

# **CAPACITY BUILDING AND REHABILITATION OF PRISON INMATES AND CRIME CONTROL THROUGH ODL<sup>1</sup>**

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The objective of the Criminal Justice Process is to prevent crimes by facilitating the reformation and re-integration of offenders into the society and preventing their relapse into crime. This rehabilitative objective has too often been elusive and the criminal justice process continues to engender negative responses to the socializing stimuli. This paper attempts to look at the prison population, the very measures taken to reform and rehabilitate the offender and to control crimes and the defects. It also x-rays the reformative and rehabilitative possibilities so as to incorporate them into the sustainable development programmes through Distance Education. For this purpose, 520 prison inmates in Lagos State, Nigeria were studied, through a survey, not only to identify the needs of prison inmates in Nigeria but also to proffer creative and regenerative programmes based on the findings.

## **1. The Policy of the National Open University of Nigeria**

The National Open University Act, 1983 established for Nigeria, the National Open University of Nigeria. Among the objectives of the University are:

1. To encourage the advancement of learning and to hold out to all persons without discrimination, the opportunity of acquiring a higher and liberal education.<sup>2</sup>
2. To provide courses of instruction and other faculties for the pursuit of learning, especially to those who may not, by nature of their circumstances, enroll for residential full time university education.
3. To relate the activities to the social, cultural and economic needs of the citizenry.

Hence its mission as a foremost University is to provide a highly accessible and enhanced quality education anchored by social justice, equality, and national cohesion through a comprehensive reach that transcends all barriers. It offers instructional delivery through the open and distance learning mode and provides functional cost-effective, flexible learning in different fields of education, independent of time, location, pace and space and directs focus away from group to the individual<sup>3</sup>. It also provides opportunities for technical and vocational skills acquisition and a network of support for learners in areas of academics and administration, guidance, learning facilities, learning resources, brand presence and general information outlet. Consistent with its motto, “Work and Learn” and its uniqueness is openness, access to and flexibility of instructions epitomized in distance learning coupled with its ability to offer its diverse learners what they want, when and where they want it. As it is learner-centred, it concedes the right of learners to choose their individual mode of instruction<sup>4</sup>. For instance, the National Open University of Nigeria has begun to produce

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<sup>2</sup> This is by means of tuition carried out by correspondence and closely supplemented by lectures, broadcasts by radio, and television as well as by occasional seminars and counseling services organized through a network of local study centres

<sup>3</sup> NOUN: Getting to: Know Your University, 2<sup>nd</sup> ed., 2006.

<sup>4</sup> The mode of instruction or learning includes print, audio-cassette, video cassette, telephone, radio, television, CDRom, VCD, DVD, Computer-driven network or other media outlets and multimedia facilities.

Course Materials in Braille to serve the needs of the visually impaired. In the same way, it can be inspired to design and develop flexible, creative and regenerative or modern correctional programmes to serve the needs of persons in prisons and other institutional establishments and their officials without any disruption in the institutional arrangement or individual normal life.

## **2. The role of education in crime control**

Education is the most important instrument of change in any society and it has potential for the strongest and most enduring impact. In particular any fundamental change in the intellectual and social outlook of the society has to be preceded by an educational revolution. Education provides skilled manpower, reduces urban migration, provides healthy discontent, reinforces traditional values, provides an understanding of national objectives and prepares man for a changing world<sup>5</sup>. It may be added that education provides greater knowledge of persons, things, places, situations and opportunities of modern life's demands and requirements. It develops in the individual the right type of attitudes and values; it improves awareness, enhances employment opportunities, encourages independence and ensures less inclination to crimes. Moreover, it promotes national consciousness and patriotism. Hence education as a powerful instrument for crime control can contribute towards crime prevention through reduction in the level of unemployment and increased participation in the ownership and management of productive ventures. It can also bring about increases in real income per capita, resulting in an improved standard of living for the people<sup>6</sup>

The Right to Education has also been encapsulated in several components of Human Rights Bills ranging from the Universal Declaration on Human Rights, the International Covenant on Economic, Social and Cultural Rights,<sup>7</sup>Delhi Declaration, 1959 and the Lagos Law, 1961. The African Charter, 1981 affirmed that civil and political rights cannot be dissociated from social, economic and cultural rights, both in conception and universality and that the satisfaction of economic, social and cultural rights is a guarantee for the enjoyment of civil and political rights. The Charter expressly recognized the individual right to education (Article 17) and right to development (Article 22). The Vienna Declaration, arising from the World Conference on Human Rights, 1993 is to the effect that human rights are not only universal, and indivisible, but also must be treated in a fair and equal manner, on the same footing and with the same emphasis.

Specifically, Nigeria's Constitution declares that the guiding principles of government shall be ideals of democracy and social justice; its primary purpose and responsibility shall be the people's security and welfare and the basis of social order shall be the ideals of freedom, equality and justice. The Constitution further enjoins the government to be humane in its actions, harness national resources and provide for the citizens the basic necessities of life

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<sup>5</sup>Clinnard and Abbott, Crime in Developing Countries, Wiley, New York, 1973, P. 276

<sup>6</sup> Explicit national and inter-sectoral planning for crime prevention, coordination of major socio-economic policies towards building a sense of nation and effective improvement of the well-being of the populace on an egalitarian basis

<sup>7</sup> Article 13

including as far as practicable, free, equal, and adequate primary, secondary and tertiary education.<sup>8</sup>

The Constitutional provision has built in the generality of the people, a high expectation of a fair, just and equitable society as well as access to equal and adequate educational opportunities at all levels. It has equally 'positioned' education as a prerequisite to gainful employment and success. But the percentage of children of school age who are in school is 25. Incidentally, less than 5 per cent find placement in the universities. Even for these groups, education is quite unrelated to the political, social, economic and cultural aspirations and circumstances of the people and country. The cumulative effect is frustration and this ekes the young and adventurous adolescents into situational adjustment, innovation and retreatism manifesting in crimes and criminality.

Judicial attitude towards the right to education and to development has been one of extreme caution. The African Charter on Human and People's Rights (Ratification and Enforcement) Act, 1990 expressly provides that "the provisions of the African Charter on Human and Peoples' Rights...shall have the force of law in Nigeria, and shall be given full recognition and effect and be applied by all authorities and persons exercising legislative, executive or judicial powers in Nigeria"<sup>9</sup> A contrary view was expressed at the Colloquium on "The Domestic Application of Human Rights" organised by the Commonwealth at Abuja in 1994, to the effect that the African Charter is not yet part of the national laws of Nigeria. In *Ogugu vThe State*<sup>10</sup> and *Gani Fawehimi v Abacha*<sup>11</sup> the Supreme Court held that although the African Charter on Human and Peoples' Rights (Ratification and Enforcement) Act has not made a special provision for the enforcement of its human and peoples' rights within a domestic jurisdiction, there is no *lacuna* in our laws for the enforcement of its provisions which, like all other laws, fall within the judicial powers as provided by the Constitution and all other related laws. It is now a rebuttable presumption that a state's domestic law will be consistent with international obligations.<sup>12</sup> To all intents and purposes therefore, the individual right to education and to development have become an integral part and parcel of the right to life and actionable *per se*. As a component of the right to life, the right to education is inalienable in the context of the social contract theory.

### 3. Crime and crime control

There are two facets of crime control: Prevention of crime and Preservation of life and property. Statistics have shown that the raw crimes known to the Police were 106165 at independence(1960), 130000 immediately before the military seizure of power, 137021 at the end of the civil war and 372592 in less than two decades later. Thus in less than two and half decades from independence, crime had increased by 251.9 per cent. New crimes are emerging. Examples are transnational smuggling and armed robbery. New methods of committing bank frauds, kidnapping, obtaining by false pretences, capital flight, thefts and environmental destructions have also emerged Whether or not crime situation would have been worse without those measures is arguable<sup>13</sup>. But the growth in the dimensions of crime and criminality

<sup>8</sup> The Constitution of the Federal Republic of Nigeria, 1999, Sections, 14, 16, 17 and 18.

<sup>9</sup> African Charter on Human and Peoples Rights (Ratification and Enforcement) Act, 1990, Sec. 1.

<sup>10</sup> (1994) 9 NWLR (Pt.366) 1

<sup>11</sup> (1996) 9 NWLR (Pt.475) 710

<sup>12</sup> Attorney General v British Corporation (1981) AC 303 at 354

<sup>13</sup> See Adeyemi, A A, Organised Crimes in Nigeria being part of the proceedings of the Seminar for Senior Police Officers, Jos, Feb. 1990

signifies a deficiency in or failure of strategies for crimes control and treatment of offenders and this may not be peculiar to Nigeria<sup>14</sup>.

Generally, people have looked up to the government to control crimes because it is responsible for the conditions that generate crimes. Indeed, the purpose of government is to maintain law and order and protect life and property; a government that cannot prevent crimes and protect lives and property therefore has no right to govern. Public concept of government and their loyalty to the State as well as the attachment to the society itself are measurable by the extent to which they feel secure and their lives and property protected. This is probably what Emil Durkheim meant when he said that to become attached to the society and by implication loyal to the State, a person must feel in it something that is real and powerful, which dominates the person and to which he owes the best part of himself<sup>15</sup>. This was amply demonstrated in the peoples' resistance of military hegemony that violated their natural rights and in consequence forfeited the right to rule<sup>16</sup>

The application in Nigeria of alien prescriptions for crime control has not also succeeded at bringing crimes down to any tolerable level. The experiences, hopes and fears on which those prescriptions are built differ from those prevailing in erstwhile dependent nation-states in space and time. In arriving at those prescriptions, certain experiences are inevitably included while other considerations of human experiences of enormous range are, at the same time, excluded. The facts and data, which give rise to the prescriptions, are severely limited by their geographical specificity. There is also unproven underlying assumption that the accrued knowledge and concepts contain certain truths, which encompass the reality of cross-cultural differences and therefore of universal applicability. The nature and character of the criminals (actual or potential) are also different. For example, Lord Justice Lawton has argued that a prime cause of crime is wickedness, not bad social conditions and what is wrong with the British penal policy is that "the State had made the carrots more and more appetizing and the stick little used". In Nigeria, for example, the reverse is the case. The prime cause of crime is frustration arising from poor social and economic conditions and state violence occasioned by wielding the big stick with no consideration for carrots.<sup>17</sup> Furthermore, the European imagery of the typical offender, according to Mary Carpenter, is one of a 'stranger living outside the society,' a 'moral sewage' or "savage" to be physically cut off from the society and civilized world, and sent to some spot, where their fiend-like passions should be vested upon each other, not on peaceful and harmless members of society.<sup>18</sup> It mattered little that the criminal was transported to the colony or the New World or hauled into involuntary "penal servitude." The typical offender in Nigeria is a 'brother'- a sick brother in the African concept of brotherhood, who needs healing, not punishment. To this end, the common verdict of the traditional judicial organ is restoration and restitution and its objective is to sustain group solidarity, cohesion and social equilibrium.<sup>19</sup>

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<sup>14</sup> Eighth UN Congress on PCTO: International Cooperation in Crime Prevention and Criminal Justice for the 21<sup>ST</sup> Century. Havana, Cuba, Sept, 1990

<sup>15</sup> Durkheim E The Division of Labour in the Society, Free Press, New York,1964

<sup>16</sup>See s Hobbes, T: The Leviathan (1651) edited by Richard Tuck, Camb. Univ. Press, Cambridge,1991.

<sup>17</sup> The Times 5 June, 1975).

<sup>18</sup> See Morrison, W. Criminology, Civilisation & the New World, Routledge. Cavendish, 2006, P.57

<sup>19</sup> Ibidapo-Obe, A: A Synthesis of African Law, Concepts Publications Ltd, Lagos,2005

Incidentally, at least in theory, the modern aim of sentencing is to rehabilitate offenders and change their dispositions and attitudes to life. The role of the prison is to offer support and hence send the prisoner out better men and women, physically and morally than when they came in.<sup>20</sup> The UN Standard Minimum Rules for Trial and Sentencing as well as the Standard Minimum Rules for the Treatment of Prisoners have provided that in deciding a sentence, the judicial authority is to consider the rehabilitative needs of the offender, the protection of the society and the interests of the victims, utilising all remedial, educational, medical and spiritual forms of assistance to treat the prisoner's needs and facilitate his or her return to the society as a law abiding member<sup>21</sup>. Also that un-convicted prisoners are presumed innocent and shall be treated as such.”<sup>22</sup> Nigeria, like most members of the United Nations has adopted these resolutions and her prison service has constantly declared that rehabilitation is its major aim. Further more the Prisons Act stipulates that the Prisons “shall identify the reasons for the anti-social behaviour of offenders, teach and train them to become useful citizens in a free society.”

#### **4 Offenders and reformatory and rehabilitative possibilities.**

In the traditional Criminal Justice System, prison existed only in some large chiefly Moslem Emirates and the Yoruba and the Bini kingdoms. They were reserved for persons found guilty of irredeemable offence, and adjudged dangerous to the survival of others and pending execution or exile. William McCoskry, Vice Consul 1861 set up formal prisons because he had “no Police, no jails, nor other efficient modes of punishment for offenders” and it led to apprehension and confusion especially in the chiefless parts, East of the Niger. The subject people did not see the need for it and were not prepared for the change. Worse still Lord Lugard's instruction to his courts was that it was not sufficient to order restoration and restitution alone as was customary, they should impose imprisonment in addition. The result was that imprisonment quickly became the mostly used option of sentencing and Nigeria's option increasingly became custodial. Meanwhile, the world trend is de-institutionalization and non custodial, which were the practices in pre-colonial times.<sup>23</sup>

It is instructive that in both regimes, there is skepticism about the strategies and tactics for prevention of crimes and treatment of offenders. Criminologically, there are really no developed or developing nations. Developing countries may probably be adding the crimes and criminals of industrialized world to their own traditional ones. In one, harsh penalty excites the crimes it seeks to prevent. In the other, it is misplaced leniency. Both are faced with the same problem of crimes and crimes control but of unequal magnitude. In all regimes therefore, there is an urgent need to reconsider existing strategies and probably, dig new grounds

Reformation and rehabilitation of the offender has always been an attractive penological aim and it is faced with a dichotomy between what is professed and reality, theory and practice, expectation and performance. For example, crime is defined in terms of punishment as an act or omission which renders the person doing the act or making the omission liable to punishment under a written law.<sup>24</sup> The common nature of crimes is that they are prohibited by the State and

<sup>20</sup> Gladstone Committee, Report, 1891: Penal Practice in Changing Society, HMSO, 1959, Cmnd 645, 1959.

<sup>21</sup> United Nations General Assembly Resolution, 45\ 110

<sup>22</sup> UN. Gen. Assembly. Resolution, 663 CI (XXIV)

<sup>23</sup> Ibidapo-Obe, A: A Synthesis of African Law, Concepts Publications Ltd, Lagos, 2005

<sup>24</sup> Section 2 , Criminal Code, Laws of the Federation, 1990.

those who commit them are punished<sup>25</sup> The duty of the Criminal Law, according to Lord Goddard, LCJ is to punish. Reformation, he said, is not the court's business. With due respect, the purpose of the Criminal Law is not just to punish. It is also to prevent crimes and this end is served if the offender is assisted to turn from criminal ways to honest living. Lord Denning also said that the sentence of Court should be denunciatory and adequately reflect the revulsion felt by the majority of citizens for them. The philosophical basis of punishment from the perspectives of statutory provision as well as the judicial and Prisons practices has been retribution and deterrence.

The features of pre-trial remand have been "painful suspense" and a mixture of boredom, education, psycho-therapy, brainwashing, and repression.. Besides, there is that settled assumption that imprisonment shall be with 'hard labour' and 'hard bed'. The obsession for 'safe custody' of inmates creates the impression that prisons are places of segregating suspects or convicts or hiding human beings like human dirt under the carpets. The socio-economic profile is more precarious upon discharge. Their families now reject them by reason only of the prison bogey. The public have begun to avoid them, and to label them, 'dangerous' and 'source of fear and panic' The result is a waning belief in the efficacy of reformation and rehabilitation as a treatment method and erosion of confidence in the institution

Much of the official attitude (legislative, executive or judicial) has been one of a simple belief that when the Police and the Military cannot prevent the increase in crimes, and when certain elements in the community are willing to explore the confused socio-economic and political situation, the threat of punishment must be increased. Another is to build more and more prisons. Gledhill has expressed the view that the available knowledge of and the techniques regarding improvement of the human character is too limited to make it an attainable objective in the case of adult convicts at present, especially as, in most countries, the expense involved is more than can be incurred. He argued that there is a higher possibility of achieving the reform of juvenile delinquents in reformatories and approved schools than in reforming adults in jail. He probably forgot, with due respect, that juvenile institutionalization is effective because it is humane, and first delinquents are hardly detained but are discharged conditionally or unconditionally, bound over, repatriated, sent to an educational setting, or placed in the care of their parents or other fit and proper person under the supervision of the Police or a probation officer. Furthermore, the overriding consideration in Juvenile Justice Administration is the paramount interest and well being of the juvenile. They receive education according to their age and development; the education they receive is, at least, the equivalent of that which they would receive in their own special circumstance, were they attending school in the usual way of education. There is no evidence to disprove that if the same considerations are extended to adults in jail, the same or better degree of success will not be achieved if appropriate arrangements are made. This is the crux of the matter.<sup>26</sup>

## **5 Prison Inmates, 1996 - 2005.**

The categories of prison inmates are either convicts (first or repeated offenders), who are serving their terms or suspected persons on remand or charged and awaiting trial. The prison statistics of the total prisons admissions is as follows:

Table : Total Prisons Admissions, 1996-2005<sup>27</sup>

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<sup>25</sup> Proprietary Articles Trade Association V. AG of Canada (1931) AC 147 per Lord Atkins

<sup>26</sup> Gledhill, Penal Codes of Northern Nigeria and the Sudan, 1963, P75

<sup>27</sup> Tables 1- are calculated from the raw figures in Abstract of Statistics, 2006

Details	Year										
	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	Yearly Aver
Total Admissions	245329	236964	217200	195264	180572	158148	156738	137952	149140	149422	182673
Annual Increase/Decrease %	-	-3.4	-8.3	-10.1	-7.5	-12.4	-0.9	-12.0	8.1	0.2	-4.6
Remand & Awaiting Trial	49.0	57.7	57.6	56.8	58.6	52.9	52.2	51.5	52.5	56.3	54.5
Convicts	29.8	25.3	26.0	25.1	29.6	36.0	38.5	37.7	38.8	35.7	32.3
Detainees	4.9	5.7	4.4	5.6	2.8	6.2	5.5	6.6	2.7	4.0	4.8
Others	16.3	11.3	12.0	12.5	9.0	4.9	3.8	4.2	6.0	4.0	8.4
<b>Total</b>	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0

Source: National Bureau of Statistics, Annual Abstract of Statistics, 2006

This table shows that the average yearly prison admission in 1996-2005 is 182,672. There has been a steady decrease of 4.6 percent per annum except in the terminal years which recorded increases per cent of 8.1(2004) and 0.2 (2005). It also shows the breakdown of the yearly admissions. The average per cent per annum of convicts in relation to total prison admissions is 32.3.

Walker, Hammond and Steer in their study of Scottish offenders and London samples have found that with each successive conviction for violence, the probability of a further such conviction increases sharply<sup>28</sup>. This in part explains the high recidivism rates and increases in violence and violent crimes, all of which are worrisome omen. The percentage of repeated offenders in relation to prison admissions ranges from 48.9 (1996), 32.2 (1997), 41.2 (1998), 38.0 (1999), 52.0 (2000), 44.7 (2001), 42.5 (2002), to 43.6 (2003), 49.0 (2004) and 37.6 (2005), showing an average of 43.0 per cent per annum<sup>29</sup>.

Alan Milner rightly observed that there is at present no systematically collected and evaluated information about the success of particular penal measures either in general or in respect of specific categories of offenders or about the crucial process of identifying offenders' characteristics. Consequently, there is no treatment method universally accepted as effective measure in dealing with them<sup>30</sup>. The absence of categorization of prisons for purpose of typological treatment of inmates does not make such evaluation possible, if at all. And how

<sup>28</sup> William, Hall J.E: The Treatment of Violence, (972) Medicine, Science and Law, VOL. 12, No.4, P. 271.

<sup>29</sup> National Bureau of Statistics: Annual Abstract of Statistics.2006SS

<sup>30</sup> Milner, Alan, Law in Africa, No 32, The Nigeria Penal System, Sweet & Maxwell

does one talk of categorization of prisoners in a situation where convicts are 42,000 – 50,000 (1999 – 2005) in the federation and 5000 – 6300 (Lagos state) whereas the prison maximum capacity is 36379 (federation) and 2795 (Lagos state) and the convicts are 32.3 – 35.0 per cent of prison admissions?

Even Countries, which have separate prisons for different treatments are still faced with problems of recidivism; signifying that the treatment, which is ideal for offenders is still elusive. In deed, the Report on Prison Services in England and Wales, 1977 debunked the belief that prison treatment based on diagnosis of cause of crime and subsequent application of a prescribed treatment can directly cure criminality.

Crimes are human phenomena and they cut across class, gender, and age barriers. Among the criminals are some Government functionaries, politicians, financiers, academia and students, law enforcement agents (legitimate or pseudo) and multinationals. But Shaw and McKay and Tappan have found that those who, commonly get remanded or convicted, rightly or wrongly or sent to the prisons belong to the lowest socio-economic category. This also finds support in the spatial distribution of crimes in Lagos state which shows that Ajegunle, a relatively poor and high density area had the highest crime density of 4.2 compared with the high class and sparsely populated area of Victoria Island, which recorded 0.87. This collaborates Isemède's findings that 52.7 percent of prisoners had payment of rent problems, 33.0 percent had defaulted in payment of children's school fees and 41.0 percent had no jobs.

The criminal process, as a selective instrument in the administration of criminal justice according to law, concerned only that the game should be played according to the rules. Kennedy and Adeyemi have faulted it on the ground that verdicts are often reached haphazardly, for the wrong reasons and it is likely to result in wrong selection of wrong persons or wrong choice of disposition methods even for the right persons<sup>31</sup>. 'The tragedy of our courts therefore is that means have come to count more than ends, form more than content, appearance more than reality'<sup>32</sup> No wonder Stephen Ward committed suicide rather than face such due process. The position has not changed.

Nigeria is an emerging nation where education is recognized as a vehicle to success, and a passport to self reliance and sustainable socio-economic advancement and every citizen wants to succeed. It is partly for this reason that the walls of the Prisons should not be allowed to shut out inmates from participation in the on going revolution in the educational system and growth in the economic, technological, intellectual and cultural life outside. As Wells, H. G. has reminded us, human history has become more and more of a race between education and catastrophe. Plato exhibited an abiding faith in a system of education for the production of philosopher king, obedient population and maximization of self actualization. Sir Alex Paterson, Prison Commissioner, was vehement that emphasis should be on training the prisoner to make him more fit to live a law abiding life upon release.<sup>33</sup> And as Sir Thomas Moore has said "If you do not remedy the conditions which produced thieves, the rigorous execution of justice in punishing them will be in vain"

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<sup>31</sup> Adeyemi, A ,Scientific Approach to Sentencing in Elias,t (ed) The Magistrate and the Offender, Ethiope, Benin City, 1970. Also Kasumu,A ed The Supreme Court of Nigria,1956-1970, Heinemann, Ibadan, 1977.

<sup>32</sup> Kennedy, Ludovic, The Trial of Stephen Ward, Gollancz, 1964, P251.

<sup>33</sup> Rusk, s (ed) Paterson on Prisons: A Collection of Paterson's Papers, 1951.

## 6. Open University System and rehabilitation possibilities

A study carried out in January, 2008 showed that in Nigeria, Lagos State has the highest concentration of prisons and prison inmates with five prisons housing altogether about 3880 male and 120 female convicts: With such a high female/male ratio of 1:33, it became necessary to survey all the females and only 400 males. Of this sample, 390 males and 114 females responded meaning a total return rate of 96.9%. The aims of the study include:

1. Identifying the needs and interests of prison inmates.
2. Examining how these needs have been addressed through the prison reformation and rehabilitation scheme.
3. Establishing how far the schemes have achieved their desired objectives of reforming and rehabilitating the inmates on discharge.
4. Fostering new approaches for dealing with crimes and criminals through programmes of education of prison inmates and educational assistance towards improved Good Prison Practice.

The whole essence is to match inmate's desired career with the available ODE programmes and explore how the inmates can be involved in their choice programmes. At the same time, the study has created awareness of the uniqueness of the Open University device of academic and vocational programmes, which offer new and wider range of career from which inmates can freely choose. This affords inmates the opportunity to actually undertake programmes or careers of their primary interests. The study is also significant to the Open University System as it helps in prioritizing its development programmes to reflect what the prison inmates want, their needs, interests and aspirations, considering that the uniqueness of the system lies in the ability to provide high quality cost effective long life education that transcends all barriers including the barricaded high prison walls. The study design is the survey using the questionnaire and simple statistical tools. The analysis of some of the pertinent questions and responses are shown below:

Factor	Educational/Vocational Programme	Respondents				Total	
		Males		Females		No	percent
		No	Percent	No	Percent	No	Percent
Areas in which inmates are receiving training in Prison	1. Tailoring	25	6.4	29	25.5	54	10.7
	2. Liberal Education	176	45.1	22	19.3	198	39.3
	3. Hair Weaving/Barbing	6	1.5	13	11.4	19	3.8
	4. Carpentry	28	7.2	-	-	28	5.6
	5. Welding	12	3.1	-	-	12	2.4
	6. Miscellaneous (5 or less number each)	59	15.1	22	19.3	81	16.1
	7. Did not answer	24	6.2	3	2.6	27	5.6
	8. Nothing Particularly	60	15.4	25	21.9	85	16.9
	Total	390	100.0	114	100.0	504	100.0
What inmates	1. Entrepreneurship/small						

like most if opportunities were there	scale business management						
	2. Computer Literacy	62	15.9	38	33.3	100	19.4
	3. Seed Science & Agro-based Food Technology	108	27.7	17	14.9	125	24.8
	4. Beauty care & modeling	14	3.6	14	12.3	28	5.6
	5. Marketing						
	6. Sell Phone Repairs	17	4.4	10	8.8	27	5.4
	7. Small Scale Business Management(Finance)	20	5.1	5	4.4	25	5.0
	8. Miscellaneous	34	8.7	5	4.4	39	7.7
	9. Did not answer	28	7.2	23	20.2	51	10.1
	10. Nothing Particular						
		7	1.8	1	0.9	8	1.6
		8	2.1	2	1.8	10	2.0
	Total	390	100.0	114	100.0	504	100.0

The result findings and proposals based on them are as follows:

### 6.1 Literacy Programmes

The achievement in the education and vocational training and retraining of prison inmates is the acid test of any commitment to the ideals of reformation and reintegration of offenders. The available Prison Service Reports on this does not show the desired improvement or level of reformation of offenders. The best result was in 1980. That year, 4105 inmates were involved in the Literacy programme, 1045 (or 25.5%) passed the Primary School Leaving Certificate Examination, 21 (or 0.5%) passed the West African School Certificate Examination or its equivalent while 5 (or 0.1%) passed the General Certificate Examination (Advanced Level). As at date only two undergraduates have been recorded, one of them is in the Open University. This, in my considered opinion, is the nearest claim to the reformatory and rehabilitative ideals.

From the study, the Prison inmates who profess to be receiving some form of education are 198 or 38.1% of the sample studied or 39.3% of respondents. The inmates do not have enough time devoted to academic pursuits and the older inmates serve as teachers giving validity to the adage that in the country of the blind, one eyed man is the king. While part of the curriculum being used require improvements; other aspects need a complete change. The availability and attractiveness of the Open University literacy programmes serves to bring beneficiaries, who may be desirous and able to learn and keep learning, in contact with the possibility of a career. Its Certificate, Diploma, Undergraduate and Postgraduate Programmes offer new options to learners or opportunity to resume and continue the course(s) they had abandoned abruptly. Inmates who succeed in one level and are also able to obtain the requisite basic qualification for a higher level of study are assisted to proceed to subsequent programmes they wish to pursue.

### 6.2 Proficiency Certificate Programmes.

The Prison offers vocational training in carpentry, iron mongery, welding, painting, hair weaving and tailoring. The reaction of the inmates to these trades is borne out in a sample study.<sup>34</sup> As the Institution cannot give what it does not have, the inmates' option to make

<sup>34</sup> Lagos State accounts for 18.90 percent of national crimes, a crime rate of 1017 per 100,000 of population and a yearly growth of 5.43 per cent. It has five prisons and therefore the highest concentration of offenders and prisons. See, Oyakhiromen, I: The Patterns and Trends of Crimes in Lagos, 1967-1996, P.hD Thesis (Unpublished), Unilag.

choice of their desired programme, if at all, is severely limited to what is available. The programmes have remained as they were laid down in the nineteenth century when the Prison was set up and was not even well articulated. If they have a choice, the programmes, which appeal most to prison inmates (both male and female) in order of preference are: Computer Literacy (24.6 per cent) and entrepreneurship/small scale business management (21.8 per cent) both accounting for 45.4 percent of sample studied. The third choice by male and female inmates respectively were Cell phone repairs and maintenance (8.7) and Science and Agro based Food Technology (12.3 per cent).

The study reveals that the inmates are conscious of and also desire to have access to contemporary programmes and proven and powerful technologies for modern challenges in the global trends. This confirms that the tempo of the society is reflected in the attitudes of prison inmates. Furthermore, the study shows that the inmates would not accept the types of training they receive if they have a choice; the trade they are offered are crude, unscientific, out of tune with modernity and of little utility, if at all, upon discharge. The decision as to the nature and contents of educational or vocational training has not actually reflected the needs and expectations of the primary target groups but official convenience

A number of organizational problems are responsible for the performance deficiency. They include dwindling resources, weak support system, blurred or complete absence of immediate and long term objective or strategy, deficient monitoring and evaluation processes. Others are the pervading risks of security, inhibitive funding, time lines, standards, and technological challenges. System impediments are present coupled with the gap that exists between the reason for and the causes of deviation from corrective system and efforts. On the other hand, there is the absence of an overall penal and crime prevention policy as well as real coordination with the rest of the Criminal Justice Administrative subsystems. Resistance to change is evident in the inclination of the Criminal Justice subsystems to do the old job the old way with an expectation of different results. The misconceptions about adult education and socio-economic problems facing the individual and the Establishment are also critical. These debilitating problems, which the Open University System seeks to ameliorate, help to explain the System's uniqueness.

Considering that the proficiency certificate programmes of the Open University System are directed towards the acquisition of skills and new technologies of choice, the enactment of the National Open University Act is itself a legislative radicalism or activism and genuine commitment to sustainable development, social justice and welfare of the people. Critical to this sustainability is empowerment of the citizenry especially the disadvantaged, marginalized, underrepresented and underprivileged groups by inculcating technical and entrepreneurial capabilities. It is in consonance with the objective of the Open University System and my firm belief that it can be extended to and achieved in respect of prison inmates

### **6.3. The 'Good Prison Practice (GPP)' Programme.**

This is a short term programme of mutual benefit. It may be new to the Prisons as an Institution but there is a similar programme in the Medical field elsewhere. The target group comprises the prison inmates, the prison officials, the other law enforcement agents, the criminal Justice Administrators and other stakeholders and interested parties. The objectives of the 'Good Prison Practice (GPP)' programme include:

1. Sensitising consumers to human relationship features in Treatment of offenders and Prison Community, thus creating awareness of the respective rights and obligations of prison inmates and officials

2. Informing and developing participants.
3. Getting parties appreciate prison programmes and become involved in policy implementation.
4. Making participants see the prison as correctional and a place where persons in trouble are reformed to become meaningful members of the public
5. Evolving participatory treatment and dispositional methods, new orientation and change.
6. Creating awareness of expectations and the need to train and retrain as well as the right to develop, whatever the circumstance.
7. Extolling the virtues of information flow, of obeying rules without prompting, respect for officials as well as officers' awareness of the citizens' rights.
8. Emphasising the need for access to empowerment and life long and life wide capacity development.
9. Bridging the gap between incarceration and discharge and facilitating preparations of products for return to the real world.
10. Preparing the discharged products for the society.

The Good Prison Practice, (GPP) serves to reinforce other programmes put in place. It lays a solid foundation for the development and growth of discipline, self reliance, self respect, mutual respect and patriotism. It creates an atmosphere of consciousness of a civic duty, thus avoiding situations in which lives and property are no longer safe.

## 7. CONCLUSION

The National Open University of Nigeria has the potential of offering prison inmates their preferred choice and by so doing fulfill its mandate of providing access to a highly enhanced education and training predicated on social justice, equity, equality and national cohesion. Unlike the non-ODL Universities, its programmes are dynamic and much more elastic for adaptation to the needs of individual learners and can, by deliberate programming, be creative, correctional, regenerative, rehabilitative and beneficial to the prison population. This is more so when the *modus operandi* of the system defies artificial barriers and it is able to meet individual learner at his or her level of academic qualifications and needs. Redeeming and restoring the offenders to their rightful places as good, happy and productive citizens in the community therefore, is achievable through ODL through a well articulated Literacy programme, Proficiency Certificate Programme and the Good Prison Practice (GPP) Programme

Certainly, Programmes such as being proposed require enormous funds and assistance to research into, design, develop, execute, monitor, evaluate, and effect adjustment as and when necessary to meet contemporary and future demands as well as sustain the programmes. It must also be acknowledged that the prison inmates are largely indigent and so require subsidy. The financial burden is meant to be shared between the rich and the poor nations bearing in mind the international dimensionality of crimes and criminality, rapid innovations and growth in technologies and cost implications. Hence, States Parties to the International Covenant Economic Social and Cultural Rights (ICESCR) are required "to take steps individually and through international assistance and cooperation, especially economic ad technical, to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognised in the present Covenant by all appropriate means"<sup>35</sup>

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<sup>35</sup> See Article 2, International Covenant on Economic, Social, and Cultural Rights, UN General Assembly Resolution 217A(111), WHICH CAME INTO EFFECT ON 3 January, 1976.s

The unique learner – centred, functional cost-effective instructional delivery mode epitomized in the Open and Distance learning system is unique and must break through the barriers of the prison walls, train the inmates to do what they choose to do, empower and return them to the world of industry as: good, happy and productive citizens. As Sir Winston Churchill has reminded us, the mood and temper of the public with regard to the treatment of crime and criminals is one of the most unfailing tests of civilization of any country.<sup>36</sup>:

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<sup>36</sup> Quoted by Idada: ‘Prison Officers’ Assessment of the Magisterial Use of and Attitude Towards the Prison’ in Elias, t ed. Nigerian Magistrate And The O fender, Ethiope Law Series, Benin City, 1970, P. 114