

Continuous Ex-Offenders' Reformation and Avoidance of Recidivistic Acts in Nigeria

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Abstract: This paper arose from very serious concern emanating from the skyrocketed cases of recidivistic occurrences in Nigeria which as observed impact negatively on the Nigerian prison reformatory and rehabilitation processes vis-à-vis the security of lives and property. It is common now in Nigeria that our prison population keeps increasing without the corresponding facilities, manpower, and resources to effectively and efficiently reform inmates that after release would be better law-abiding and self-sustaining. From the study, it was revealed that ex-offenders become more hardened and daring, and prefer to habituate the prison environment to outside society. The lack and absence of training tools like mechanic workshops, tailoring shops, and more saddening the cruelty meted out on them inside the prison makes it worse; the stigmatization and outright denial of job opportunities as compared to their counterparts who are not ex-offenders are offensive to them. The study recommends as follows: Government should equip all correctional facilities in Nigeria with the approved international standards that through it inmates, after release, can be meaningfully engaged and be relatively self-sustaining; The government through its agencies like National Orientation Agency, federal radio, and television in conjunction with the religious bodies, sensitize the public on the danger of stigmatizing ex-convicts because it has far-reaching consequences; With the help of social workers, there should be follow-up and an evaluative scheme that requires an ex-offender constantly be monitored to prevent reoffending; and Schools should be established in the prisons and properly funded by the government to help to functionally educate and reshape the minds of the inmates so that upon release they will be better citizens.

Keywords: Prison, Recidivism, Ex-offender, Reformation, Ex-convict, Inmates.

INTRODUCTION

Indubitably, what has been a sour point in dealing with crime ameliorative and as it concerns serial ex-offenders in Nigeria is the administration of the criminal justice system. Descriptively, the system is akin to a sequence of very indispensable institutions of the Police, the Court, and the Prisons, which decide and navigate all suspects' fate to access real justice. It has been argued that it is not enough to discharge a convict from correctional custody or facility after serving his or her fail term, but the follow-up, which Ayuk (2016) has opined is evaluative and constitutes the hallmark of societal safety. Unfortunately, this important aspect of post-imprisonment has been jettisoned in the equation of wholistic reformatory and rehabilitative process in Nigeria.

Granted recidivist acts are not uncommon in Nigeria, but recently have been on the rise, more so as they occupy in the scale of fiercest, ranked more dangerous, grievous, and daring. The implication, is that recidivists are more hardened; perhaps informed by the conditions they were processed before

discharge. For instance, the Nigeria correctional system is notoriously and shamefully appalling – it does not have a semblance of where human beings are kept to be corrected and made fit for society. Prisons in Nigeria do not house suitable facilities, effective and efficient enough to grant appropriate reformation rehabilitatively.

The careless disposition of handlers of suspects first before they become inmates is inept and lack the commitment to actualize the universal cliché of the objectives of imprisonment in Nigeria. There is presently no uniform template as to how prisons and prisoners are being managed; rather, whoever government appoints uses his/her discretion, and often the outcomes are generally preposterous reflecting a crass in the knowledge of prison managers. It has been so for decades and saddening enough, an ex-convict or offender seems at loss to comprehend what and why at the first instance his reformatory sentencing meant. For him or her, nothing is learned and if any, he/she rather was stripped of the modicum of compassion in him and made hardened and daring. So serving jail term in Nigeria is a travesty and will remain so if concrete steps are not taken to genuinely reform inmates.

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A SYNOPSIS OF NIGERIAN PRISON

Presently, Nigeria with a population of 161 million has a record high of 27.1 percent unemployment, the highest of its 60 years of existence, and regrettably, half of the population is made up of youth (Tunji, 2014). It is therefore not out of place for crime to rise and the consequential soaring numbers of persons (74,000) in 240 prisons in Nigeria. For example, the Kirikiri Prison in Lagos State, Nigeria was built to house 804 inmates, but now there are 4,000 inmates, authenticating overcrowding malaise characteristically of all prisons in Nigeria (Chika, 2019). Aside from disgraceful, senseless, and shameful congestion, the inhuman and degrading treatment meted to and supposed to be reformed inmates, makes it more worrisome - as inmates are unjustifiably subjected to barbaric, cruel, brutal, and uncompassionate warmth.

The habitation of inmates is unhygienic, degrading, dingy, and generally unkempt to the extent that sleeping arrangement is practically gory, unpleasant, and unsightly. Inmates are crammed in squalid cubicle-like small cells with prisoners made to sleep in turns; that is, while some sleep for some hours, others stay awake and vice-versa. This state of affairs is replicated in all detention facilities across the nation. Moreso, the psychological torture inmates go through further reinforces the neglect by the government informed by a combination of ineptitude and corruption which has become a rule rather than an exception. This makes for easy breakout and transmission of disease which can lead to avoidable death in custody of inmates.

It has been reported by Paul (2019) that a cell room (less than 3m² of personal space) originally designed for four inmates, now has twenty prisoners squeezed and packed in, to resemble a "truck tucked with bags of rice to be sold in the market". This assertion was corroborated by Ikenna (2015) when he interviewed an ex-offender on the state of Nigerian prisons thus;

"At the Owerri prison where I was incarcerated, there are approximately 2000 inmates and out of this number, only about 10 percent are convicts serving their various jail terms – the remaining ones are awaiting trial inmates. The cells at the prisons are usually overcrowded. For example, my cell (1 and 2) measuring 32 feet in length and 28 feet in width has approximately 100 inmates ordinarily meant for 40 inmates. These 100 use only

one bathroom and two toilets. This makes it easy for one to contact diseases especially skin rashes, conjunctivitis, chickenpox, smallpox, etc."

It is a common phenomenon that inmates cannot access medical care and that has occasioned the death of persons in custody. Arguably, medical facilities are grossly inadequate, lacking, and ill-equipped to concomitantly address health-related challenges. Even when inmates are sick, the authorities concerned covertly or overtly refuse them access to treatment and in some situations they are further isolated seclusively, facilitating their death. More concerning is the fact that they are hurriedly buried in shallow graves without notifying their families.

Agreeing with the above postulations, Agunbiade (2013) adds, African health systems generally indicate a gloomy picture of weakness in performance; it becomes inaccessible, the quality is lowly abysmal. Incontrovertibly is that Nigerians (rich corrupt politicians) rely on the western countries of the USA, UK, Germany, Canada, etc. for their health needs, which has further widened the existing health inequalities in the country. With this scenario, inmates would find it herculean to access health services – which is why the death toll continues to be on the rise. Watson et al. (2004) had maintained that prisoners (in Nigeria) when compared to other members of the society are worse off as they often bring a range of health problems to prison; they are also at risk from several health problems while in prison. Inmates suffer from diseases like tuberculosis, hepatitis, cholera, dysentery, chickenpox to mention but a few – and because of no proper medical attention, they die, sadly so.

Typically and as with the case of Nigerian prisons, inmates are constantly confined in the cells, socially isolated, and kept incommunicado even when they are not a threat to the extent that the offenses that brought them in custody are just misdemeanor that under the law, the sentence might only be 2 – 3 months or a fine. The United Nations Committee Against Torture stated that full isolation for 22-23 hours a day in super-maximum security prisons is unacceptable and further banned the use of solitary confinement for longer than 15 days. Solitary confinement is a form of imprisonment distinguished by living in single cells with little or no meaningful contact to other inmates and strict measures for absolute control of disruptive inmates who are security risks to other inmates, staff,

and the prison itself (Wikipedia, 2020). This seclusion according to the 2017 Robust Scientific Literature Study Review, has a negative psychological effect that leads to mental disorder, depression, anxiety, anger, cognitive disturbances, perceptual distortions, obsessive thoughts, paranoia, and psychosis.

With these kinds of indicators as experienced in solitary confinement by an inmate, it would be practically impossible for such a person to be properly reintegrated into society as an ex-offender if he or she is not routinely taken care of. This should be done through monitoring, evaluation, assessment, mentoring, etc. to assist full integration and to principally avoid reoffending. This, as argued by Ayuk (2016), would seamlessly guarantee a rapid and positive adjustment on a continuous sequence of socio-economic advancement of not only the ex-offender but also the safety of the society.

The feeding regime in Nigerian prisons is so poor, appalling, disgraceful, irregular, and shamefully nauseating. Food provided for these inmates cannot be in a serious sense given to 'animals'. Inmates go on some weeks without food and even when the food is provided, it is frustratingly and badly prepared. Also very disturbing in Nigerian prisons is that inmates are not allowed for recreation, not permitted to walk around outside cell space as they are constantly tethered inside such a decrepit condition.

Another serious and sad tale is the lack of separation of adult inmates from children offenders. This goes to show how unorganized and unprofessional reformatory schemes are in Nigeria. As it stands now, no functional juvenile facility exists in reality; rather, it is theoretically touted to exist in papers and policy documents – that is how degenerated the system has become. Concerns have been raised and disturbingly so, the merging of juvenile offenders with adults and hardened criminals. This act in itself is unsound, unhealthy, and a disservice to the children and the country's future security. In this kind of setting, the children instead of being reformed, become deformed by learning to be emboldened criminally by the adults they came in contact within the facility.

Bella et al. (2004) assert that the Children and Young Persons Act II is legislation dealing with matters affecting children and young persons – and stated *inter alia* to make provision for young persons' welfare and treatment of young offenders and not to establish the juvenile court. By its creation, the law anticipated that

three categories of children may become involved in the juvenile justice system, viz children in conflict with the law (committed crime), children in need of care and protection (abandoned children), and children beyond parental control (drew the attention of the government to the activities of their wards). Supposedly and institutionally, the children ought to be cared for in these legal creations of remand homes detention custody sites, maximum of 3 months, for awaiting trial and disposal after the guilty verdict.

Approved schools are more permanent educational facilities for children in contact with juvenile justice and who can be placed for at least 3 years while Boastal institutions are designed for the institutionalization of offenders between the ages of 16 and 21, for about 5 years. These facilities, regrettably, have undergone serious decay in the last 40 years due to lack of good policies, unprecedented corruption, gross underfunding, inadequate staff, and total jettisoning of staff training. For instance, the Afokang Prison in Calabar, Nigeria lacks practically all that it takes to reform and rehabilitate an inmate. The mechanic workshop had only relics and not even a spanner could be found. For the tailoring section, only one antiquated sewing machine still exists and not functional.

The inmates are used as laborers in farms, fields, and even plantations akin to the slave era. The prison officials collect money from persons and then get to the facility where they ferry these inmates to the sites and seriously engage them in manual labour; certainly, this is not reformation neither is it rehabilitation. With this type of treatment meted to them, especially juvenile, it would be extremely difficult to ascertain how effective and efficient the objective, *ab initio* of imprisonment have been realized. According to Igbo (2007) noted thus:

Children and young persons are not only immature physically and mentally, they can hardly distinguish between right and wrong. Their idea of right and wrong depends on the nature and extent of the socialization process. They are not as rational as adults in making decisions. Whereas very often, children and young persons act before thinking, adults generally think before acting.

Equally worthy of note as a challenge is a legal representation and arbitrary detention as most times those accused as suspects are poor illiterate and

Table 1: Overview of Prison in Nigeria

Country	Nigeria		
Ministry responsible	Ministry of Internal Affairs		
Prison administration	Nigerian Correctional Service		
Contact address	National Headquarters, Bill Clinton Drive, Airport Road, Abuja, Nigeria		
Telephone	+23492341709		
Fax	+23492344634		
Website	http://www.corrections.gov.ng/		
Head of a prison title	Controller General of Prisons		
Prison Population total (including pre-trial detainees/ remand prisoners)	62258 at 24-8-2020 (National Prison Administration)		
Prison population rate (per 100,000 of national population)	30 based on an estimated national population of 206.89 million in August 2020 (from United Nations figure)		
Pretrial detainees/remand prisoners (% of prison population)	72.9% (24-8-2020) further information		
Female prisoners (% of prison population)	1.9% (24-8-2020) further information		
Juvenile/Minors/Young prisoners (% of prison population)	1.7% (30-6-2014 – juveniles)		
Foreign prisoners (% of prison population)	0.3% (30-6-14)		
Number of establishments/ institutions	240 (July 2018)		
The official capacity of the prison system	50153 (July 2018)		
Occupancy level (based on official capacity)	146.8% (July 2018)		
Prison population trend (year, population total, prison population rate)	Year	Prison population	Prison population rate
	2000	44,450	36
	2002	40,048	31
	2004	38,999	29
	2006	40,953	29
	2008	41,143	27
	2010	46,586	29
	2012	51,560	31
	2014	56,785	32
	2016	63,142	34
2018	71,522	37	

Source: World Prison Brief ICPR, Birkbeck University of London.

disadvantaged Nigerians who cannot afford legal representation. In Nigeria, the law provides that the state should provide legal assistance to the suspect, the nature of his or her alleged crime notwithstanding. This service is hardly provided for reasons unknown, but it has been cursorily attributed to state insensitivity to the plights of her citizens (suspects or not). The scenario presented above cannot guarantee decent reformation of an inmate – that is why it would be ideal for an ex-offender after discharged need to be monitored and taken cares of.

EX-OFFENDER IN NIGERIA DYNAMICS

Being an ex-offender or a convict in Nigeria is a mixed narrative of the charade and double standards in terms of how they are perceived and treated. The ultimate justification of imprisonment according to the United Nations Minimum Treatment, while in prison, they were supposed to be wholistically reformed and upon society release, the inmates would be both willing and able to live a law-abiding and self-supporting life (Ogbozor et al. 2006). It has always been considered that ex-offenders' special needs and situations require

and occupies as it were, the priority of the government to seeing that ex-offenders shall be encouraged and assisted to maintain and establish relations with persons or agencies outside the institution which may promote the best interest of his family and his or her social rehabilitation.

These noble imperatives as concerns ex-offenders' welfare disposition are largely unattended to and grossly neglected in Nigeria and according to Ogbozor, Odoemena, and Obi (2006), ex-offender crises include but not limited to homelessness on release, unemployment, social discrimination, no incentives to engage in business to enable them to facilitate and enhance their seamless reintegration into the society. According to Aaron Barak, mentioned by Ogbozor et al. (2006), asserts thus: "though the prisoner has committed a crime and has been punished accordingly, his liberty has been taken away, but his human essence remains. Prison wall separates the prisoner from freedom, but the prison wall must not come between the prisoner and human dignity". No doubt the statutory mandate of prison is functional reformation and equipping inmates for a crime-free life on completion of imprisonment which unfortunately ends up as a system lacking "both deterrent and reformative values" and this in itself is a big challenge bedeviling the existence of ex-offenders. As alluded by Prof. Adeyemi cited in Ogbozor et al. (2006), "the prison system has become very costly to the economy, psychologically and emotionally destructive, socially damaging, culturally abhorrent and penologically disastrous".

Ex-offenders are socially, economically, politically, and culturally stigmatized to the extent that their daily activities are a constant reminder that society rejects and resents their reintegration and coexistence with other society members, which indisputably lures reoffending. Perhaps cases of the nature presented by Ogbozor et al. (2006) makes it more revealing and troubling the experiences they go through:

Case I

Name withheld

I was arrested and convicted in 1989. I was sentenced to 27 years imprisonment, granted a presidential pardon after 13 years and 3 months in 1989. On my release, I was given N40 (twice less than a dollar). I did not know where to go. The only thing I had was my clothes. The money was not enough to

take me to the next bus station. I have lost contact with everyone I knew outside the prison walls. I was confused, hungry, and homeless. I felt like going to prison.

Case II

I was released 3 years ago from prison. For 2 years I was jobless – I lost all of the job opportunities I had because I was an ex-prisoner; seen as a social misfit, an unreliable person. Even my present job is being threatened, I am continually being tempted to rely on my former company – those that made me commit the crime that initially took me to prison. All my resolutions to turn a new leaf is continually being threatened by my status as an ex-prisoner.

This is what ex-offenders are confronted with as they try to eke out a living. But there is another scenario that tends to applaud, herald, and appreciate ex-offenders or ex-convicts. These categories that are celebrated include the big politicians and the high-and-mighty in society. Not precluding advance fee fraudsters, internet nerds, and kidnapper kingpins which many youths look up to as role models. Even when in prison, they are treated preferentially to the extent that some of them are escorted to sleep in their houses at night and returned to the prison in the morning. The society rewards them handsomely with traditional chieftaincy titles, religious bodies even give them high positions like elders, deacons, apostles to mention but just a few. The crescendo of this insensitivity is how political appointments are given to them and how the system manipulates to present them to be elected as senators, local government chairmen, house of assembly members, governors, and even presidents. The implication, therefore, is that reoffending in whatever angle is looked at in Nigeria, tends to be encouraged by rewards which can be negative (stigmatization) and positive (giving appointive position in government).

WHY REOFFENDING IN NIGERIA

No one can controvert the fact that the Nigerian prison system is experiencing an immense increase in persons relapsing into recidivism which is indeed a big challenge in achieving imprisonment objectives. Many factors have been adduced to have informed why the rate of recidivism is exponential in the country. Otu (2015) has maintained, as some of the reasons predisposing re-offending in Nigeria to include, stigmatization which is very preponderant especially in

the context of a small offender (i.e. like a pickpocket, violating traffic light, etc.). This phenomenon is unnecessarily choking and unbearable to ex-offenders to the extent that they feel unwanted, denigrated, and insulted to look like pariah individuals.

Discrimination is what has militated against the proper and true re-integration of ex-offenders in Nigerian society. Just like stigmatization, ex-offenders are discriminated against in entitlements, employment, appointments (the small criminals who incidentally form the bulk of offenders), etc. When this kind of bad behavioural energy is exhibited toward an ex-offender who has gone through very gory and devastating experiences in prison, it would be incomprehensible to coexist with people that find him/her reprehensible for them; prisons become non-negotiable because that is where they feel more accommodated.

More excruciating for them is the total absence of aftercare services or reintegration support programmes like the state-of-the-art vocational skill and qualitative formal industrial or agricultural training plan, job training, educational programmes, monthly monetary stipends, and all other sundry post-release services care for an ex-offender, authenticate the claims of recidivating. Otu (2015), amplifying this position and opined that to release economically, psychologically, physically, and socially demoralized inmates without proper follow-up programmes and basic apparatus of vocational tools certification, etc. to enable them to become self-reliant portends a great danger.

Gendreau, Little, and Goggin (1996) cited in Otu (2015) implicated static risk factors as being predicting re-offending. The static risk here represents the demographic or criminal history variables which are determined beforehand, such as gender, age when first convicted of an offence, having a parent with a criminal record, present age, constitute the strongest predictors of re-offending. They further posited that recidivism is associated with other criminogenic needs which are referred to as a cluster of factors of criminal peers, criminal history or history of anti-social behavior, social achievement, and family factor – all these have an impact on the likelihood of released inmates' recidivating. As rightly observed, the success of rehabilitating inmates is undermined because offenders often return to the same communities where they can easily become active participants again in criminal ventures.

PREVENTING RECIDIVISM IN NIGERIA

Imprisonment *ab initio* is meant to reform and properly rehabilitate inmates to become better citizens upon release – i.e. law-abiding, with functional formal or informal education, vocational skill acquisition training which would help facilitate their reintegration into society. But given the Nigerian prison system presently, it seems as though there are defective processes on how to bring these laudable imprisonment objectives to bear. From the concern as to why an ex-offender recidivates, McKean and Ransford (2004) proposed far-reaching programmes that can reduce or, like in the Scandinavian countries, obliterate reoffending to include:

- i. Treatment for substance and drug abuse can help extricate barriers that prevent employment and reintegration.
- ii. Education provides the skills necessary for inmates to access jobs that can lead to successful outputs.
- iii. Providing employment mandatorily for released inmates by the government to support and increase their stability and self-confidence.

It should be noted however that during incarceration, the prison authority(ies) should introduce reformatory, rehabilitative, and re-integrative programmes that focus on inmates' development which encompasses psychological/mental wellbeing, social services, religious care, education, and prison-industrial/vocational skill acquisitions, emphasizing the non-retributive and humane purposes of imprisonment and adequate funding through self-sustaining financial prison industry (Chukwumerize, 2012 cited in Otu, 2015).

CONCLUSION AND RECOMMENDATIONS

From the foregoing, the paper ascertained that re-offending has a very serious negative image in the Nigerian prison reformatory processes that impact the socio-economic and security stance of the country. Granted, crime is not acceptable and abhorred, but excuses should not be advanced to justify governing authority saddled with the responsibility of providing the needed services and welfare to her citizens to dissuade criminality renege. Equally, to be noted, there are multi correlates that encourage reoffending which include but not limited to those mentioned in the work. Therefore, as part of the recommendations:

- a. The government should equip all correctional facilities in Nigeria with the approved international standards that through it, inmates after release, can be meaningfully engaged and be relatively self-sustaining.
- b. The government through its agencies like National Orientation Agency, federal radio, and television in conjunction with the religious bodies, sensitize the public on the danger of stigmatizing ex-convicts because it has far-reaching consequences.
- c. With the help of social workers, there should be a follow-up and evaluative scheme that requires an ex-offender to constantly be monitored to prevent reoffending.
- d. Schools should be established in the prisons and properly funded by the government to help to functionally educate and reshape the minds of the inmates so that upon release they will be better citizens.
- e. Any prison officer who abuses and unlawfully torture an inmate should be punished per the law.

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