

**PRISON OVERCROWDING IN NIGERIA AND THE PLACE OF RELIGION IN
PROMOTING DECONGESTION, PRISONER'S REFORM AND
REHABILITATION**

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ABSTRACT

The problem of increasing population explosion of prisoners has become a challenging global trend. In Nigeria several reforms have been introduced to confront the above ugly development. Prison service the world over is aimed at realizing various goals such as protection, reformation, retribution, deterrence and rehabilitation. However the recurring trend of criminals going back to prison for same or related crimes shows that much still need to be done in order to stem the tide of overcrowding of prison in Nigeria. It is against this backdrop that this study is an attempt to examine the place of religion in providing the way forward in the area of prison decongestion as well as promoting prisoners reform and rehabilitation. A descriptive survey design approach was adopted for the study. In the final analysis, the paper made some findings and draws conclusions with some recommendations.

Introduction

The increased frequency in the use of imprisonment as a means of containing high spate of criminal behaviour has resulted in severe overcrowding. Overcrowding in this context simply means that the number of prisoners exceeds the official prison capacity (over 100% occupancy rate). After nearly forty years of independence the Nigerian prison system has of late come to assume the position of a hell hole as the facilities put in place by colonial masters has not undergone any major transformation by way of expansion of facilities and enhancing its role as an instrument of correction, reformation and rehabilitation of prison inmates.

Consequently from Gusau to Abakaliki, and from Kuje to Kirikiri, the Nigerian prison facilities have remain grossly inadequate in containing the expanding modern criminology landscape of crime offenders both in terms of space and present day paradigm shift in prisoner management. This above is corroborated by the Comptroller General, Alloy Uchenwa as cited in Premium Times (2016) where he stated the Enugu Maximum Prison built in 1915 for 638 inmates now accommodates 1800. Besides, it notes that the situation has led to the ugly situation of housing underage inmates together with much older hardened criminals. Putting it more pointedly Ogwuda(2015) posits that Enugu prison built initially to house two inmates per cell now eight per cell.

The was equally the view of Ayuba (2003) when he posits that despite several policy reforms recommendation made towards improving our prison system and delivery little or nothing has been achieved by government. The Nigeria Prison service Report (2013) puts the above view pointedly when it stated that our overstretched legal process involving the individual being subjected to long years of pre-trial detention continue to swell our already over-crowded prisons in Nigeria.

In other words the inability of our courts to process criminal and civil cases on record time has continued to increase the pressure on our poor and inadequate prison facilities. For stance it stated that as at 2013 a total population of 53,41 prison inmates constitute the figure while that for those awaiting trial was 36,983 which by implication amounted to 68.42% of total inmates. Considering the rate of our judicial system in disposing criminal and civil cases in our courts, as well as the high level of restiveness and crime in our society our prisons would continue to be subjected to the problem of prison overcrowding. What this means is that pre-trial detention plays a critical role in promoting prisons overcrowding in Nigeria.

This is unacceptable on many grounds and most importantly taking cognizance that the modern trend in prison management among developed nations is to de-emphasize penal or punitive approach in crime control. This paper is, therefore sought to identify the place of religion in promoting prison decongestion through reformation and rehabilitation process. It is an attempt to identify non-penal approach of religious values and culture in redressing the challenges of prison overcrowding in Nigeria.

Theoretical framework

On the theoretical framework the submission of Ayuk, Owan, and Omona (2003) which states that modern prison management techniques should be directed towards emphasizing reform of the inmates rather than punishment approach. This was equally the view of Salandee (2004) when he posits that the way forward in breaking the cycle of increasing over-crowding of Nigerian prisons is the promotion of prisoners reform and rehabilitation strategy.

What this means is that modern options for decongesting our prisons should incorporate strategy which should not be limited to physical torture. The religious

doctrines of caring for the poor as taught by Christian faith should not be limited to those who are financially and physically weak but also to those who are morally pathologic or diseased amongst us. It is against this backdrop that this work is an attempt to examine the ways religious community can promote prison decongestion through moral and empowerment of prisoners.

The study is anchored on the theory of preferential option for the poor. The theory states that the society owes the poor, the weak and the needy members of the society the responsibility of being protected and integrated to the society in order to allow them pursue quality living. The theory is premised on the Jude Christian theology that states that the rights of the poor, widow, needy, orphan etc must be recognized and protected by the society. The Old Testament scriptures state below underscores the basis for the above theory:

Do not ill-treat an alien or oppress an orphan. If you do and they cry out to me, I will certainly hear their cry. My anger will be aroused, and I will kill you with the sword, your wives will become widows and your children fatherless. (Exodus 22:21-22)

This submission above states that people deserve their honour irrespective of their social status. Moreover the command in the book of Leviticus that the deaf should not be cursed nor a stumbling block placed on the path of the blind shows the profound concern of God for people that may be considered by many as social misfits, outcasts and undeserving of any right or privilege. (Leviticus 19:14-15). Besides, God calls Israel to care for the fatherless, widows, physically handicapped in the society by ensuring that during time of harvest they don't appropriate all their yield for their personal use. Rather they were commanded to observe as follows "when you reap the harvest of our land, do not reap to the very edges of your field or gather the gleanings of your harvest. Do not go over your vineyard a second time or pick up the grapes that have fallen, leave them for the poor and the alien. I am the Lord your God". (Leviticus 19:9)

From the foregoing option for the poor from the context of Christian theology has to do with empowerment of the weak and needy members of the society. The critically needy members of Nigerian society that is the concern of this paper are the prison inmates. This work is an attempt to examine how the church or the religious community can serve as a facilitator in promoting prison decongestion through providing inmates serving as agents of reformation and rehabilitation resources that empowers them to break from the ethical poverty that perpetuates and expands the coast of crime and criminal behaviours.

Conceptual Definition

Overcrowding: According to Chambers Dictionary New Edition, (2004) the word overcrowding refers to the crowding of too many people, animals etc into an entity. Moreover it defines crowd as relating to a number of persons or things closely pressed

together, without order. It means to fill by compression or by putting pressure on an available space, container or object. The word is used in this context to mean the unprecedented expansion of prison inmates in Nigeria prisons without a commensurate increase in prison facilities. It is over capacity utilization of Nigerian prisons. The above view is corroborated by Arebi et al (20) when they posit that overcrowding results from the fact that the justice system is sending more people to prison, and for longer periods, than the prison capacity allows.

Prison: The term prison according to the above dictionary refers to the building for the confinement of convicted criminals and accused persons waiting to be tried. It relates to the word jail, custody or any place of intolerable restriction. The word as used in this study therefore refers to the institution charged with management of convicted criminals as well as those waiting to be tried. It is a building where people are kept as a punishment for crime they committed.

Reform: Furthermore it defines the word reform as to transforms, to restore, rebuild, to mend or make better, to bring to a better way of life. It is used here to mean that art of improving or refining of one's practices or character for instance a religious community undergoes reform when it relaxes issue of her rules or tradition in order to embrace or adopt modernity. In the same way an individual undergoes reforms when he gives up deviant behaviour or anomic attitudes arising from the empowerment or motivation he draws from something or someone.

Rehabilitation: Rehabilitation is defined as the restoration by formal act or declaration of a person formerly degraded, or denied of privileges and rights. It refers to the act of bringing back to life or vitality and fullness after period of moral, mental, physical or economic bankruptcy. In this context it is used to mean the equipping of the prison inmates through ethical training aimed at enabling them take charge of their life socially and economically. It is the providing of the inmates with the double resources of knowledge and skills that enables them to be self-reliant and productive member of the society.

Causes of Prison Overcrowding in Nigeria

In this section we shall seek to examine the various factors that causes prison overcrowding in our country

1) Overuse of Imprisonment

Aebi et al (2006) submits that overcrowding is predicated on the fact that prisons are being overstretched in terms of capacity utilization. According to him the main cause of overcrowding is either average or insufficient prison capacity. Furthermore they note that because there is no sustainable effect for prison construction to meet up with demand for space the problem of prison overcrowding tends to persist. It is against this ugly trend that United Nations in

their Handbook in alternatives to imprisonment urge member states to use prisons as last resort.

- 2) **Rate of Crime:** In advanced Nations prisons are used as a consequence of growth in crime. What this means is that imprisonment becomes tools employed to curb criminal behaviour of the citizenry. Consequently what the policy makers constitute the rate of crime would play significant role in the rise of imprisonment. Therefore when pressure are put on prison facility to cope with increasing wave of crime the result is prison overcrowding.
- 3) **Economic Trend:** Prison management and development is entirely public enterprise. As nations economy rises, it is therefore natural to assume that available funds would be mobilized in general to foster all sector of the public sector growth including prison development. However during recession nations usually cut down their allocation for infrastructural development. Economics fortunes therefore determine whether increasing demand to accommodate rise in imprisonment would be satisfied. No doubt the increasing downward trend in the national economy has made Nigeria to remain among nations still battling with problem of prison overcrowding. Usman (2016:182) captures the above view vividly when he states that various stream of Nigeria's crisis stems from economic managers that have over the years made it impossible for the country to break from underdevelopment inspite of her huge human and material resource endowment.
- 4) **Social Indicators and General well-being**

Furthermore, the use of imprisonment is a factor of many social variables. It has been noted that the indicators such as economic, social equality and social security, which measure the quality of general well-being in a society are closely linked to the quality and severity of criminal justice. Consequently it has been observed that: societies that promote social equality, as well as social justice and social security tend to witness reduction in crime level and which invariably translates to less rise of imprisonment.

Overcrowding of prisons, therefore, is a result of bad government that promotes injustice, oppression, tribalism and subversion of general well-being of the citizenry thus serving as a breeding ground for all kinds of violent crimes and social conflicts. The above submission is corroborated by Danjuma (2016:229) when he states that because most of the political leaders prefer to disregard the laid rules and regulations governing the conduct of governance they consequently breed breakdown of law and order. According to him by the executive meddling in the affairs of the courts, flagrant abuses of electoral laws and rules, gross corruption and impunity, the political leadership breeds a state of anarchy and lawlessness. The result is that prisons become the resort of bad government to control crime or silence perceived criminals who they feel

challenge the public peace and stability. . In other words prison overcrowding can be reduced significantly when political class promotes good governance that promotes public welfare.

- 5) **Over criminalization:** When criminal laws are misused as mean of social control it promotes despotism and displacement of various forces of promoting social harmony such as the home, schools, churches and non-governmental bodies. In developed societies criminal law is employed in social control as a last resort. However what we have in our country today is a situation where people are criminalized for very flimsy reason and in many cases where they are unable to pay their way out to the law enforcement agencies or they end-up being held in prison for irrational and unjust reasons. The above view is corroborated by Doya et al (2018) when they cited current senate president as subscribing to the view that the present government is using witch hunt as a means of criminalizing those they consider as opponent or opposition.

6) **Ideology and legislative forces**

Nations ideology and legislative apparatus defines their criminal justice. What this means is that where nations promote modern trend in crime control the rise of incarceration of criminals in prison would be highly minimized. Overcrowding therefore results when nations emphasize the use of punishment as a tool of crime control. In other words where ideology and laws are made to foster the promotion of human dignity, human welfare and protection of fundamental human rights the problem of prison overcrowding is highly reduced.

Consequences of prison overcrowding in Nigeria

Prison overcrowding poses threats that are multi-dimensional. Agomoh (1996) puts the above pointedly when he states that the need of confronting the problems of prison overcrowding in Nigeria is underscored by the fact that it creates multiple challenges for the prisoners, the family, society and the government. According to him, the above problems were summed into physical, psychological, medical and economic conditions.

- i. **Physical effect:** Overcrowding poses physical challenge to prisoners in terms of physiological stress arising from inadequate ventilation, poor feeding and dilapidated sanitary facilities. This no doubt translates to poor feeding, boredom and exposure to unhygienic conditions that promote diseases and medical complications.
- ii. **Psychological:** Incarceration of prisoners promotes psychological stress which bothers on emotional turmoil in their minds. However such stress becomes compounded when prison facilities are grossly inadequate. The result is that prisoners are exposed to highly subhuman conditions that creates vengeful

disposition in their minds against society. Prison consequently instead of becoming a taming ground for criminals turns into a breeding ground for people who are highly wounded psychologically by poor prison care.

The above development is predicated on the fact that our prison system is meant to be a place where criminals who are beyond reform are confined into. The sad result is that the inmates develops the guilt-complex that he is a good for nothing member of the society whose only place of survival is to secure an underworld social link through whom he gives meaning to himself by continually unleashing harm to the society. In other words prison in our context becomes a breeding ground for mobilizing psychologically aggrieved as well as like minded and more sophisticated criminals in the society.

- iii. **Social effect:** Furthermore, it promotes amoral society. Prison overcrowding is promoted by society which prides itself in being law abiding and civilized yet it fails to live up to the true test of human development which is measured by how the society treats its weakest and most vulnerable members. Consequently by dehumanizing the criminals society engender despair among inmates that in most cases turns into great anger against the society and their morality. Thus society in trying to look decent becomes a killer of morality among the abused prison inmates thereby making the society more unsafe and insecure. This calls for a totally new paradigm in our justice and penal system. It calls for a new approach or interventionism that reduces the dehumanizing force of our present day prison overcrowding.
- iv. **Economic Effect:** According to Agomoh (1996) the economic burden of prison over-crowding spans through the following
- High cost of prison management
 - High cost of prison staffing
 - Financial burden of families of inmates.

Conclusion

This work has been able to establish that there is a critical problem of prison overcrowding in Nigeria. It went further to identify some of the causes and the necessity for reformation and rehabilitation of prisoners. It then highlighted the religious angle of prisoners reform and rehabilitation. This is necessary as religion plays a critical role in providing the moral background for promoting social order and morality. Overcrowding becomes the pay-back for society that looks the other way with regards to her responsibility to prisoners who are often treated as social miscreants instead of morally weak and ethically sick citizenry.

Recommendations

(1) Government should recognize and empower the family, schools and churches to participate significantly in regulating behaviour that undermines the collective peace of the society by promoting the following: family life education, free education as well as religious freedom.

(2) The church should partner with government in building vocational training institutions within and outside the prisons as a means of providing a platform for both economic life capacities as well as ethical grounding for serving and discharged prison inmates.

(3) Government should encourage the religious community to put in place a sustainable evangelistic, teaching and prayer ministries to prisoners with a view to challenging them to repentance and renunciation of destructive lifestyle.

(4) Reformatory and rehabilitation studies should be promoted in our universities and theological institutions with a view to mobilizing a sustainable pool of experts who would help to provide professional direction in the reformation and rehabilitation of the increasing number of prisoners in our nation.

References

- Agomoh, U.(2012) Prison Decongestion and reforms in Nigeria – Issues and methods. Retrieved on 10th September, 2018 from <http://www.prawa.org/wp/uploads/2012/06/prison-congestion-and-reform>
- Agomoh,U.(1996) Decongesting the Nigerian prisons and police cells: A handbook of practical strategies for the remand population. Prawa Lagos
- Ayuk, Awungle Achu, Owan, E. J. and Omna C, Ekole (2013). The impact of prisons reforms on the welfare of the inmates: A case study of Afokong prison, Calabar, Cross River State Nigeria. Retrieved from <https://globaljournals.org/GJHSS-volume131-th-impact-of-prison-reforms-on-the-welfare-pdp> On 6th November 2017
- Danjuma, I. A. (2016). Ethno-religious conflicts and challenges to political stability in Nigeria. In A. M. Oleohe Shunaibn Ibrahim & Hassan Salin (Eds) *Governance, economy and national security in Nigeria*. Nasarawa state University, Keffi: Nigerian Political Science Association.
- Doya, David. M.; Wallace, Paul & Ibukun, Yinka(2018) Nigeria president suff blow as he prepares for vote .Retrieved on 18th September, 2018 from <https://www.bloomberg.com/news/articles/2018-07-24/Nigeria-s-ruling-party-loses-senate-majority-on-defection>

- Enugu Prison built 638 inmates holds 1800 .Retrieved on 18th September, 2018 from <https://www.premiumtimes.com/regional/south-east/200575/-enugu-prison-built-638-inmates-holds-1800html>
- Hofer, H. V. (2003) Prison populations as population constructs :The case of Finland, Holland and Sweden. In *Journal of Scandinavian Studies in Criminology and Crime Prevention*.
- Johnson, D. (2008).Japanese punishment in comparative perspective. In *Japanese Journal of Sociological Criminology, no 33/2008:46-66*
- Ogwuda, Austin (2015) Enugu Prison houses 1754 inmates against 600 capacity. Retrieved on 18th September, 2018 from <https://www.vanguard.com/2015/03/enugu-prison-houses-1754-against-600-capacity>
- Salandeen, L, (2004) Uwais Recipe for prisons congestion. In *Punch March 10, 2005*.
- Usman Abu T (2016:182) Leadership corruption and economic development in Nigeria's fourth republic. In A. M. Okohe, Shuabin Ibrahim & Hassan Saliu (Eds) *Governance, economy and national security in Nigeria: p. 181-191*. Nassarawa State University, Keffi, Nigeria Political Science Association (NPSA)