

PRISON CONDITIONS IN NIGERIA: THE PLACE OF FEMALE INMATES

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Abstract

The prisons are not designed for the punishment of inmates but rather a move to identify the cause of their anti-social behaviours and to set in motion, machineries for correcting their faults so that they may return to the society as useful and law abiding citizens. But this is not the position with Nigerian prisons especially as it concerns women. It will be the thrust of this paper therefore to discuss among other things, the condition of Nigerian prisons with special emphasis on women. Some alternatives to imprisonment as means of reducing prison incarceration for women will also be brought to light.

Introduction:

It is formally claimed that the role of the Nigerian Prison service is tripartite in nature. First, the service is responsible for the safe custody of persons legally interned. Second, it provides treatment to them and third, it seeks to rehabilitate them. The philosophy of the Nigerian Prison service is that treatment and rehabilitation of offender can be achieved through carefully designed and well articulated administrative, reformatory and rehabilitative programmes aimed at inculcating discipline, respect for law and order, and regard for dignity of honest labour¹. One of the outstanding problems of the Nigerian prison is overcrowding or congestion. This constitutes a very big barrier if not a complete barrier to achieving the desired objective of prison services in Nigeria as stated above. The Nigerian prison population is a type of "mixed grill". This is because it is made up of adult males and females, young persons, children, pregnant women, nursing mothers, criminals and civil lunatics, debtors, detainees, condemned prisoners and inmates awaiting trial or being held for safe custody². More than 60 percent of the total prison admissions are awaiting trial or being remanded in custody³. About 50 percent of the convicted prisoners are between the ages of 28 and 50 years⁴. What a waste of personnel resources. As has been noted above that more than 60 percent of the total prison admissions are awaiting trial, it goes to point out that the administration of criminal justice must be faulty.

Thus *inter alia* - this can be attributed to inadequacy of the courts and judicial personnel to combat the corresponding teeming population. Overcrowding appears to be the most intractable problem facing the Nigerian prison system⁵.

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¹ Nigerian Prison Service, 1981

² cisweb/.unijos.edu.ng/bitstream/104.Assesed!4/07/2012

³ *Ibid*

⁴ *Ibid*

⁵ J.N. Aduba, Journal of Criminal Justice: Over Crowding in Nigerian Prisons: A Critical Appraisal, Faculty of Law: University of Jos: Elsevier Ltd, 1993, p 20.

Prison Law in Nigeria

The statement of the Prison Act No 9 of 1972⁶ made it clear that prisons are not designed for the punishment of inmates but rather a move to identify the cause of their anti-social behaviours and to set in motion machineries for correcting their faults so that they may return to the society as useful and law abiding citizens.

Prison Act 2004⁷, the Prison Act 1992⁸ and Prison Act 1960⁹ should also be taken into consideration. The rights specified by these Acts range from the right to life, accommodation, food, medical care, legal assistance, to fair and speedy trial. Unfortunately, the anti-thesis of these rights is experienced in Nigerian prisons today and consequently some limitations manifest themselves.

The History of Nigerian Prisons

The term prison owes credence to the latin word "Prendere" which means "to seize" or "to confiscate"¹⁰. Oxford Advanced Learners Dictionary¹¹ defines prison as a place where people are kept locked up as a punishment for crimes they have committed or while awaiting trial". Black's Law Dictionary gave the definition of a prison as a public building or other place for the confinement of persons, whether as a punishment imposed by law or otherwise in the course of the administration of justice¹².

Two common features which run through all the definitions and explanations given above on prison are that of restriction of movement and confinement which infringes on freedom as a basic and fundamental right of an individual.

The reformatory theory holds that by reforming the character of a criminal, he or she and other people are deterred from committing the same kind of offence in the future. But is this the position with the Nigerian Prison? This will be addressed in the course of this work. The retributive theory views imprisonment as a way of balancing moral order which is upset by crime.

The introduction of prison in Nigeria was courtesy of colonialism. Colonial masters used native prison to compel obedience through native rulers¹³. It is difficult to claim that the idea of imprisonment was alien to some of the communities that later became what is now Nigeria. This is because imprisonment was in existence in our communities for which the colonial masters used to compel obedience.

However they later introduced their own method of imprisonment. Nevertheless, it is reasonably clear that the structure and organization of tribal "prisons" were rudimentary, compared with the colonial prisons¹⁴. Moreover, the rate of incarceration has increased dramatically between the colonial period and the last 21st century. This may be attributed to the high global crime rate of which Nigeria is not excluded.

⁶ Prison Act 1972

⁷ Prison Act 2004

⁸ Prison Act 1992

⁹ Prison Act 1960

¹⁰ Assessed from the internet 14/07/2012 www.tigweb.org/youth-media/ama/article.html?contentID=26573

¹¹ A.P. Cowie, Oxford Advanced Learners Dictionary of Current English, 4th Edition Oxford University Press Oxford 1989.

¹² H.C Blacks, Blacks Law Dictionary 6th Edition, St. Paul Minn. West Publishing Company 1990 P.I 194

¹³ www.tigweb.org/youth-media/ama/article.html?contentID=6573. Assessed 14/07/2012

¹⁴ www.tigweb.org/youth-media/ama/article.html?contentID=6573. Assessed 14/07/2012

Prison Condition in Nigeria

Nigeria prisons are filled with people whose human rights are systematically violated. Approximately 60% of the inmates are awaiting trial and most of whom have been waiting for their trial for years¹⁵. Consequently, the effect is prison congestion.

Prison congestion arises where the number of inmates at a given period of time exceeds the actual *capacity originally meant* for that prison. The number of awaiting trial persons varies from day to day and is dependent on social, legal and constitutional problems.

What is happening in the Nigerian prisons can also be termed a denial of justice¹⁶. The major cause of prison congestion in Nigeria is among others the violation of section 35 of the 1999 constitution of the Federal Republic of Nigeria¹⁷. The said section provides thus: Section 35(1)¹⁸: Every person shall be entitled to his personal liberty and no person shall be deprived of such liberty save in the following cases and in accordance with the procedure permitted by law

- a. In execution of the sentence or order of a court in respect of a criminal offence of which he has been found guilty;
- b. By reason of his failure to comply with the order of a court or in order to secure the fulfillment of any obligation imposed upon him by law;
- c. For the purpose of bringing him before a court in execution of the order of a court or upon reasonable suspicion of his having committed a criminal offence or to such extent as may be reasonably necessary to prevent his committing a criminal offence;
- d. In the case of a person who has not attained the age of eighteen years, for the purpose of his education or welfare;
- e. In the case of persons suffering from infectious or contagious disease, person of unsound mind, persons addicted to drugs or alcohol or vagrants for the purpose of their care or treatment or the protection of the community; or
- f. For the purpose of preventing the unlawful entry of any person into Nigeria or of effecting the expulsion, extradition or other lawful removal from Nigeria of any person or the taking of proceedings relating thereto;
- g. Provided that a person who is charged with an offence and who has been detained in lawful custody awaiting trial shall not continue to be kept in such detention for a period longer than the maximum period of imprisonment prescribed for the offence¹⁹.

According to the said section any person who is arrested or detained in accordance with subsection 1(c) of the above named constitution shall be brought before a court of law within a reasonable time, and if he is not tried within a period of

- a. Two months from the date of arrest *and detention in case of a who is in custody* or is not entitled to bail, or
- b. Three months from the date of arrest and detention in case of a person who has been released on bail, he shall be released either unconditionally or upon such condition as are reasonably necessary to ensure that he appears for, trial at a later date

¹⁵ Ibid

¹⁶ African Studies Centre-University of Pennsylvania Nigeria Prison System Report 02/26/08.

¹⁷ Udume, A Denial of Justice. September 2,2009 Assessed from the Internet 14/07/2012.

¹⁸ Constitution of the Federal Republic of Nigeria 1999.

¹⁹ ibid

Causes of Prison Congestion in Nigeria

Many factors interplay to bring about prison congestion in Nigeria. They include but not restricted the following:

Attitude of Police Officers: It is the responsibility of Police to prevent and equally detect crimes. It then follows that if they carry out their assigned duties of preventing and prosecuting crimes, it will go a long way to decongest the prisons. But where they fail in their crime prevention role, this can lead to prison congestion.

Uncompleted Investigation: Trial cannot begin if the police has not finished investigation before the arraignment of the accused person. In ability of the police to complete the investigation makes it impossible for the court to try the case. Consequently, the prosecutor is obliged to ask for adjournment and when the application is made and granted, the accused person is invariably remanded in prison custody²⁰.

Sentencing Policy: The judges and magistrates usually adopt the penalizing attitude even when the offence is a minor one. They impose custodial sentences or heavy fines which the accused persons cannot pay and as a result many convicts end up in prison custody.

Public Resentment: It is a well known fact that the larger society does not accept an ex-prisoner. They tend to ostracise and condemn them to a life of crime. This situation makes them aware of the harsh realities of life outside the prison walls. Their desire to go back to prison becomes irresistible and drives them to commit more crime which for them is the key to the prison gate.

Over- Criminalization of the Society: The spate of crime rate globally is at the alarming rate and Nigeria, is not left out. The over-criminalization of the society can be traced to social, cultural, religious, economic, and political evolution of the country. The economic depression leading to retrenchment and unemployment cannot, but twist the attitude of the individual towards the observance of the law and drive the person to engage in petty crimes: Opposition in politics leading to the craze for supremacy at all cost breeds thuggery and other political offences, violent and non-violent Also religious intolerance breeds conflicts and upheavals which will eventually land all those involved, in the prison.

Inadequate Prison Facilities:²¹ The prison facilities in Nigeria cannot accommodate the increasing number of convicted and un-convicted persons remanded in custody by our courts. The inadequacy of prison facilities is traceable to faulty projection of possible crime increase at the time the prison were constructed. Unexpected rise in the number participating in crime, increased police activity, increase in number of persons on remand awaiting trial, failure of the prison department to plan against possible future rise in the number of inmates, and failure of the government to provide funds for expansion of old prison accommodation and for new prisons, have compounded prison congestion in Nigeria. When the number of inmate is too much in a particular cell in the prison, the tendency is fighting etc which eventually result to death as happened in Okigwe in December, 2001.

Senate blames DPP over the number of inmates awaiting trial in Nigerian prisons. The Nigerian senate committee on interior has shown an over whelming concern over how inmates are being treated in Nigerian prisons. The committee lamented over the issue of inmates who are languishing in jail without trial for the offence they allegedly committed. The committee tends to hold the public prosecution, DPPs across the country responsible for the unfortunate development. Chairman, Senate Committee on interior, senator Abubakar Bagundu had observed

²⁰ Ibid

²¹ Okaro, The Role of Police in Prison Decongestion Abuja, 2001 p. 4

recently in Benin city when he led other members of the committee to Oko medium prison that over 900 inmates were awaiting trial in the 608-bed capacity prison, stating that the visit to the prison was to check the condition of inmates and to find a better way to address the issue of innocent people who continuously await trial. He said "We are interested in understanding the welfare needs of *the staff and inmates* and the security needs of various prisons. We at the National Assembly and the senate in particular, are concerned about awaiting trial detainee problems because we feel that people should receive prompt justice and there is the need to look at those who are in prison that ought not to be there"²².

Four broad categories of inmates are found in Nigeria prisons and they are as follows:

- a. The awaiting trial detainees
- b. The convicted
- c. The condemned
- d. The Asylum patients

People in the first category are those whose cases have not been visited. Most of them are not aware of why they are in prison. A statistical inquiry shows that about 60% of inmates in Nigerian prisons are still awaiting trials. Their condition provokes a questioning of justice and management of our prisons.

The average detainees will stay for more than ten years before their cases have been visited. Shockingly, files belonging to these detainees disappear on the intervention of concerned citizens but reappear when something is offered. Justice is raped.

Section 32 (3) of the Constitution²³ states that any person who is arrested or detained should be informed in writing within 24 hrs of the facts and grounds for his arrest or detention. This is to enable the accused person to arrange for his release by probably employing the services of a lawyer

It is well known that the very act of detention, imprisonment or punishment without trial violates the natural right which, presumes one innocent until proven guilty. What they face in the prison will be elaborated by stating that justice delayed is justice denied. As a result of all these the following limitations manifest themselves in the Nigerian prisons:

1. **Inadequate feeding:** The prison inmates are offered the poorest quality of food which is also offered in small quantity. Even the little they are offered is eaten in filthy and dirty cells, unhealthy for food consumption.
2. **Accommodation/Over Crowding:** This is the most irritating problem in most Nigerian prisons. To substantiate this assertion a cell at Ikoyi Lagos prison of 500 inmates is being used for more than 2000 inmates. Still in some cells, bedroom, toilets, dining halls and living rooms are all combined together²⁴.
3. **Poor Medical Care:** Due to inadequate accommodation and unbalanced feeding, prison inmates contract diseases such as pneumonia, tuberculosis and other communicable diseases. Drugs are insufficient therefore victims infect fellow inmates with the disease contacted. This is actually responsible for the high rate of mortality in our prisons today.
4. **Social/Psychological Problems:** Our prisons are cut off from amenities that identify man as a social animal. These include: articles of clothing, portable water, electricity, and communication network. Most of the inmates who are under detention are traumatized due to the fact that most of them do not know the reason why they are there.

²² Nm.naij.com/newsj7651.htm!.Assessedonthe19th5eptember 2012 at 10,25am

²³ Constitution of the Federal Republic of Nigeria 1999.

²⁴ www.tigweb.org/youth-media/ama/article.html?content 10=6573

5. **Moral/Spiritual Problems:** Other crimes are at alarming rate in Nigerian prisons a prison where people came to be corrected. Part of their problem is caused by the alienation of wives from their husband and *vice versa* who happen to be in prison, and restriction of visitors to the inmates. Spiritual activities are not permitted to the fullness in some prisons and that is why the prisoners become worse, and come back to the society to commit greater crimes than before: a typical example is the recent Ikoyi Lagos prison case of prisoners setting the whole prison yard on fire²⁵.

As a result of all these, the prison objective of Reformation Rehabilitation and Re-integration of prison inmates back to the society can never be achieved under the present condition of our prison across the country.

Condition of Women in Nigerian Prisons:

Nigerian prisons fail its people. This is the observation of Amnesty International²⁶. Some women prisoners are under death sentence. There are 51 women inmates in prison in Port Harcourt, River State of Nigeria. Among them are pregnant women, nursing mothers, criminal and civil lunatics, debtors, detainees etc. Nigerian prisons have been referred to as national scandal²⁷.

The women spend many years in jail sleeping on the floor²⁸. In one such cases Bassey, a 35 years old-women with mental illness, was brought to prison by her brothers who said the family could no longer cope with her. Prison authorities classified Bassey as a 'civil lunatic'. Accused of no crime and never brought before a court or judge. Bassey spent almost 3yrs in prison sleeping on the floor with other women.

After the intervention of PRAWA a Nigerian non-governmental organization dealing with the incarceration of the mentally ill prisoners Bassey was finally transferred to a hospital where she is now receiving treatment²⁹. Van Kregten said that "when a state arrests or imprisons someone solely because they are relative of a suspect or because they suffered from mental illness, they are violating that person's right not to be subjected to arbitrary arrest or detention a right guaranteed in the Universal Declaration of Human Rights³⁰

Peculiar needs of Women to be Considered to Avoid their Detention in Prison

Health:- The detention of women in prison can result in the deterioration of their health. This is obvious because in case of sickness there is no health facilities and or personnel to attend to them. The ventilation is usually very poor in the Nigerian prisons coupled with congestion and as a result diseases such as measles, diarrhea, pneumonia, malaria, cholera, meningitis and tuberculoses are rife in the prison which affects women in prison. Some of them eventually die. Menstruation Needs: Women in prison who are between the ages of 15 and 50 need a way to handle their menstruation. But strangely they are not given enough sanitary supplies or not given at all and without such supplies, life can be very uncomfortable and miserable³¹ for them.

²⁵ *Ibid* Assessed 14/07/2012 11 am

²⁶ Report of Amnesty International 26th February 2008. Assessed from the Internet on the 14th July 2012 11am.

²⁷ Ft.com/Africa-Report. Assessed on the 14/07/2012 3pm

²⁸ www.ft.com/cms/s/o/4e83bf58-e444-ll...Assessed 14th July 2012 3pm.

²⁹ *ibid*

³⁰ Rehn and Sirleaf, Women War Peace, Independent Experts' Assessment on the Impact of Armed Conflict on Women and Women's Role in Peace-building 2002 p.

³¹ Ford and Davis, Chaos in Aghanistan: Femine, aid and bombs/'The Lancet, Vol. 358, no. 9292, 3rd November 2001, www.thelancet.com.

Pregnancy and Delivery: Pregnancy and delivery ordinarily is a very risky task for women and worse still when in prison. Pregnant women cannot have access to anti-natal medical attention needed for the safety of the mother and child while in prison. And if a pregnant woman is not properly taken care of during the gestation period there will be complications during delivery and this may lead to the death of either the mother or the child or both. In Okigwe prison in 2002 a young lady by name Onyinyechi about 30yrs of age delivered in prison. She nearly died because there were not enough medical facilities in the prison. However, some Catholic Women Organization members intervened by arranging for medical personnel who visited her in the prison and with the cooperation of the prison workers provided medication for her. They also provided for her feeding. It was a terrible experience for her-the plight of women in prison³².

Malnutrition: This also plays a key role to worsen the condition of women in the Nigerian prison. Women have peculiar experiences and exposure to circumstances that affect their health especially when confined in prison. They also have pattern of access to health care that are different from those of men³³. Malnutrition and diseases have been instrumental to the death of many women in the Nigerian prisons. Because of women's physiology, they are vulnerable to vitamins and iron deficiencies that affect their health and energy levels as well as their pregnancies. Iron deficiency anemia is a serious health condition for women of reproductive age and can be fatal for pregnant women. A recent nutritional survey in Nigeria showed a 9.8 percent rate of scurvy (vitamin C deficiency) among women of child bearing age caused by lack of fruits and vegetables³⁴

Poverty: This is a state of being poor and living in poverty³⁵. Some of the women remanded in the Nigerian Prison are very poor and indigent. Indigent is a term commonly used to refer to one's financial ability, and ordinarily indicates one who is destitute of means of comfortable subsistence so as to be in want³⁶. As a religious and a lawyer, I did active prison ministry in the Eastern zone of Nigeria which is made up of the following states: Imo, Anambra, Abia, Ebonyi, Enugu, I can testify from my experience that many people who are remanded in prison are there because they cannot afford to pay for the services of a lawyer especially women.

Some Unreported Cases on the Experiences of Women in Nigerian Prisons

In an unreported suit in Orlu Magisterial District in Imo State with the charge number MOR/40c/2007 two women were involved namely; Vivian Mephors 43 years and Georginia Mephors 21 years. They were charged with the offence of conspiracy, and causing of grievous bodily harm under sections 516(1)³⁷ and 332 (7) of the Criminal Code³⁸. The matter was brought before the Chief Magistrate in Orlu who made the order that his court has no jurisdiction to hear or determine the charge or even to grant bail, and so no plea was taken. These two young women

³² Ibid

³³ Rehn and Sirleaf, Women War Peace, Independent Experts' Assessment on the Impact of Armed Women and Women's Role in Peace-building 2002 p. 38

³⁴ Ford and Davis, Chaos in Afghanistan: Pennine, aid and bombs/'The Lancet, Vol. 358, no. 9292, 3rd November 2001, www.thelancet.com.

³⁵ A.P. Cowie, Oxford Advanced Learner's Dictionary of Current English (4th Edition, Oxford University Press 1989) p. 970

³⁶ H.C. Blacks, Blacks Law Dictionary 6th Edition, St. Paul Minn. West Publishing Company 1990, p.

³⁷ Criminal Code Laws of the Federation 2004

³⁸ Ibid

were taken to Owerri prison. They remained there for two years when it was visited by some Nongovernmental organizations who now rendered them help.

Another one is Evangeline Ekwueme with charge number: HME/7C/2004. She was 33 years in 2004 when she was remanded in Okigwe prison on a charge of Manslaughter under section 317 of the Criminal Code³⁹

She was in the prison till 2009 when a Christian lawyer took up the matter *pro bono* and effected her release. By the time she left the prison she was frail, fragile and sick. But for such intention, she would have still remained in the prison because she came from a very poor background and cannot pay for the services of a lawyer.

Justina Chukwunonye who was 36 years was remanded by the Magistrate court of Okigwe on an alleged charge of murder pursuant to section 319(1) CC⁴⁰ on the 1st of June 2004. In December 2006, she was discharged and acquitted for want of prosecution evidence and complainant. For the period she was in prison she was breast feeding a baby. She was discharged without any compensation. Even when she was advised to fight for her right, she refused because according to her she has no money and energy for all that. This is a clear class of oppression and suppression. This is because those who were instrumental to her being remanded in prison just wanted to punish her for no just cause.

Nnenna Ogbonna a 22 years young girls remanded in Okigwe prison on an allegedly charge of manslaughter. She was there for two years. She was remanded on the 8th of November 2004 and was granted bail in 2006. When the mother came to fulfill the bail conditions and stand suretee for her, she was refused that it is only men who can stand suretee for somebody on bail. This is in defiance of section 42 (2) of the Constitution of the Federal Republic of Nigeria 1999 as amended, which provides thus:

*No citizen of Nigeria shall be subjected to any disability or deprivation merely by reason of the circumstances of (his) birth*⁴¹

Ekwutosi Okorie 32 years old was admitted into Okigwe prison on the 26th of January 2005, on the order of the Ehime Mbano Magistrate court on an allegedly charge of murder. She was there for two years before she went to court for the first time.

Alternatives to Imprisonment

Following the overcrowding in the Nigerian prisons, there is an urgent need for alternative to prison detention. The deplorable condition in the Nigeria prisons have resulted in the breach of United Nations and other standards which require that all prisoners *shall* be treated with the respect due to their inherent dignity and values as human beings⁴². There are several good reasons why the primary focus should be on alternatives that reduce the number of people in prison and why imprisonment should only be used as a last resort, and they **include the following:**

a. Imprisonment and human rights: Individual liberty is one of the most fundamental of human rights, recognized in international human right instruments and national Constitutions throughout the world, Nigeria inclusive. Imprisonment takes that right away and the answer

³⁹ *Ibid*

⁴⁰ Criminal Code Laws of Federation of Nigeria 2004.

⁴¹ Constitution of the Federal Republic of Nigeria 1999.

⁴² Matti Joutsen and Ugljesa Zvekic " Noncustodial Sanctions: Comparative Overview" Alternatives to Imprisonment in Comparative Perspective UNICRI/Nelson-Hall, Chicago 1994, p44

cannot be justified⁴³. Other deprivations suffered as a result of imprisonment cannot be over-emphasized.

b. The cost of imprisonment: In practice the overall use of imprisonment in Nigeria is growing but there is little evidence that this increase is leading to greater security.

There are now more than nine million prisoners worldwide and the overall number is increasing⁴⁴. The cost of imprisonment internationally is hard to calculate but the best estimates are in the region of 62.5 billion US dollars per year using 1997 statistics⁴⁵. Nigeria is not left out.

c. Alternative may be more effective: Most of the objectives of imprisonment can be met more effectively. In other words, alternatives may both infringe less on the human rights of persons who would otherwise be detained and may be cheaper. If human rights protection or costs are the measures of efficacy, then the argument against imprisonment is very powerful.

d. Over reliance on imprisonment: It is essential that policy-makers take a close look at who is being held in prison, why they are there and for how long they are being detained. It is a common knowledge that prisoners are usually drawn from the poorest and most vulnerable groups in the community. Many of them are for petty offences, either awaiting trial or as sentenced prisoners. For them imprisonment may not be suitable at all. Some prisoners may be detained for unacceptably long periods. Alternative to imprisonment offer a variety of ways of dealing with such persons⁴⁶, which do not involve imprisonment at all.

Alternative for the Women in the Criminal Justice System:

In all prison systems women are a minority of the inmates. This may create the impression that there is relatively little need to press for alternatives to imprisonment for them. But such an impression would be false. In Nigeria the number of women prisoners is increasing rapidly⁴⁷. The Seventh United Nations Conference on the Prevention of Crime and the Treatment of Offenders recognized this reality as far back as 1985 and Nigeria is not left out. It noted too that programmes, services and personnel in prisons remained insufficient to meet the special needs of the increased number of women prisoners. Consequently, there became a need to examine the alternatives to the confinement of female offenders at such stage of the criminal justice process⁴⁸.

Decriminalization: This has a particular role to play in reducing the number of women in prison. The sapient factor is that some offences that may be decriminalized are mostly committed by women or apply specifically to women. By focusing a de-criminalization strategy on such offences the number of incarcerated women can be reduced significantly⁴⁹.

⁴³ *ibid*

⁴⁴ R. Walmsley World Prison Population list (6th ed) International Centre of Prison Studies, King's College London 2005.

⁴⁵ G. Farrell and K Clark, what does the world spend on Criminal Justice? (HEUNI paper No.20) The European Institute for crime prevention and control affiliated to the United Nations, Helsinki 2004.

⁴⁶ Matti Joutsen and Ugljesa Zvekic " Noncustodial Sanctions: Comparative Overview" Alternatives to Imprisonment in Comparative Perspective UNICRI/Nelson-Hall, Chicago 1994, p40

⁴⁷ *ibid*

⁴⁸ *ibid*

⁴⁹ *ibid*

Diversion strategies: Diversion for women operates best when they seek to offer social assistance for women and their families at the point of intervention. This is particularly important as many women who come into contact with the criminal justice system are responsible for young children, so that their detention in prison will cause great disruption to the lives of others too⁵⁰.

High percentage of women are detained for non-violent offences, thus making it easier for them to be released conditionally prior to trial.

At the sentencing stage too it should be noted that the overall crime patterns of women are different to those of men. For example, women are often used as drug couriers to smuggle drugs across international borders. Although technically they may be guilty of drug trafficking, attention needs to be paid to the pressures that may have been brought to bear on them to commit the crime and their sentences adjusted accordingly⁵¹.

Given the position of women in society the possibility of alternative to sentences of imprisonment should be considered very closely. The requirements of community sentences may require modification to meet their needs and to allow them to cope with responsibilities of child rearing, for example. As women tend to be poorer than men overall, particular attention may need to be paid to ensuring that, if they default on fines, they do not end up in prison automatically. Women are often good candidates for early release, be it conditionally or unconditionally. They may be given special consideration in systems that use amnesties or pardons by the head of state⁵²

Conclusion:

Many inmates awaiting trial are effectively presumed guilty despite the fact that there is little evidence of their involvement in the crime of which they are accused⁵³. In Nigeria 65% of prison inmates have never been convicted of any crime with some awaiting trial for up to 10 years.

Torture by police is said to be widespread, with "confessions" extracted by *torture Often used as evidence in trials. In Nigeria women with mental illness, not suspected of committing any crime, are imprisoned with convicted criminals because their families are unable or unwilling to take care of them.*

But why has Nigerian Government failed to implement the United Nations minimum standard rule on the treatment of offenders, and Nigeria is signatory to the United Nations, why is Nigeria not obeying the World Government?⁵⁴

Recommendations:

Although recommendations are embedded in the whole work, a few are also brought to light. They include:

- The use of restorative justice,
- The application of Alternatives to imprisonment.
- Emphasis on good morals among the youths in institutions and relevant places.
- Implementation of appropriate laws. For e.g. section 35 of the 1999 constitution of the Federal Republic of Nigeria.
- Reducing the excessive use of pretrial detention⁵⁵

⁵⁰ Ibid

⁵¹ Handbook on Alternative to Imprisonment, Vienna 2006, p. 60

⁵² Ibid

⁵³ Udume, Prison Congestion September 2nd 2009. <http://www.reality.blogspot.com/Assessed> 14thJuly2012atllam

⁵⁴ Justice Initiative A Publication of the Open Society Justice Initiatives, Spring 2008

⁵⁵ Amnesty International 26 February 2008