
EFFECTS OF THE STRENGTHS AND WEAKNESS OF GENDER BASED INMATE TREATMENT IN BORNO STATE CORRECTIONAL FACILITY

BY

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ABSTRACT

It is important to recognize that gender-based inmate policies can have varied impacts depending on the specific circumstances and efforts should be made to balance safety considerations with recognition of the rights and well-being of all inmates, including those who identify outside of their assigned sex at birth. Ensuring safety: Separating inmates based on their biological sex can help maintain safety and security within correctional facilities, as it reduces the likelihood of sexual assault, harassment, or violence. Privacy concerns: Gender-based policies can address privacy concerns, particularly related to personal hygiene, dressing areas, and medical needs, which differ based on biological sex. By separating inmates based on gender, facilities can allocate resources more effectively and efficiently, such as designing appropriate living spaces and providing gender-specific healthcare services. Gender-based policies can accommodate the varying cultural and religious beliefs of inmates, as certain practices and sensitivities may differ based on biological sex. Gender-based policies can perpetuate discrimination and reinforce existing gender inequalities, as transgender and gender non-conforming individuals may not be placed in facilities aligned with their gender identity and may face challenges related to their safety, mental health, and overall well-being. Gender-based policies may result in limited access to appropriate healthcare for transgender and gender non-conforming inmates, as they may not receive necessary medical treatments or hormones consistent with their gender identity. Isolating transgender and gender non-conforming individuals in facilities misaligned with their gender identity can lead to increased mental health risks, including depression, anxiety, and suicidal tendencies. Gender-based policies may hinder the rehabilitation process by segregating individuals based on their biological sex, as it restricts access to gender-specific programming or support services.

Keywords: Gender- based, Policies, Integration, Strength

1. INTRODUCTION

Gender and sexual violence (GSV) are now the world's most persistent social problem, yet it is the least visible abuse of human rights violations (UNICEF, 2020). GSV are social problems; they are behaviors that endanger individuals and humanity. So, the first thing that comes to mind is, "What is a societal problem?" By definition, a social problem is any circumstance or activity that has negative effects on a considerable number of people and requires an immediate fix (Aizon, 2015). Even so, there are both objective and subjective meanings in this definition. However, according to the social constructivist interpretation, a variety of negative events and behaviors take place. Many of these are sufficiently unfavourable to qualify as social problems; others are not, and as a result, they do not. Other unfavourable circumstances are only recognized as social problems when the public draws attention to the event or action (Rubington and Weinberg, 2010).

The Concept of the Criminal Justice System can be defined as a legal process. As a system, it is made up of three subsystems or components: the police, the courts, and corrections—all responsible for law enforcement. A system, according to (Schoderbek 1968), is an organized or complex whole, or an assemblage or combination of things or parts that form a complex or unitary whole. A major characteristic of systems is that what affects the function of one part can adversely affect other parts as well as the entire system. The criminal justice system is a part of the legal system that sets up the interrelationships of criminal justice elements such as the police, courts, and prisons, or "correctional facilities" as Americans prefer to call them. (Iwarimie-jaja 2003) defined the criminal justice system as a process in which the different components coordinate their independent functions by processing the criminal suspect from one stage to the next. The criminal justice process basically involves arrest, booking, trial, and confinement.

Once a crime is reported to the police, an investigation begins; witnesses are interviewed or interrogated. Sufficient information obtained leads to the arrest of a suspect, who may be detained, placed in police custody, or even released on bail where there seems to be no threat to life. Police discretion could be at play at this stage, either to charge or discharge the suspect. Moore (1979) also notes that the criminal justice system is not a "system" in the sense that all its

agencies are directed towards a particular objective with the help of a centralized authority, but that it is a limited system to the extent that the different agencies are linked... through a process in which one agency's "output" becomes the next agency's "input." The output of the police, for instance, is the arrest of offenders, which, in turn and based on the outcome of the police investigation, becomes the input into the courts. The cases, when developed as the output of the prosecution and defense, invariably become the output of the courts after conviction and sentencing; thereafter, they become the input for the prisons. As a legal process, it entails the procedures for processing a person accused of committing a crime, from arrest to case disposition (Dambazua 2009). Clare and Kramer (1976:36) saw the criminal justice system as a series of decision-making stages. Through the system, offenders are either passed onto the next stage or diverted out of the system. The diversion may be due to a number of reasons, such as a lack of evidence or a desire to reduce the load on the system.

Each subsequent stage of the process is dependent upon the previous stage and its elements. It is the dependence that best exemplifies the "systemic" nature of the criminal justice system. In respect to this work, the criminal justice system is the process whereby everything that is required to be done to a person suspected of having committed a crime through interrogation, arraignment, prosecution, conviction, sentence, and incarceration is done up to the point of release by the state. Freedom may either come to a person or may be released by the police or the court; the prosecution may drop the case for want of adequate evidence; the attorney general may enter a nolle prosequi; the court may enter a verdict of not guilty at the conclusion of the hearing; or the state may grant a person a state pardon or conviction. Criminal cases begin with arrests by the police on behalf of the state. By implication, then, it is the state that initiates action on behalf of the person wronged. Since criminal cases have the possibility of penal sanctions, the rules of evidence are stricter, and in this case, the prosecution is needed to prove "beyond a reasonable doubt" before an accused can be convicted. An essential feature of criminal law in Nigeria is the fact that an accused is presumed innocent until proven guilty, and following that, there is another feature that rests the burden of proof on the prosecutor. It is the prosecution's job to prove beyond a reasonable doubt that the accused has committed the offense with which he has been charged. It is through the criminal justice system that due process is achieved, with offenders being processed right from their arrest until they are finally released from prison after serving their sentence, or until execution for those sentenced to death. This paper intends to explore the strength and weakness in gender based inmates treatment in Borno State correctional facility.

2. EMPIRICAL REVIEW

The literature review found two documents that examined GBV in Malawi prisons (Kan Gaude, 2014; Jolofani & DE Gabriele, 1999). Both studies noted the challenges of studying GBV in this setting, in part because of the prison system's unwillingness to acknowledge the existence of GBV in its institutions. One study suggested that this reluctance stems from the illegal and socially unacceptable sexual conduct between people of the same sex that occurs in prisons. Prison officials were reluctant to discuss sex and violence because admission of these acts could be viewed as a failure to do their job to stop this abuse (Jolofani & DE Gabriele, 1999). Additionally, while not mentioned in either article, conducting studies with prisoners is challenging due to the ethical concerns around prisoner participation since prisoners are a population with restricted freedom and autonomy (O'Gostin et al., 2007).

A study conducted in 1999 interviewed incarcerated persons and wardens in the Zomba, Blantyre, and Lilongwe prisons (Jolofani & DE Gabriele, 1999). Respondents reported that several forms of GBV occurred in these prisons. Examples cited included men being raped, either for "initiation" or for no reported reason; prisoners selling sex to other prisoners for money; and prisoners selling sex to prison officials for food. Other information on GBV among prisoners in Malawi comes from an unpublished dissertation, as reported in another published article (Kan Gaude, 2014). According to Kan Gaude, the dissertation author, Kainja4, who was a prison official at the time of the research, discovered that 21% of those interviewed had experienced some form of sexual violence. Kan gaude also reported that Kainja found that his respondents believed that 34 percent of sexual violence in prison was coerced sex, 26 percent was unwanted touching, and 4 percent was rape. No information was provided on the number of people interviewed or the data collection methods. (Kissin et al 2013) conducted a study on gender-sensitive drug abuse treatment that showed that women who completed the program were far less likely to commit drug-related crimes as well as other crimes that could lead to rearrests. In a comparison of 13 programs, Kissin et al. created a scale of gender sensitivity based on the curriculum of the program and the environment it was completed in. The scale showed that the more gender-responsive variables, such as trauma, mental illness, relationships, and empowerment, included in addiction treatment, the lower the likelihood of reoffending.

Only recently have studies concluded that incorporating gender responsive factors makes a significant difference in the lives of women (Kissin et al. 2013, Messina et al. 2014, Bloom et al. 2003). This means the factors discussed above have been proven to be an effective method to rehabilitate most women. Research has continued to show that women

who have access to these programs are far more successful. A survey of inmates of the Nigeria Prison Service in Idi-Aba, Abeokuta, and Ogun State, Nigeria, was conducted, and a significant difference in the attitudes of prison officials toward male and female inmates was confirmed. This finding is in line with earlier studies that found that women are treated differently to men because their crimes are viewed as less culpable than crimes committed by men (Stuart & Kay, 2000). But the finding refutes the claims of Mazza (2007) that female offenders in Nigerian prisons are exposed to ill-treatment and overwhelming exploitation. Another remarkable discovery was the fact that male and female inmates share the same view about prison, which is a sign that gender, on its own, may not be a crucial factor in figuring out whether an inmate will be effectively or ineffectively rehabilitated by prison. This means that some other factors such as social security, sanitation, promotion of religious and vocational programs, parole, restorative justice, probation, compensation, electronic monitoring, the furlough system, and so on may be key factors taken into consideration by prison authorities in policy formulation and implementation. So, findings, gender-based opinions and policies should be abolished by all facilities and organizations if every individual must be encouraged to form proper behaviors. Discrimination based on gender differences during behavioral readjustment and reintegration is thus subjective and unethical.

3. MATERIAL AND METHODS

The Study Area

Maiduguri is the capital city of Borno State, situated between 11°N and 13°N. Its establishment started when the British, under the leadership of Sir Luggard, shifted the capital of Borno from Kukawa because of the inaccessibility and unhealthy nature of the place. Yerwa stood on a low ridge about 100 feet above sea level and was a good center for trade across the desert and into the French territories. Originally, Maiduguri was bounded on all sides by the Kukawa Local Government Area. It has a high population and a long history as an urban site. The principal ethnic group is Kanuri, but they now account for only about half of the total population of the city. As in every state of the country, English is the official language, though Hausa, Shuwa, and Kanuri are widely spoken.

Maiduguri is also referred to as the town or city in which the state governor and other government functionaries reside; thus, all policies pertaining to the administration of the state are made in the city (Maiduguri). Maiduguri is made up of districts and has an area of about 53 km² with a total population of about 689,212 (NPC, 2011). The climate of Maiduguri is hot and dry for most of the year; the period of rainfall lasts to an average of 120 days; the annual rainfall ranges from June to September; and the majority of the inhabitants of the city are farmers, civil servants, and businessmen and women. The state is facilitated with amenities including universities, polytechnics, colleges, and secondary and primary schools. It also has a teaching hospital, general hospitals, and many clinics, both from the government and private owners. The study will comprise Maiduguri Maximum Prison as the "Maximum Security Custodial Center" and Maiduguri New Prison as the "Medium Security Custodial Center," all situated within the state capital.

4. RESEARCH DESIGN

The nature of the research problem and its objectives influenced the research design used in this study. As the study focused on the analysis of gender-based treatment of inmates in the Maiduguri custodial center, simple random sampling techniques were adopted to collect the sample.

The research design functions as a systematic plan to outline the study and the research method of computation details on how the study will arrive at the conclusion and the research design's limitations, which include both qualitative and quantitative methods.

Population of the Study

The target populations of this research are female and male inmates of the Maiduguri Maximum Custodial Center and the Maiduguri Medium Custodial Center, comprising a total of 50 female convicts and 700 male convicts which gives the total population to 750 inmates. (Maiduguri Correction Service Officials 2016)

Sampling Technique

This study utilizes both random and purposeful methods in determining the sample size. The sample size of 254 is adequate for this study. Random selection was intended in order to give equal proportion and purposeful technique because of the special needs to select more of the female inmates. Respondents were reached through the assistance of the official of the custodial center.

As a result of restriction on security ground. The questionnaires were distributed by the officials. A total of one hundred and fifty questionnaires were given to the prison officials at Maiduguri's new prison, and another hundred and four were given to officials at the Maiduguri maximum prison. The prison officials were informed to give more questionnaires to female inmates so as to achieve the objectives of the study.

Sample size

The population of this study is 750, which was obtained from the Nigerian Prison Service Officials (2016); therefore, Krejcie and Morgan’s (1970) sample size determination was used to determine the sample size. Using Krejcie and Morgan's (1970) table for sample size determination, a population of seven hundred and fifty (750) will have two hundred and fifty-four (254) respondents as the sample. Therefore, a sample size of 254 was adequate for this study based on Krejcie & Morgan’s table for sample size determination.

$$\frac{Z^2 \times P \times (1-P)}{e^2}$$

$$n = Nx$$

$$[N = 1 + \frac{Z^2 \times P \times (1 - P)}{e^2}]$$

- N = Propulation size
- Z = Critical value of the normal distribution at the required confidence level
- P = Sample proportion

Source of Data

The survey method was employed in this study. The data for this study was obtained from primary and secondary sources. The primary data came from a questionnaire and an in-depth interview with prison officials, ex-convicts, and members of the general public. Secondary data were also obtained from the review of relevant literature, such as books, newsletters, journals, articles, etc.

Data Collection Methods

The research instrument used was the quantitative method. The questionnaires were used as the quantitative method. These were administered to the respondents in person. The questionnaires were utilized only by the educated respondents. Relevant journals, books, reports, and seminar papers were used in generating secondary data.

5. DATA ANALYSIS METHODS

The responses were analyzed using descriptive statistics presented in tables as percentages. The responses of the inmates were analyzed using the SPSS package version 20 to deduce the findings of the research.

Data Analysis

Table 4.5: The strength and weakness of the established mechanism

S/N	Variables	Strongly agree	Agree	Neutral	Strongly disagree	Disagree	Frequency/percentage
1.	The female inmate is given special consideration because the crimes committed are minor compared to those of the male inmates.	91	3	142	0	18	
		36.0%	1.0%	55.0%	0.0%	8.0%	100%
2.	Female inmates constitute the minority of correctional service populations across the country.	157	69	28	0	0	
		61.0%	29.0%	10.0%	0.0%	0.0%	100%
3.	Female inmates are less violent in all the correctional services across the nation.	126	80	48	0	0	
		51.0%	31.0%	18.0%	0.0%	0.0%	100%
4.	Female inmates have a lower crime rate than male inmates.	117	79	56	2	0	
		45.0%	34.0%	20.0%	1.0%	0.0%	100%

Source: Fieldwork 2021

In table 5, a sizable proportion of respondents (142, 55.0%) are neutral about the fact that female inmates are given special consideration because their crimes are minor in comparison to those of male inmates, while 18 (36.0%) disagree. The majority of the respondents (157, or 61.0%), strongly agree that female inmates are the minority of the correctional service populations across the nation. while few of them (28, 10.0%) are neutral. The majority of them (126, 51.0%) strongly agree that female inmates are less violent in all the correctional services across the nation. Only a few (48, 18.0%) are neutral in their responses. A significant number of them (117, 45.0%) strongly agree that female inmates constitute a low crime rate compared to those of male inmates; only two (1.0%) strongly disagree.

6. DISCUSSIONS

The objective is to determine the strengths and weaknesses of the established mechanism. According to the study, 55% of respondents were neutral about female inmates and gave them special consideration because their crimes were minor in comparison to those of their male counterparts. The study further revealed that 61% of the respondents strongly agreed that female inmates are the minority of the correctional population across the nation. Furthermore, the table revealed that 51% of the respondents strongly agreed that female inmates are less violent in correctional services across the nation. Another 45% of respondents strongly agreed that female inmates committed fewer crimes than male inmates. This finding is consistent with Part Carlen (1997), who argued that the majority of British-born women imprisoned in England, Wales, and Scotland are less likely to be sentenced for the seriousness of their crimes and are referred to as wives, mothers, and daughters by the court. Livesey (2010) asserts that the more the idea of an association between male and female crime becomes established, the more the process of criminalization begins to resemble a self-fulfilling prophecy.

7. CONCLUSIONS

The study revealed that female inmates are given special consideration because their crimes were minor in comparison to those of their male counterparts. Similarly, female inmates are the minority of the correctional population across the nation. Furthermore, female inmates are less violent in correctional services across the nation and are considered more accommodating than their male counterparts.

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