medical staff attending to the official figures stood at sixty-five against a total averages monthly prison population of 54,510. In 1990, twenty-seven doctors,

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[32] See Ajomo, M.A. And Okagbue, I.E. Op. Cit. PP. 202 – 203.

[33] See Civil Liberties Organisation's Behind the Wall. Op. Cit. P. 122. Also This Day Newspaper. Op. Cit.

[34] See Behind the wall Op.Cit. P. 122 Ajomo, M. A. And Okagbue, I. E. Op. Cit. P. 201.

sixty-nine nurses and thirty-two other medical support staff were reported at the 56 prisons covered by a report.[35]

Similarly, at the ten prisons covered by another report, total medical staff strength stood at thirty-six i.e. Seven doctors, fourteen nurses and fifteen auxiliaries.[36] While this represents a significant improvement, it is submitted however, that it still falls short of the requirement as prescribed by the STANDARD MINIMUM RULE, that each penal facility should have the services of at least one general practitioner.

On medical facilities, one report observes that of the 56 prisons covered in that report, the 26,281 Prisoners had to share 172 beds and 3 ambulances. There were an average of 152 prisoners' bed and 8,760 inmates per ambulance.[37]

Also of the ten prisons covered by another report only at three prisons were drugs said to be available, although five of them were reported to provide transport for patients referred to hospitals outside the prison.[38]

Based on the foregoing statistics, the inevitable conclusion to be drawn is that the health care system in the prisons is practically non-existent. It is not surprising therefore, that there is an alarming high death rates among prisoners.

1.6 Access to Vocational Training

It is officially claimed that, next to keeping safe custody and the treatment of prisoners, the third and final object and philosophy of the Nigerian Prison Service is the rehabilitation and/or reformation of prisoners. Strictly speaking, rehabilitation or reformative methods of punishment are best not described as punishment at all, since the aim is not to punish the offender by imposing some unpleasantness upon him, but rather to prevent him from offending again.[39]

According to Clemmer,[40] rehabilitation involves encouraging the prisoner to abstain from criminal behaviour by providing him with social,

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[35] Tabiu, M. And Ladan, M. T. Op. Cit P. 121.
[36] Ajomo, M. A. And Okagbue, I. E. Op.Cit Table 2 P. 190.
[37] See Behind the Wall, Lagos 1991 at PP. 248 -249.
[38] See Ajomo, M.A. And Okagbue, I. E. Op.Cit. Table 3 at PP. 191-193.
[39] See Okonkwo, C.O. Okonkwo And Naish; On Criminal Law in Nigeria 2nd Edition Published by Sweet and Maxwell London 1980 PP. 35 – 36.
[40] See Clemmer, The Prison Community New York; Reinhart and C.P; in 1958, (re – Issue) at PP. 298 – 304.

educational or vocational facilities to such an extent as to enable him conform to the social pattern of life outside the prison world.

By Rule 77 (1) of the *United Nations Standing Minimum Rules*, provision shall be made for the further education of all prisoners capable of profiting thereby, including religious instructions in the countries where this is possible. The education of illiterates and young prisoners shall be compulsory and special attention shall be paid to it by the administration

Further Rule 77 (2) recommends that the education of inmates should be integrated with the educational system to the extent that this is possible in order to allow them continue their education without difficulty after releases. It should be pointed out here that neither the Prisons Act nor the Prison Regulation contains provisions that have any semblance with these provisions of the *United Nations Standing Minimum Rules*.

Reformation on the other hand is effected by inculcating in the minds of the prisoners sense of responsibility and service to the community as well as being a measure of interest, stability and discipline into their lives, and by further inculcating habits of industry self respect, and self control through manual labour, games. Physical training and mental education for example.

Having just considered the justification and the existing legal provisions on rehabilitation and reformation, it is only logical to examine as well the facilities that exist in the Nigerian Prison for a free care. According to the Nigerian Institute of Advance Legal Studies report in 1991, 74.4 of the official respondents claimed that prisoners are provided with training to acquire different skills and crafts, while some 9.9 percent countered by claiming that the prison has no real provision for this.

However, contrary to this assertion by prison officials at Kaduna Prisons for example, there was little evidence that vocational training programme was being seriously pursued. It was reported that the prisoners were idle most of the time because of lack of facilities they were trained in no trades.[41] In 1996, another report presented essentially the same situation thus:

> *"For none of the Prisons visited possessed the tools, machines and other equipment needed for vocational*

[41] See Behind the wall Op.Cit PP. 146 -147.

training. In prison after prison the story was that most of the machines and tools had broken down, became worn out or are obsolete."[42]

This problem apparently persists till this day in view of the under funding which the Nigerian Prisons System is being subjected to by government. It is submitted in conclusion that no proper rehabilitation programme exist in the Nigerian Prisons, nor there exist a serious attempt at prisoners' post-release care. Accordingly, the Nigerian Prison Service has failed in its reformation and rehabilitation functions. At least in the face of the absence of tools and materials for vocational training and by the warders resorting to coercion as a means of reformation.

1.7 Visits and Communication

On visits and communications, *United Nations Minimum Standing Rule 37* states that:

> *Prisoners shall be allowed under necessary supervision to communicate with their family and reputable friends at regular intervals, both by correspondence and by receiving visits.*

Similarly, Nigerian PRISON REGULATION 62 provides thus:

> *Prisoners shall be allowed reasonable opportunities daily of communicating with their friends or legal advisers and they may write or receive letters. Visitors to the Prisoner shall be admitted only to the place appropriated for the purpose, and in all cases, the visit shall take place in the presence of an officer of the prisons The prisoners will be so placed that he will be able to see and talk to visitors but be able to come in contact with them and care must be taken that nothing is passed either to or from the prisoner.*

It is evident from these provisions that prisoners are allowed to receive visitors from their families and friends. These visits play a crucial role in sustaining the prisoners in the prison. They are the major sources of basic necessities such as soap, clothes, money and food for many prisoners. This apart, prison visits are the main means by which the emotional and psychological links, which are crucial in habilitation, are maintained. Thus, it is of great value to the survival of the inmate during his or her rehabilitation after release that prison authorities generally allow them.

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[42] See Osaze, L. E. Prisoner in the Shadown – A Report on Women and Children in Five Nigerian Prisons, Lagos (1996) Civil Liberties Organisation Publication. P.128.

2.0 Conclusion

In the final analysis, it is evident that the lack of adequate funds to maintain better and modern prisons, in addition to the problem of the absence of a drastic approach for the reformation of Nigerian Prisons such that prison officers understand what their role ought to be and the responsibility they bear for the reformation and upkeep of those in their care, have accordingly, rendered the Nigerian Prisons literally unfit for human cohabitation. If the purpose of imprisonment is indeed to reform and rehabilitate, then, the conditions therein must be tolerable. Until such conditions are created therefore, the Prisons in Nigeria will continue to serve custodial functions only, as they are not humanly and materially equipped to reform and rehabilitate prisoners.