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## Women and the Prison System in Nigeria

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### Introduction

The thought of being imprisoned sends shivers down the spines of many people. The term "prisoner" in the Nigerian Society is derogatory and leaves a stigma on whoever is so called. One of the best ways of assessing a system is the determination of the extent to which it achieves its stated objectives.

The paper which is an overview of the Nigerian Prison System will highlight the aims of prisonization and will identify and examine the position and problems of women in the Nigerian prisons.

Finally, possible solutions to these will be proffered.

### Definition

The term "prison" is defined by SAUNDERS (1977) as a place of detention in safe custody or for punishment after conviction.

Hornby (1974) defines a prison as "a building in which a wrong doer is kept locked up against his will."

In Nigeria, the law governing prisons is the Prison Act of 1972. Section 19(1) of the Act defines a prison as "a prison declared under the Act". The definition in the Act above can be said to be no definition at all as it does not even describe what a prison is. Section 2(2) goes on to describe a prison thus "Every prison shall include the grounds and buildings within the prison enclosure and any lock house for temporary detention or custody of prisoners newly apprehended or under remand which is declared by the Commissioner by order in the Federal Gazette to be part of the prison".

It is to be noted however that it is not only people who are found guilty after a criminal trial that are in prison but as the Act provides, it is a place of custody for people under remand.

### Purpose of Prisonization

The aims of prisonization can be classified into four points which are as follows:-

- (i) Retribution
- (ii) Protection of the society
- (iii) Deterrence
- (iv) Rehabilitation and Reformation.

These aims are derived jointly or severally from the stand taken by the legislation, communities and the prison authorities. This is better explained as stated hereunder:-

- (i) **Retribution:** This is reminiscent of the mosaic Law "An eye for an eye and a tooth for a tooth". It is the belief of those who hold on fast to this aim that anyone who inflicts pain in whatever form on another should not go free without suffering. To an extent, the Nigeria legislation is supportive of this

- aim as would be discovered that in the Criminal Code of 1958 and the Penal Code of 1963 there is the graduation of punishment according to the degree and seriousness of offences. For example in Section 390 of the Criminal Code a punishment of three years is provided for stealing whilst in Section 402 of the same Law the offence of robbery attracts a punishment of fourteen years.
- (ii) **Protection of the Society:** The Constitution of the Federal Republic of Nigeria (1979) which (according to its preambles) is made in the interest of the public and "for purposes of fostering the promotion of the welfare of the people of Nigeria," guarantees every Nigerian citizen some fundamental rights. These rights include (a) Right to life, (b) Right to dignity of human person (c) Right to freedom of movement and so many other rights. It is therefore the duty of the State to protect its citizens and detain anybody who has violated or may abuse these rights.
- (iii) **Deterrence:** An offender who is sent to prison serves as an example to others who may want to follow his footsteps. The Nigerian Courts in *Queen v Eyo* (1962) have echoed this as the aim of prisonization.
- (iv) **Rehabilitation/Reformation:** This is said to be the main aim of imprisonment. The Nigerian Prison Service Annual Report (1984) has stated that "the Nigerian Prison Service is charged with the responsibility of ensuring the safe custody of offenders, their reformation and rehabilitation. By being confined, it is believed that the offender will be reformed so that he can live a better life when he is eventually released. This appears to be the philosophy behind the provision of education and vocational skills given to prisoners whilst in prison.

It is not unknown that in Nigeria, prisoners have passed General Certificate Examination both at Ordinary level and Advanced level whilst serving terms in prison and more surprisingly degree and diplomas have been awarded to prisoners whilst in prison. In Nigeria according to the Prison Report (1984) in 1984, 21 prisoners passed first school leaving certificate examination, 10 prisoners obtained C.C.E. Ordinary Level while 12 prisoners passed diploma/degree examination.

Training in carpentry, barbing, sewing, needlework, cooking, joinery and other vocational skills are also given to prisoners. This aim may also explain the reason for the provision in section 2(4) of the Prison Act for the segregation of prisoners into classes according to age, offences committed and length of prison term to limit contamination. How feasible this has been is another issue that will be considered later.

### Women - Whither Art Thou?

The study of women and the criminal justice system is a recent development in most countries. Seminars and conferences held in the past did not address the issue of women in the Nigeria Prison System. The trend has now changed. The seminar "Prison reforms in Nigeria" held at Abuja in June 1990 had two papers which made references to women in the prison system. Apart from these two, Oloruntimehin's paper (1990) made mention of women in the prison system in Nigeria.

It may be contended, that traditionally there has been little research or interest in female criminality because:

- (a) statistically the number of female offenders has been so small and insignificant and that female offenders are in almost all cases a tiny minority. The Nigeria Prison Annual Report (1984) shows that in the year 1982, of the total daily average population of 43,707 inmates, only 888 were women;
- (b) women can also be said to have been engaged in offences which can be regarded as trivial judging from little money value or injury involved.

The neglect of the criminality of this gender which Smart (1977), claimed is directly related to the low status of female offenders as a pressing social problem is not the case any longer in a developing country like Nigeria. Drug trafficking which is a pressing issue in the country at present is closely linked to women. With greater exposure of women to work opportunities outside the home as well as a greater opportunity to travel out of the country (may be on the pretext of business) in recent years, women have been involved in crimes such as smuggling and drug trafficking. In spite of the lack of focus on women criminality and the leniency by the judiciary on women, it is without doubt that there are female inmates in Nigerian prisons.

#### Problems of Women in the Prison System in Nigeria

Lack of funds has been a major problem in the Nigerian prison system. According to Omu (1990) in 1990, only about 1 percent of the required fund to pursue welfare programmes for inmates was provided by the Federal Government. The problem has resulted in the gross inadequacy of beds, mattresses, blankets, soap and disinfectant for the use of the female inmates. A visit to the female wing of the Agodi prisons in Ibadan, Oyo State confirmed this. Some of the 23 female inmates in the female wing of the prison, sleep on their iron beds without mattresses whilst some of the inmates who are not lucky enough to have beds, sleep on blankets spread on the bare floor. Sources in the female wing of the prison attributed the situation to lack of fund to replace worn out mattresses and damaged beds.

Nigeria has about 146 prisons scattered all over the Federation with about 60,000 inmates. It is however sad, to note that there is only one prison exclusively for female offenders in Nigeria. This is the women prison at Kirikiri in Lagos (NPSARI 1984) According to prison sources, Aba prison was originally constructed as a female prison but was later turned into a male prison with only a wing allocated to women. Most other prisons scattered all over the Federation accommodate male prisoners with a separate wing of the prison allocated to women prisoners within the same enclosure and under a single administration. Female Wardresses are however in charge of female inmates.

Shortage of exclusive female prisons may be a reason for some problems which are faced by women prisoners in Nigeria. The problems include the undermentioned:

- (i) **Overcrowding:** The straight forward role of the prison is ware-housing of offenders. The report on Prison Reform Conference (1990) has stated the one of the major problems of the Nigerian Prison system is overcrowding and congestion. With the increase in number of women involved in criminality probably due to exposure, the issue of overcrowding is now a major problem facing our female prisons. According to the Prison Report (1984), a total of 1639 female inmates were admitted into the women prison, Kirikiri According to the Nigerian Law Reform Commission (1983), "Nigerian prisons are too congested, and poor ventilation is one of their glaring features. Prisoners and

detainees are cramped together in cells with no adequate accommodation facilities provided... Prisoners sleep on double decker beds with no mattresses and pillows provide. In these congested cells, not all prisoners are fortunate to be provided with beds. The unlucky ones are made to sleep on the local dirty bare floor."

- (ii) *Poor sanitation:* Poor sanitation condition and the alarming rate in the spread of disease has made prison a death centre than a reformation/rehabilitation centre for female prisoners. There has been much outcry by some organisations and the public on the state of Nigerian Prisons in general. The legal practitioner representing Jennifer Madike, the Lagos business-woman detained on charges of drug trafficking in his request for the bail of the accused said "Conditions at Kirikiri Security Prison where Jennifer was being held were so bad that Suspects were dying at an alarming rate" (Daily Times, 1991).

In a report in the African Watch (1990) Kayode Williams, the President of the Prison Rehabilitation Committee reported that 2,000 prisoners died from hunger or disease in October and November 1989 whilst it was reported by the Civil Liberties Organisation on the Kirikiri Maximum Security Prison that 29 inmates prisoners died before they appeared before the tribunal. The prison sources without disputing these facts attributed high morbidity and mortality rates in the 1980's to prison congestion, very poor standard of sanitation, malnutrition arising from poor feeding and lack of drugs for sick prisoners. (NLRC, 1983) It is worthy of note that though, this is the position in the female prisons in Nigeria there are few exceptions. At the female wing of the Agodi Prisons in Ibadan, there were only 23 female prisoners consisting both convicted and awaiting trial cases. The environment and cells were clean and well kept. Pipe borne water is available within the prison premises.

The particular scene captured at the Agodi Prison should not be an exception, but the norm.

- (iii) *Lack of vocational facilities:* Programmes designed for female prisoners only emphasise the stereotype sex roles of women which include cooking, sewing and needlework. However, due to lack of funds, these programmes are not implemented because of the non-availability of equipment. This observation was made at a recent visit to the female wing of Agodi prisons where only one broken down sewing machine was all that was available in the vocational shed. In other prisons where the equipment is still functioning, the number of inmates outnumber whatever gainful use such equipment could be used for.

- (iv) *Lack of recreational facilities:* In most of the female wings of the Nigerian Prisons, there are no provision of recreational facilities such as net ball fields, volley ball, table-tennis, 'Ayo' and Ludo games. In the male section of the prison, foot-ball pitches and handball games are available for male prisoners. This observation was also made by Oloruntimehin (1990), in respect of the female wing of the Ilesha Prison. In some of the prisons, what

inmate to be available for recreation are ludo and card games donated to the inmates freely by the public.

**Restriction of movement:** Women in the Nigerian Prison System are more restricted than their male counterparts who are sometimes allowed to go out of the prison yard on cleaning job under supervision of a warder. This restriction of women according to prison sources is an unwritten rule in the

Nigerian Prison System attributed to the peculiar and traditional nature of our society in relation to issues concerning women. In most cases, the female inmates spend the day sleeping, chatting and generally idle and sometimes in a sober reflecting mood. It is of interest to note that the female inmates are in support of this unwritten rule of confinement. In an interview with 23 inmates the female wing of the Agodi Prisons, Ibadan, they would rather be dead than being seen outside the prison walls in a prisoner's uniform. This restriction and the female prisoners desire for it, is not in the best interest of the prisoners as it leads to monotony and boredom which makes life more unbearable especially for a prisoner who has lost all contact with her family.

**Infants in prison:** Another issue which is a serious problem affecting women in Nigerian prisons is that of female prisoners who deliver their babies in prison or bring with them to prison, their children upon being convicted or detained. The law is more lenient on a pregnant female offender found guilty of a capital offence but not on any other pregnant female offender.

Section 376(1) of the Criminal Procedure Act, provides that:

"where a woman convicted of an offence punishable with death alleges she is pregnant or where the court before or by which a woman is so convicted thinks fit to do so to do the court shall before sentence is passed on her determine the question whether or not she is pregnant".

Upon confirmation that she is pregnant, such a female offender is not released but is sentenced to life imprisonment. The relevant time here is at the time of conviction but if before conviction she puts to bed, the law is not applicable and she is treated like any other female offender. The prison regulation allows a female prisoner to keep her child in prison with her until such a child is 18 months old. In reality, this is not the case as it was discovered that such children spend the whole term of imprisonment with their mothers.

This problem has compounded the issue of female prisoners and the prison authorities. As stated by Obot (1990), between 1980 and 1985, the number of women admitted into Nigerian prison with their children are as follows:-

(a)	1980	=	240
(b)	1981	=	231
(c)	1982	=	242
(d)	1983	=	349
(e)	1984	=	390
(f)	1985	=	400

According to The Prison Report (1984) the total number of births in prison clinics in Nigeria was 26. Of this 3 were in the women prison, Kirikiri. Also Kirikiri women prison recorded 25 of the 73 children born by female inmates in hospitals out of prison. This problem is worsened by the attitude of some members of the society who disassociate themselves from family members serving prison terms and fail to take up the responsibility of care and custody of the children of such inmates.

A visit to a female wing of one of the prisons in Nigeria revealed the pitiful state of children who live with mothers that are inmates. One of the inmates had her two children staying with her. According to the inmate who is serving a four year prison term, she had to bring her eldest daughter, then two years old, to the prison with her because none of her relatives wanted to associate with her after she was convicted. The inmate on further interrogation stated that she was pregnant at the time of conviction and that her baby was delivered in the prison. The two female children who looked well cared for were seen playing around within the female wing and interacting with other female inmates and female prison staff. According to the staff in the female wing of the prison, these children do not interact with visitors as they are afraid of strangers.

It is without doubt, that the welfare of these children are jeopardized by the unimagineable unhealthy condition in the prison. The prison authorities are not responsible for the feeding and clothing of such children as it is the mother that was convicted and not the children.

According to prison officials, the welfare of children living in the prison with their mothers are attended to by religious bodies who donate food items, clothings, beddings and toys for such children. In a situation where the religious bodies are not available to assist, it is frightening to imagine what would or could happen to such children.

Another issue is the psychological development of children brought up in an unhealthy environment such as the prison. This will definitely leave an indelible mark on the life of the child.

(vii)

*Food monotony:* The feeding allowance of a prisoner for a day as approved by the government is five Naira per day. (African Watch, 1991). This amount is woefully inadequate as it cannot buy one good meal let along three meals. In most prisons in Nigeria, prisoners eat insufficient and unbalanced food. The diet which consists of mainly carbohydrate and very little protein is monotonous.

Self feeding is encouraged in most of the prisons especially amongst the female inmates who still have contacts with outside visitors under the supervision of the wardress. However the question is—how many female prisoners are opportuned to have contact with outside visitors who are comfortable and self sufficient in their own rights?—The answer is—very negligible percentage.

(viii)

*Non classification of inmates:* The problems of over-crowding and congestion has made classification of prisoners which is a requirement for rehabilitation of prisoners in Nigerian prison impossible. Hardened criminals live with first offenders and the type of treatment meted to the latter by the former is

unimaginable. One of the unfortunate side effect of non-segregation is that female prisoners awaiting trial share the same cell with convicted criminals. At the female wing of the Agodi Prisons where there were 23 inmates, segregation was not possible as the two cells accommodated both convicted prisoners and those awaiting trial.

This makes the penal policy of reformation and rehabilitation in the Nigerian Prisons no more than a public disguise.

- (ix) *Oppressive prison administration:* Poor facilities for staff, poor conditions of service, lack of adequate equipment and meaningful programmes to engage the female prisoners have been identified as problems of the Nigerian Prison System. It need not be stressed that in any organisation, the human element is crucial. Poor conditions of service may have contributed to wardresses resorting to being aggressive towards the prisoners because of frustration. It is not uncommon to see female wardresses whilst on duty at the female wing of the prison to sit and just watch the activities of the prisoners without engaging in any meaningful supervision of any vocational skill.

- (x) *Inadequacy of other rehabilitative institutions:* It is not an uncommon sight to see lunatics and young offenders in the female prisons. This is unfortunate because under the Lunacy Ordinance (1958), the Magistrate is empowered to confine in prison any accused person to determine the state of his mind. The confinement of such lunatics with prisoners adds to the psychological pain which is one of the traumas of imprisonment. The presence of young offenders who should be confined to borstals and lunatics who in Nigeria should be detained in an asylum have added to the problem of overcrowding in Nigerian Prisons.

### Solutions and Recommendations

A few suggestions have been made to the government before now. The undermentioned are further suggestions on how to improve the prison system in Nigeria as it concerns women.

- (i) *Provision of more female prisons:* The government should provide more female prisons to overcome the problem of congestion and overcrowding in our female prisons;
- (ii) *Health care service:* Adequate health care services should be provided for all prisons especially female prisons and a doctor should be attached to the prison
- (iii) *Vocational programmes and equipment:* Adequate vocational equipment and programmes should be *sine qua non* in all female prisons. Recreational facilities for body and psychological building purposes, discovery of talents, socialization and rehabilitation should be provided.
- (iv) *Weekend visit to families:* Married female prisoners upon good behaviour of such inmate should be encouraged where the prisoner is still in constant contact with the family to solve sexual problems and problems on the welfare of the children.
- (v) *Conjugal visit:* This is an alternative to solving sexual problems. This is done in developed countries but can only be operative where the problem



of overcrowding is removed. This will reduce the incidence of lesbianism and incidence of broken homes caused by unfaithful spouses.

- (vi) **Welfare of children:** Once the prison authority is ready to accept a child below the age of eighteen months into prison along with the mother who is convicted or detained for an offence, the authority should ensure that such a child receives adequate care in terms of feeding, health care and even educational facilities where necessary. This is not out of place as it is done in England where Nursery Schools are provided within the prison yards for children of inmates within the prison system.
- (vii) **De-institutionalisation:** The criminal justice system at pretrial, trial and conviction stages should rely more on non institutional methods of treating offenders to minimise the institutionalisation of offenders. This will minimise several problems associated with Nigerian prisons such as overcrowding, high mortality and morbidity rates due to poor feeding and poor health and medical care. In place of imprisonment, the use of alternative sanctions such as weekends detention, police cautioning, fines and victims restitution methods should be adopted.
- (viii) **Utilization of man power:** It is suggested that though female prisoners may not want to be seen in public, there should be proper utilization of their "man power". Engaging in cultivating of gardens in the prisons and beautifying the prison environment should be encouraged.
- (ix) **Remuneration of prison staff:** There should be a proper reorganisation of the prison system and salaries should be reviewed to encourage staff. There should also be provision of equipment for the staff to work with to enhance their rehabilitative role. More funds should be provided towards training of prison staff in prison welfare and criminology.
- (x) **Other rehabilitative institutions:** Proper placement of inmates meant for other institutions should be done to reduce overcrowding. It is also recommended that detention centres should be established for awaiting trial cases who constitute a large number of inmates confined in prison.
- (xi) **Humane treatment:** Finally, it is recommended that female prisoners should be treated in a humane manner. Imprisonment on its own is enough pain physically, psychologically and emotionally. Nothing should be done within the prison to add more to this pain. Degradation resulting from shaving of head and other degrading treatment which currently exist should be discouraged.

### Conclusion

Nigeria is a developing country and to have a forward but positive movement, all the citizens must participate in the development exercise. Women who constitute the majority of the Nigerian population are not left out in this process of development, therefore, the country should not turn a blind eye to their welfare by categorising them as a minority wherever they are found.

The situation and problems of women and the Nigerian Prison System is an issue that must be urgently looked into as it does not only affect women but the family as a whole, especially the children. The children today are leaders of tomorrow especially as Nigeria looks into a brighter future in the 21st century. At this stage of the nation's

development, and as it approaches the 21st century, women should not be considered as a minority. A lot is expected from the Nigerian women, and much should be given to them to make them more productive.

As it was rightly observed by a newspaper publisher, Mr. Ibru (1991) "all women suffer in varying degrees some kind of discrimination for no other reason than that they are women". Women prisoners are not left out in this assertion as it has been seen in this paper.

In fighting against discrimination and the problems encountered by women in Nigerian prisons, the plea by the first lady of Nigeria, Mrs. Maryam Babangida, is hereby re-echoed that "women should use the last and final years of the 20th century to change the tide of history". Matters concerning women should be given the same attention as that of their male counterparts.

Towards the development of the 21st century Nigeria—Women, whither art thou?

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