

Detention of a pregnant/nursing Mother in Prison and Propriety thereof

20/03/2018

DETENTION OF A PREGNANT/NURSING MOTHER IN PRISON AND PROPRIETY THEREOF

An expectant mother arrested by members of the Nigerian police force in Konshisha Local Government Area of Benue State and subsequently arraigned before Makurdi Chief Magistrate Court 6 Modern Market Makurdi via First Information Report (F.I.R) in MCM/70/2017 and Motion MCM/45c6/2018, alleging the offenses of criminal Conspiracy and Procurement of minor contrary to section 97, and 276 penal code law of Benue State 2004 sometimes in May, 2017 and subsequently remanded in prison on the 2nd May, 2017. During her stay in the prison, she delivered and continued to nurse her baby in the Makurdi prison with no adequate care for baby nor mother.

ISSUES FOR DETERMINATION

The main issue for determination is whether a pregnant woman can be remanded in prison custody for non capital offenses while police are still investigating her case, while her health and that of the Baby are put at risk. This is more so when the offense alleged is bail-able.

DECISION OF THE COURT

In deciding the issue based on the application for her bail filed by R.A. Hwande Esq of Lawyers Alert, the Court ruled that it is unconstitutional and a violation of her human rights to be kept in prison based on an allegation, especially given her situation and that of the baby. Interestingly, the Police also immediately dropped all charges and the lady discharged. She spent 11 months in detention with no charge and matter withdrawn with no damages.