

The Role of Borstal Homes in Nigeria: Reformation or Remaking Criminality?

Open
Access

Zakariyya Muhammad Sarki^{1,*}, Aminu Abdullahi², Jamilu Ibrahim Mukhtar²

¹ Forensic Science Programme, Universiti Sains Malaysia, 16150 Kubang Kerian, Kelantan, Malaysia

² Department of Sociology, Federal University Dutse, Jigawa State, Nigeria

ARTICLE INFO

ABSTRACT

Article history:

Received 5 April 2018

Received in revised form 19 June 2018

Accepted 26 June 2018

Available online 3 July 2018

Where they are established, Borstal homes are meant to be places for reformation of juvenile and young offenders. Although they are no longer new to the modern criminal justice system, particularly in the area of corrections, people have continued to doubt their effectiveness in correcting the behavior of individuals. This paper reviewed literature on the history and purpose of Borstal homes as well as those on their effectiveness in Nigeria. It was found that, virtually all Borstal institutions in Nigeria are not living up to their expectations. Due to the dearth of facilities in the borstal centers, many juvenile delinquents are sent to adult prisons as a result of which they learn more offending, become recidivists and hardened criminals at adulthood. Those living within the borstals are not given adequate care. The paper suggested that, schools, families and community based corrections are more suitable for delinquents not closed institution, like borstal, that separate them from family and adequate education. Borstal homes should not necessarily be discarded. However, to make the institutions more effective, the government should ensure child welfare and protection, education and healthcare to the young through sincere investment and political will. This could leave the institutions with low number of young offenders that could be managed effectively.

Keywords:

Borstals, corrections, juvenile justice,

Nigerian criminal justice, punishments

Copyright © 2018 PENERBIT AKADEMIABARU - All rights reserved

1. Introduction

Ideally, in the modern criminal justice system prisoners ought to be treated separately by virtue of gravity of their offense, sex and age. Prisoners are classified into well defined categories: male prisoners are separated from female prisoners and, as Mahaworker [14] indicates, the classification of prisoners is mainly by age, sequence of crime/delinquency, and risk associated with the type of crime. This guide on separation is also what the Standard Minimum Rules for the Treatment of Prisoners adopted by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders provided has provided [21], and which has continued to be a reference

* Corresponding author.

E-mail address: zakariyya.sarki@fud.edu.ng (Zakariyya Muhammad Sarki)

document for many countries. Whereas prisons are meant for adults, remand and Borstal homes are reformatory institutions for young or juvenile offenders.

As provided by Borstal Institutions and Remand Centers Act (1962), borstal institutions are specifically designated for the institutionalization of offenders between the ages of 16-21. However, in practice, only the more serious juvenile offenders are committed to the borstal [17]. In the Borstal, offenders are classified on the basis of their age, physical and mental health, length of stay period, degree of delinquency and their character. Besides, factors like sequence of the delinquency, possibilities of functioning as a contamination risk and requirements of custody, juvenile educational and vocational training needs, his/her total background, possibilities of his/her social adjustment, his/her prospects after release and his rehabilitation are taken into consideration [14]. While these are the prerequisites for the success of the borstals, there is growing concern on the deteriorating conditions in the borstal homes which is worst in developing countries such as Nigeria. Francis [9] gave a picture of the conditions of juvenile offenders in the Nigerian borstals, thus:

During the first three months of admission into a borstal home, about seven or eight newly admitted juveniles are packed into a cell that could barely accommodate two persons. The cell is usually poorly ventilated and very dingy. They can hardly all sit down at the same time not to talk of lying down, therefore leaving them at their own devices on sleeping or sitting arrangement. Invariably, they take turns to enjoy such 'luxuries' – two persons may sleep at a time while others remain standing, alternating in this fashion until everybody has had about two hours of sleep.

It seems that Francis has portrayed the deplorable condition of the Nigerian borstal homes in hyperbolic terms; but are the homes really living up to the expectations? While the Comptroller of Nigerian Prisons has reported that the number of adolescents processed in the juvenile justice wing of the Prison Service has tripled between the year 2008 and 2011, studies from different parts of sub-Saharan Africa have also reported rising cases of juvenile justice contact among adolescents, which is negatively affecting the corrections of the juvenile. For instance, Maru *et al.*, as cited in Atilola, [2] reported a rise of about 21% in the number of adolescents coming to juvenile justice courts in Nairobi, Kenya. A situation analysis conducted by UNICEF in Uganda also established similar trends of increase in Kampala city [2]. Nigeria may not necessarily be an exception. This paper, therefore, reviewed literature related to the role of Borstal homes in correcting young offenders in Nigeria. The review is basically presented with the view to answering the question thus: are the borstal homes in Nigeria reforming juvenile offenders or simply remaking the criminal tendencies of these individuals?

2. Conceptualizing Child and Young Person

The current understanding of the concept of childhood dates back to as recently as nineteenth century [20]. Before then, various stages of interpretation and mutation on the idea of childhood demonstrate the dissonance between adult conception of childhood and the real life of children [6]. In Children and Young Persons Law (CYPL, 1958), a distinction is made between a person who is not yet 14 years old and one who is 14 but not yet above 16. The former is a 'child' and the latter is a 'young person'. Therefore, any offence committed by a person above 16 is a crime not delinquency. The CYPL recognizes categories of juvenile delinquents: 'juvenile offenders', 'beyond parental control' and 'wanderers, beggars, truants' and such likes [19].

Borstal School means a place in which young offenders, whilst detained are given industrial training, other instructions and are subject to such other disciplinary and moral influences so as to improve their character and prevent them from committing further delinquencies. According to Encyclopedia Britannica [8], Borstal home is a reformatory system designed for youth between 16

and 21 years. Because there are differences in age categories on what constitute a child, some societies adopt ages other than those given above. Borstal Institute Buea in Cameroon, for example, is meant for keeping young people that are between 12 and 17 years [5]. Control and management of Borstal school is vested in a superintendent appointed by the state (in some countries) or federal government (in Nigeria). The age at which a child and young offender is treated unequally with his adult counterpart is not similar between countries just as the definition of 'child' age varies by country. A child offender is one who when convicted was under the age of sixteen years [14] In Nigeria, a child is responsible for his action, for example if she/he attains the age of 12, but will be treated as delinquent, until she/he reaches the age of 18 years (Child's Right Act, 2003 cited in Adam [1]). For that reason, she/he is subject to criminal proceeding in juvenile court and where she/he is found guilty shall be sent to remand or borstal home.

3. Historical Origin of Borstal Institution

Borstal home is named after Borstal Village near Rochester in Kent, United Kingdom. The Borstal Village is known to be the first place as a prison for young offenders. In the early years of the 20th Century the Probation Service in UK was formally created, as was the juvenile court. The Juvenile Act 1908 removed those aged under 14 from prisons and made it mandatory that for a court to send a young person to prison, there must to be preliminary procedure and particularly issuance of unruly certificate (Newburn cited in Scott and Codd [20]). At around the same time, imprisonment for children was abolished and Crime Prevention Act 1909 came up with specific correctional establishments for the young offenders. The pilot state for the adoption of this development was Bedford, famously at the Borstal. All other subsequent similar institutions were called 'borstals'.

Early days' prisons were less organized as they accommodate all types and classes of convicts and persons in awaiting trials; felons, simple offenders, adult offenders, juvenile delinquents, men and women offenders were usually merged and accommodated in one place. This type of organization marks the period prior the 13th Century; that was the period when prisons were in serious deplorable conditions [13] Setting up of institutions meant for the treatment and/or punishment of young offenders in society is therefore a new development, unlike the argument raised by Scott and Codd [20] that it is not a new development and has indeed started over two centuries back. The duo have argued that for nearly two hundred years a range of penal institutions have been created aimed specifically at children: from the Parkhurst Prison for Boys in 1838 to Secure Training Centers, via Industrial Schools, Borstals, Approved Schools, Remand Centers and Young Offender Institutions.

4. The Borstal Institutions in Nigeria

Borstal remand institutions are reformatory centers established for the purpose of re-orientating and recapturing the characters of young persons who stand on a moral precipice by reason of their criminal proclivity, to make them useful again to themselves and the society at large upon their release. As it was named after the Borstal village in the UK, the home retained its name when it was introduced in Nigeria [19]. The introduction of Borstal home in Nigeria could be seen to have legal backing from the Children and Young Persons' Law (CYPL). The CYPL, as reiterated by Sa'ad [19], evolves to legislate:

1. Against the trying of juveniles in open adult criminal courts, and made provisions for Juvenile Courts (except that of the North);

2. Against the sentencing of juveniles to prisons, and made provisions for juvenile probation (except that of the North) and juvenile institutions (e.g. borstals)
3. Against the maltreatment and neglect of juveniles, and made provisions that juvenile institutions must be properly lodged, fed, cared for and instructed.

Moreover, as a facility under the umbrella of Nigeria Prisons Service (NPS), Borstal home is under the supervision and control of the Ministry of the Interior through the Nigerian Security and Civil Defense Corps (NSCDC), the Nigeria Immigration Service (NIS) and the Prisons Board. Similar to the Nigeria Police Force, every prison in Nigeria is a federal prison and borstal is no exception [15]. The NPS derives its operational powers from CAP 366 Laws of the Federation of Nigeria 1990 thus; to take into lawful custody all those certified to be so kept by courts of competent jurisdiction; produce suspects in courts as and when due; identify the causes of their anti-social disposition; set in motion mechanisms for their treatment and training for eventual reintegration into society as a normal law abiding citizens on discharge; and administer Prisons Farms and Industries for this purpose and in the process generate revenue for the government.

As of 1983, there were a total of 123 prisons, two borstal homes, and 244 county lock-ups in Nigeria [24]. At the moment, the Nigerian Prisons Service has a total of 227 prisons. Of this figure, 144 are prisons meant for detention of convicted offenders. The remaining 83 are satellite prisons. There are also nine cottage industries, nine subsidiary farms, one hundred and twenty-four market gardens, three borstals institutions, one open prison camp, one staff college, five training institutions and one prison academy [15]. Most offenders in these institutions are young and have not committed very serious offences [24]. Borstal homes are categorized as between minimum and maximum security prisons. The total inmates contained in the three working Borstal Institutions in Nigeria, namely: Borstal Training Institution Kaduna, Borstal Training Institution Ilorin and Borstal Training Institution Abeokuta institutions as of October 2013 were 811 persons. The Borstal Institution in Kaduna alone was accommodating over 600 persons instead of its built capacity of 200 inmates [9]. And, as noted by Atilola [3], there is a real prospect of a significant increase in the number of children and young people processed through the juvenile/youth justice system in Nigeria.

5. The Purpose of Borstal Homes

One feature of the crime situation in Nigeria and, of course, elsewhere [6] is the involvement of juveniles in some criminal and deviant activities. Thefts, burglaries, alcoholism, drug abuse and violence are carried out by young people [19]. And, all sorts of deviance mentioned by Glaser as cited in Madaki [12] - predatory deviance, deviant selling, deviant consumption, deviant performance, deviant beliefs, and suicide (with rare cases of suicide, though not entirely absent in Nigeria) - cover the range of activities identified by Sa'ad [19] as being perpetrated by youth in Nigeria. In an effort to counter the deviant/criminal behaviors perpetrated by the youth, the government through Section 4 of the Borstal Institutions and Remand Centers Act LFN, 2004, and having recognized the establishment of Borstal institutions, provides that "the objects of borstal training shall be to bring to bear every good influence, which may establish in the inmates the will to lead a good and useful life on release, and fit them to do so by the fullest possible development of their character, capacities and sense of personal responsibility." Following this provision, perhaps, (Milner 1972 as cited in Sa'ad, [19]) identified two broad functions of Borstal institution in Nigeria:

1. The encouragement of a personal relationship between the Borstal Staff and juveniles through which the juveniles will be given 'progressive trust demanding personal decision, responsibility and self-control', and;
2. Placing emphasis on regular educational and vocational training regiment with a demanding physical training content.

Accordingly, Borstal institution is, therefore, concerned with the protection, re-education, rehabilitation, re-insertion of juvenile delinquent, socially mal-adjusted children, abandoned or street children and destitute children whose moral upbringing, security and or education are likely to be compromised [5]. In other words, the major objectives of the institution is to implement government social policy within the frame work of the fighting juvenile delinquencies, social mal-adjustment, irresponsible parenthood and violation of child's right as contained in the United Nations Convention on the Right of the Child.

6. Assessing the Effectiveness of Borstal Homes in Nigeria

The borstal homes in Nigeria could be seen as less effective. The severe dearth of borstal facilities and the decadent conditions of the existing ones result in a total vitiation of the objects of borstal institution [9]. In Nigeria, it is possible for children under Borstal custody to be maltreated and dehumanized, because the government is reluctant to enforce adequate laws designed to protect the rights of children [16] This condition will not do any good to the society because "brutal condition breeds brutal behavior" [7]; that is, instead of reshaping the behavior of the juvenile offenders, the children become tougher in mind, fearless of the punitive justice and even recidivists [18,4]. As it is mentioned, Nigeria has only three (3) borstal homes. The rests are prisons. However, taking into cognizance the rising rate of youngsters' restiveness and juvenile delinquency [3] characterizing the modern societies, treatment of delinquent children may require as much resources as those required for reforming adult criminals. The inadequacy of the resources has indeed left the criminal justice system with "no option" than to merge the young with adult offenders. In essence, although the government stipulates that no child should be ordered to be imprisoned [16] the juvenile offenders are incarcerated routinely along with adult criminals [22,4]. Since conditions in the prison such as overcrowding [24], boredom and powerlessness provide excellent breeding grounds for the formation of gangs, the young inmates may be compelled to join a gang for their own protection as well as the gratification of needs; consequently, their criminality could be remade [2,18,4]. Moreover, in his study on inmates from the prisons in Kano State, Nigeria, Lawal [11] found that there was inadequacy of health care services in Penal institutions, borstals inclusive. Earlier, Issa *et al.*, [10] has found high prevalence of undetected psychiatric morbidity among inmates at the Nigerian borstal institution. Similarly, Bella *et al.*, [4] have also found significant mental health needs within the juvenile system, which need to be addressed as a matter of urgency. These conditions compound further the problem state of young offenders in Nigeria.

The problems of juvenile justice system, particularly those affecting corrections, are not, however, restricted to Nigeria. Despite the apparently high burden of juvenile delinquency and need for child and adolescent social welfare services in many parts of sub-Saharan Africa, the juvenile justice and social welfare systems in these regions are still poorly developed. The method used by the childcare centers is virtually custodial rather than reformatory in form of deinstitutionalized treatment, criminalization of child destitution in many sub-Saharan African countries entails that there is no clear distinction between juvenile crime or delinquency and youth abandonment or

destitution. In a study in Kenya, adolescents who were found destitute were among the adolescents brought before a district juvenile court for 'sentencing' to remand homes [2].

Not only in Africa, there were also problems of corrections of juvenile offenders even in more advanced countries like the UK. Scott and Codd [20] made analysis by objecting the section 37(1) of the Crime and Disorder Act 1998 (of English Law). The Section set out that the principal aim of the youth justice system 'is to prevent offending by children and young persons'. In Scott and Codd's [20] view, imprisoning children is ineffective in reducing future criminal behavior, despite the above constitutional provision. They based their argument on the reality that the costs of the program are extremely high while the benefits are low. For instance, the Youth Justice Board (YJB) makes two third of its budget swallowed up on custody, spending ten times more than it does on crime prevention programs (YJB, 2006 cited in Scott and Codd [20]). The money spent on child's custody (£185,780/₦33,440,400 at the exchange rate of 180/£) was worth paying for a child's education in Eton, one of the expensive schools in England, for six years.

7. Conclusions

While it is a virtue for the penal justice to make provisions whereby juvenile delinquents are not merged with adults, the borstal homes in Nigeria meant for juvenile offenders are said to contribute very little in the treatment of young offenders. The borstals, as reported by most literature reviewed in this paper, may not have been serving the purpose of correcting young offenders and delinquents; instead, they worsen the condition by making juveniles more stubborn, in addition to degrading their health. Obviously, the institutions, as they are, are not suitable for children even as there is a dilemma that some children or young offenders would have been straying on the street if they are left to be taken care of by the community or relatives. Nigeria can respond to the complex problems of risky behavior and delinquency in many different ways. Effective public interventions associated with delinquency could have their origins in child welfare, child protection, mental health, physical health, education, criminal law or family law. If these issues are taken care of and provided, in addition to family care, they could be the best ways to approach reformation of juvenile offenders. The juvenile system is in critical needs of staff development and training, public support for rehabilitation, quality of legal counsel, effective use of information technology, improved system of monitoring and evaluation of programs/services, and also importantly financial investments and political will from the government. Borstal institutions in Nigeria could be maintained, but the critical needs highlighted here should be taken care of to ensure their effective performance towards delivering appropriate and effective interventions to young offenders.

References

- [1] Adam, Eteete Michael. "AN APPRAISAL OF THE REGIME OF JUVENILE JUSTICE UNDER THE CHILD'S RIGHT ACT IN NIGERIA." *Arabian Journal of Business and Management Review (Oman Chapter)* 2, no. 8 (2013): 10.
- [2] Atilola, Olayinka. "Different points of a continuum? Cross sectional comparison of the current and pre-contact psychosocial problems among the different categories of adolescents in institutional care in Nigeria." *BMC public health* 12, no. 1 (2012): 554.
- [3] Atilola, Olayinka. "Juvenile/youth justice management in Nigeria: making a case for diversion programmes." *Youth justice* 13, no. 1 (2013): 3-16.
- [4] Bella, T. T., O. Atilola, and O. O. Omigbodun. "Children within the juvenile justice system in Nigeria: psychopathology and psychosocial needs." *Annals of Ibadan postgraduate medicine* 8, no. 1 (2010): 34-39.
- [5] Borstal Institute Buea (2015). <http://borstalinstitutebuea.yolasite.com/about-us.php> (Retrieved on 18th January, 2015).
- [6] Brown, Sheila. *Understanding youth and crime: listening to youth?*. McGraw-Hill Education (UK), 2005.
- [7] Currie, Elliott. "The politics of crime: the American experience." In *The politics of crime control*. Sage, 1991.

- [8] Encyclopedia Britannica Inc. (2015). "Borstal System: Penology". <http://www.britannica.com/EBchecked/topic/74508/Borstal-system> (Accessed on 18th January, 2015).
- [9] Francis, M. (2008). The Sad Tales of Juvenile Remand System. The Nation 30th 9, 2008. <http://thenationonlineng.net/archive2/tblnews-search.php>
- [10] Issa, B. A., A. D. Yussuf, P. O. Ajiboye, and O. I. N. Buhari. "Prevalence of psychiatric morbidity among inmates of a borstal institution in Nigeria." *International journal of prisoner health* 5, no. 2 (2009): 88-94.
- [11] Lawal, B.. "Health Care Services in Kano Prisons." Bayero Sociologist, Journal of Sociological Studies, 2012, 1(2) 1-7.
- [12] Madaki, A.M, (2009). "Deviance". In Abdullahi, S. A., Mohammed, I. Z., and Casey, C. (eds) Studies in Cultural Sociology. Ibadan: Foludex Printers. 2009.
- [13] Madaki, AM and Ahmed, A.M. "Comparative Study of Prisoner's Rights:Policy and Practice in Kano Metropolis." Bayero Sociologist , Journal of Sociological Studies Maiden edition 2011, pp.103-125.
- [14] Manaworker, M. B. *Prison management: problems and solutions*. Gyan Publishing House, 2006.
- [15] NPS (Nigerian Prisons Service) (2015). www.prisons.gov.ng/about/ (Retrieved on 17th January, 2015).
- [16] Ogunniran, Iyabode. "Elusive Justice? An Assessment of Child Justice in the Tripartite Court System in Nigeria." *Acta Universitatis Danubius: Juridica* 10, no. 3 (2014).
- [17] Okagbue, I. (2015). *Children in Conflict with Law: The Nigerian Experience*. www.google.com (Accessed on 17th February, 2015).
- [18] Oyesegun, O, D., Olufunmilola .L, Olaitan, 'Lanre. O.D, Omoyayi, A. J. "Social behavioural risk factors and diversionary precursor for conviction of boys to borstal institutions in Nigeria." Kuwait Chapter of Arabian Journal of Business and Management Review Vol. 3, No.6; Feb. 2014 147.
- [19] Sa'ad, A. "Juvenile Justice." In Abdullahi, S. A., Mohammed, I. Z., and Casey, C. (eds) Studies in Cultural Sociology. Ibadan, Foludex Printers 2009.
- [20] Helen, Scott David Gordon Codd. *Controversial issues in prisons*. McGraw-Hill Education (UK), 2010.
- [21] UN (2009). *Standard Minimum Rules for the Treatment of Prisoners (Retrieved on 12th June, 2018)*. <https://www.un.org/ruleoflaw/blog/document/standard-minimum-rules-for-the-treatment-of-prisoners/>.
- [22] Wakil, MA and Morakinyo O.. "Psycho-social characteristics of juvenile delinquents of northern Nigeria origin at a borstal training institution in Nigeria." *Kanem Journal of Medical Sciences*. 2007;2(1):31-36.
- [23] Willison, Janeen Buck, Daniel P. Mears, Tracey Shollenberger, Colleen Owens, and Jeffrey A. Butts. "Past, present, and future of juvenile justice: Assessing the policy options (APO)." *Washington DC: The Urban Institute* (2010).
- [24] Winslow, Robert. "A comparative criminology tour of the world." *Accessed May 10* (2009).