

THE FORGOTTEN ONES: EXAMINING THE NECESSITY FOR THE PROTECTION OF INMATES' RIGHTS UNDER THE LAW

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Abstract

This article examines the legal, constitutional, and human rights imperatives for protecting inmates' rights in Nigeria. The paper seeks to interrogate the doctrinal basis of inmates' rights under the 1999 Constitution, international human rights law, and the Nigerian Correctional Service Act 2019 and assess the extent to which current custodial practices comply with standards on dignity, health, fair trial, and non-discrimination to identify systemic gaps including overcrowding, inadequate healthcare, prolonged pre-trial detention, and lack of effective remedies; and propose legal and institutional reforms to ensure that incarceration does not result in the forfeiture of fundamental human rights. The study adopts a doctrinal and socio-legal research methodology. The paper reviews inmates' rights, constitutional and international frameworks, custodial realities, violations, and accountability and reform. The paper finds that Nigerian law recognizes that inmates retain all rights except those necessarily limited by lawful detention, yet practice often treats imprisonment as total civil death, among others. The article recommends full operationalization of the Nigerian Correctional Service Act 2019 with enforceable standards on rehabilitation, healthcare, and separation of persons awaiting trial. Implementing these measures will reaffirm the principle that inmates are rights-holders, not "the forgotten ones," and

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align Nigeria's custodial system with constitutional and international obligations.

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1.0 INTRODUCTION

The plight of inmates in Nigerian correctional facilities remains one of the most glaring failures of the country's justice system.¹ Despite a seemingly robust legal framework spanning domestic, regional, and international instruments, the reality on the ground reveals a persistent and systemic disregard for the fundamental human rights of those deprived of their liberty. This paper examines the legal architecture designed to protect inmates' rights and interrogates why, notwithstanding its theoretical soundness, it has largely failed to deliver meaningful protection in practice.

Nigeria's prison population stands at approximately 80,000 as of mid-2026, with an overcrowding rate exceeding 150% in many facilities.² Reports of congestion, inadequate healthcare, poor sanitation, torture, and extrajudicial killings continue to surface with disturbing regularity. The United Nations Office on Drugs and Crime (UNODC) has consistently highlighted Nigeria as one of the African countries with the most severe prison overcrowding and human rights challenges.³ These conditions not only violate the dignity of inmates but also undermine the rehabilitative objectives of the correctional system, perpetuating cycles of recidivism and social instability.

¹ Nigeria Correctional Service, *Annual Statistical Report 2025* (NCS 2026) 12.

² Ibid 15.

³ United Nations Office on Drugs and Crime, *Global Prison Trends 2026* (UNODC 2026) 45.

The legal framework for the protection of inmates' rights in Nigeria operates at three interconnected levels. At the domestic level, the Constitution of the Federal Republic of Nigeria 1999 (as amended) provides the foundational guarantees, particularly through Chapter IV (Fundamental Rights).⁴ Key statutes such as the Nigerian Correctional Service Act 2019 and the Administration of Criminal Justice Act 2015 further elaborate on the treatment of persons in custody.⁵ Regionally, Nigeria is bound by the African Charter on Human and Peoples' Rights (African Charter), which has been domesticated and enjoys constitutional force. Internationally, Nigeria has ratified core instruments including the International Covenant on Civil and Political Rights (ICCPR), the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), and the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules).⁶

Theoretically, this multi-layered framework is reasonably comprehensive. The Constitution prohibits torture, inhuman or degrading treatment, guarantees the right to dignity and personal liberty, and mandates humane treatment of prisoners.⁷ The Nigerian Correctional Service Act 2019 explicitly adopts the Nelson Mandela Rules and emphasises reformation, rehabilitation, and reintegration. The African Charter and international treaties reinforce these

⁴ Constitution of the Federal Republic of Nigeria 1999 (as amended) ss 34–35.

⁵ Nigerian Correctional Service Act 2019; Administration of Criminal Justice Act 2015.

⁶ African Charter on Human and Peoples' Rights (adopted 27 June 1981, entered into force 21 October 1986) 1520 UNTS 217 (ratified by Nigeria 1983); International Covenant on Civil and Political Rights (adopted 16 December 1966, entered into force 23 March 1976) 999 UNTS 171; United Nations Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules) UN Doc A/RES/70/175 (17 December 2015).

⁷ Constitution of the Federal Republic of Nigeria 1999 (as amended) s 34.

obligations, creating a normative environment that, on paper, aligns with global best practices.

Yet, the gap between law and practice remains alarmingly wide. Overcrowding, inadequate medical care, prolonged pre-trial detention (with some inmates awaiting trial for over a decade), and routine violations of due process rights continue unabated.⁸ The African Commission on Human and Peoples' Rights and various domestic courts have repeatedly condemned these conditions.⁹ This introduction therefore sets the normative standard against which the subsequent analysis of implementation failures will be measured. It establishes the legal benchmarks while acknowledging inherent limitations within the framework itself. A deeper interrogation of the structural, institutional, and socio-political reasons for the persistent gap between law and lived reality is examined in the later part of the paper.

The protection of inmates' rights is not merely a legal or humanitarian imperative; it is a constitutional and moral obligation that reflects the character of the Nigerian state. As long as the "forgotten ones" in our correctional facilities remain unprotected, the nation's commitment to the rule of law and human dignity remains profoundly compromised. This paper seeks to contribute to the urgent discourse on bridging this enduring divide.

2.0 NATIONAL LEGAL FRAMEWORKS

⁸ Human Rights Watch, *"They Set the Classrooms on Fire": Attacks on Education in Northeast Nigeria* (2023) 67.

⁹ See *Socio-Economic Rights and Accountability Project (SERAP) v Nigeria* (unreported, ECOWAS Court of Justice, 26 November 2020); African Commission on Human and Peoples' Rights, *Resolution on Prisons in Africa* (2002).

2.1 The Constitution of the Federal Republic of Nigeria 1999

The Constitution of the Federal Republic of Nigeria 1999 is the grundnorm, that is, the supreme law of the land. Any law inconsistent with its provisions is void to the extent of that inconsistency.¹⁰ It is the natural starting point for any examination of the rights of Nigerian inmates, because the constitutional protections it provides are the highest form of domestic legal protection available and apply to all persons within Nigeria, including those in custody.

The rights most directly relevant to the situation of inmates are contained in Chapter IV of the Constitution.¹¹ Section 34 is the foundational provision. It guarantees to every individual the right to respect for the dignity of the human person and provides, in subsection (1)(a), that no person shall be subject to torture or to inhuman or degrading treatment. Subsection (1)(b) further prohibits slavery and forced labour. These prohibitions are absolute as the Constitution draws no distinction between free persons and those in custodial care.

Section 35 addresses personal liberty and is of particular importance for the pretrial detention problem that defines the Nigerian correctional crisis. Subsection (4) provides that any person arrested or detained on a criminal charge who is not tried within a reasonable time shall be released, and subsection (5)(b) further requires that any such person shall, if not tried, be released within 24 hours or within two working days where there is no court within a 40-kilometre radius.¹² The fact that these constitutional provisions have not prevented Nigeria's near-

¹⁰ Constitution of the Federal Republic of Nigeria 1999 (as amended), s 1(3) [hereinafter CFRN 1999]. See also ss 34, 35, 36 and 46 for the fundamental rights provisions most directly relevant to the situation of inmates.

¹¹ See Constitution of the Federal Republic of Nigeria 1999 (as amended), ss.33-46.

¹² CFRN 1999, ss 35(4) and 35(5)(b). The 24-hour rule is subject to a 48-hour extension where the nearest court is more than 40 kilometres from the place of arrest.

seventy-percent awaiting-trial population is, in itself, a telling commentary on the gap between constitutional text and institutional reality.

The right to fair hearing is assured in section 36. It includes the right to be given adequate time and facilities to prepare a defence, and the right to be defended by counsel of the accused's own choice.¹³ The significance of legal representation for inmates in Nigerian custodial facilities and the systematic failure to make it available is documented in Chapter Four. It is also worth noting that the Constitution contains a limitation clause under section 45, which permits derogation from certain rights in the interest of public order or security. However, section 45 does not permit derogation from section 34. The absolute character of the prohibition of torture is therefore constitutionally entrenched and cannot be overridden by any law or executive action, regardless of the circumstances.

The enforcement mechanism for Chapter IV rights is provided by section 46 CFRN 1999, which grants any person who alleges a violation of the fundamental rights provisions the right to apply to a High Court for redress. This is an important provision in principle, but it depends on the inmate having access to legal process which, as Ekpewoh and Okon have documented, the majority of Nigerian inmates effectively do not.¹⁴

2.2.2 The Nigerian Correctional Service Act 2019

The Nigerian Correctional Service Act 2019 is the most detailed domestic instrument governing the rights of inmates and the obligations of the correctional service toward them. It repealed the

¹³ibid s 36(6)(b)(c).

¹⁴SOE Ekpewoh and EEO Okon, 'Legal Aid and Access to Justice for Inmates in Nigeria: Challenges and Solutions' (2024) 8(10) *International Journal of Research and Innovation in Social Science* 530, 533.

Prisons Act¹⁵ and introduced a new statutory framework built around the principles of reformation, rehabilitation, and reintegration.¹⁶ Its stated objectives include ensuring compliance with international human rights standards, providing an enabling platform for the implementation of non-custodial measures, and establishing mechanisms to address the high number of persons awaiting trial objectives that are not merely aspirational but constitute the statutory mandate against which the performance of the correctional service is to be measured.

Section 10 CFRN 1999 states the functions of the Custodial Service. These include the provision of safe, secure, and humane custody for inmates, the implementation of reformation and rehabilitation programmes, the conduct of risk and needs assessments aimed at developing appropriate correctional treatment methods, and the initiation of behaviour modification through medical, psychological, spiritual, and counselling services. Section 10(h) goes further, mandating the empowerment of inmates through educational and vocational skills training programmes and the facilitation of income-generating activities within custodial facilities.

On the specific question of overcrowding, section 12 CFRN 1999 addresses the problem directly. Where a custodial centre exceeds its official capacity, the superintendent is required to notify relevant judicial and executive authorities within one week, and those authorities are mandated to take necessary steps to rectify the overcrowding within three months. The State Controller is also empowered to refuse new intakes where a facility is filled to

¹⁵ Cap P29 LFN 2004

¹⁶Nigerian Correctional Service Act 2019, s 45 [hereinafter NCoS Act 2019]. The Act's objectives are set out in s 2.

capacity.¹⁷ These provisions represent a genuine legislative attempt to address what has been the most persistent structural feature of Nigerian custodial facilities for decades.

Section 14 CFRN 1999 deals with reformation and rehabilitation in detail. The Correctional Service is required to provide opportunities for education, training, vocational training, and modern farming techniques for inmates. Industrial centres equipped with modern vocational skills training facilities are to be established and run in designated custodial centres. Of particular note is subsection (4), which provides that where inmates participate in income-generating activities, one-third of the revenue shall be set aside for the participating inmates; a provision that envisions productive inmate labour as both economically beneficial and genuinely rehabilitative. Subsection (8) contains the explicit statutory prohibition of torture, inhumane and degrading treatment, and sexual violence against inmates.¹⁸

Healthcare is addressed in sections 23 and 24 CFRN 1999. The Correctional Service is required to establish a health centre and deploy at least one medical doctor in all main custodial centres. Healthcare practitioners are to inspect each centre daily and report on food quality, hygiene, sanitation, and the condition of inmates' clothing and bedding. Section 24 addresses mental health specifically, requiring the establishment of mental health review boards in all states and the appointment of qualified health practitioners to inquire into the mental

¹⁷ NCoS Act 2019, ss 12(4)–(7). The notified authorities are the Chief Judge, Attorney-General, Prerogative of Mercy Committee, State Criminal Justice Committee, and other relevant bodies.

¹⁸ *ibid* s 14(1)(2)(4)(8). The one-third revenue sharing formula under s 14(4) applies to enterprises conducted by or on behalf of the Correctional Service in which inmates participate.

health status of inmates where necessary.¹⁹ The gap between these statutory requirements and the documented absence of functional healthcare in most Nigerian correctional facilities is one of the most troubling findings of the existing literature.

Death in custody is addressed in section 32 CFRN 1999, which requires immediate reporting, investigation, and the institution of an inquest to ascertain the nature and circumstances of the death. Where the investigation reveals that injury or death was caused by the negligence or unlawful action of a correctional officer, that officer shall be suspended and handed over for prosecution, and the Correctional Service shall pay appropriate compensation.²⁰ The provisions on female inmates and juvenile offenders, contained in sections 34 and 35 CFRN 1999 respectively, make specific requirements including separate facilities, prenatal and antenatal care for female inmates, and the prohibition of young offenders being held in adult custodial facilities.²¹ Ebeniro's research on female offenders and Godwin Emeka and Nweke's analysis of the juvenile justice system each draw attention to the particular vulnerabilities of these groups and the systematic failure to implement the protective provisions that already exist on paper.²²

¹⁹ibid ss 23(4) and 24(1). Section 24 further requires the establishment of Mental Health Review Boards in all states of the Federation.

²⁰ibid s 32(3)(4). Where investigation reveals that death or injury was caused by the negligence or unlawful action of a correctional officer, the Correctional Service is liable to pay appropriate compensation to the victim or the victim's family.

²¹ibid ss 34(1)–(6) and 35(1)(2).

²²CD Ebeniro, 'The Problems of Administration of Justice on Female Offenders in Nigeria' (2011) 4 *African Journal of Criminology and Justice Studies* 4, 7; N Godwin Emeka and RO Nweke, 'The 1999 Constitution and Juvenile Justice System in Nigeria' (2025) 7 *International Journal of Comparative Law and Legal Philosophy* 1, 5.

Finally, Part II of the NCoS Act sections 37 to 44, establishes the Nigerian Non-Custodial Service and makes provision for community service, probation, parole, and restorative justice measures, including victim-offender mediation and family group conferencing.²³ These provisions are among the most forward-looking in the entire statute. Their implementation, as this study documents, has been minimal.

2.2.3 The Administration of Criminal Justice Act 2015

The Administration of Criminal Justice Act 2015 was enacted to reform and modernise criminal justice procedure in Nigeria, replacing the Criminal Procedure Act and Criminal Procedure Code. While it is primarily a procedural statute, its relevance to the rights of inmates, particularly the large awaiting trial population, is direct and substantial. Its bail provisions, speedy trial requirements, and obligations on police and prosecutors regarding the timeframe for charge and arraignment are the legislative instruments most directly designed to prevent the prolonged pretrial detention that constitutes Nigeria's most pervasive correctional rights problem.²⁴

Section 293 ACJA 2015 requires that a suspect arrested without warrant be charged before a court or released within 24 hours of arrest. The bail provisions in sections 158 to 167 are detailed and, in principle, generous; providing for bail pending trial and, significantly, for the release of an accused where the trial has not commenced within a reasonable time. Section 396 requires that criminal trials be conducted on a day-to-day basis once they have begun, specifically to address the problem of frequent adjournments that has historically driven prolonged pretrial detention.

²³NCoS Act 2019, ss 37–43.

²⁴Administration of Criminal Justice Act 2015, ss 158, 162, 167, 293 and 396 [hereinafter ACJA 2015].

Agada and Umbu, and separately Aidonojie and others, have each demonstrated that these provisions have not translated into any meaningful reduction in the awaiting trial population.²⁵The institutions responsible for implementing the ACJA (the police, prosecutors, and courts) have not changed their practices in any fundamental way. The statute is well drafted, but the problem, as this study finds, lies elsewhere.

3.0 REGIONAL LEGAL FRAMEWORK

3.1. The African Charter on Human and Peoples' Rights

The African Charter on Human and Peoples' Rights (ACHPR) was adopted by the Organisation of African Unity on 27 June 1981 and entered into force on 21 October 1986. Nigeria ratified the Charter and domesticated it through the African Charter on Human and Peoples' Rights (Ratification and Enforcement) Act,²⁶ giving it the force of domestic law and making its rights enforceable in Nigerian courts.²⁷

Article 4 ACHPR 2004 assures the right to life and prohibits arbitrary deprivation of that right. In the custodial context, this provision is directly engaged by the documented cases of deaths in Nigerian correctional facilities resulting from medical neglect, violence, or the conditions of overcrowding. Article 5 ACHPR 2004 guarantees every individual the right to respect for the dignity inherent in a human being and specifically prohibits torture, cruel, inhuman, or degrading

²⁵J Agada and EI Umbu, 'Criminal Justice Administration in Nigeria: A Critical Look at the Administration of Criminal Justice Act 2015' (2019) 10 Babcock University Socio-Legal Journal 1, 8; PA Aidonojie and others, 'The Legal Issues Concerning the Implementation of the Administration of Criminal Justice Act of Nigeria' (2024) 10 NIU Journal of Legal Studies 31, 35.

²⁶ Cap A9 LFN 2004

²⁷African Charter on Human and Peoples' Rights (Ratification and Enforcement) Act Cap A9 LFN 2004; African Charter on Human and Peoples' Rights (adopted 27 June 1981, entered into force 21 October 1986) OAU Doc CAB/LEG/67/3 rev 5, arts 4, 5, 6 and 7 [hereinafter African Charter].

punishment and treatment, reinforcing, at the regional level, the absolute character of the prohibition already established domestically. Article 6 ACHPR 2004 prohibits arbitrary arrest or detention and provides that no one may be deprived of freedom except for reasons and conditions previously laid down by law. Article 7 ACHPR 2004 guarantees the right to a fair trial, including the right to be presumed innocent, the right to be defended by counsel of the individual's choice, and the right to be tried within a reasonable time.

The enforcement mechanism of the Charter is the African Commission on Human and Peoples' Rights, which has considered several communications involving conditions of detention in Nigerian facilities and has consistently held that prolonged arbitrary detention and torture constitute violations of Articles 5 and 6 ACHPR 2004.²⁸ Of particular significance is the decision of the ECOWAS Community Court of Justice in *Sikiru Alade v Federal Republic of Nigeria*, in which the Court held that Nigeria's detention of the applicant for nine years at Kirikiri Maximum Security Prison without trial constituted a violation of Article 6 of the African Charter and ordered his immediate release and the payment of compensation.²⁹ This case illustrates that Nigeria's pretrial detention practice has been found to violate its regional human rights obligations by a binding judicial decision.

4.0 INTERNATIONAL LEGAL FRAMEWORKS

4.1 The International Covenant on Civil and Political Rights

The International Covenant on Civil and Political Rights (ICCPR) was adopted by the United Nations General Assembly on 16 December 1966 and entered into force on 23 March 1976. Nigeria acceded to the

²⁸ Amnesty International, *A Guide to the African Commission on Human and Peoples' Rights* (Amnesty International International Secretariat 2007) 34.

²⁹ *Sikiru Alade v Federal Republic of Nigeria* (ECOWAS Community Court of Justice, Judgment of 11 June 2012).

Covenant in 1993 and is bound by its obligations under international law.³⁰ The provisions most directly relevant to the rights of inmates are Articles 7, 9, 10, and 14. Article 7 ICCPR 1976 prohibits torture and cruel, inhuman, or degrading treatment or punishment in absolute terms, permitting no derogation even in states of emergency. Article 9 ICCPR 1976 prohibits arbitrary arrest and detention and provides in subsection (3) that anyone arrested or detained on a criminal charge shall be entitled to trial within a reasonable time or release, with pretrial detention treated as an exception requiring specific justification, not a default response to the lodging of criminal charges.

Furthermore, Article 10 ICCPR 1976 is perhaps the most comprehensive provision for the purposes of this study. Subsection (1) requires that all persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person. Subsection (2)(a) requires that accused persons shall, save in exceptional circumstances, be segregated from convicted persons. Subsection (3) provides that the penitentiary system shall comprise treatment the essential aim of which shall be the reformation and social rehabilitation of prisoners. These three requirements: humane treatment, separation of accused from convicted persons, and rehabilitation as the essential aim of imprisonment, capture in a single article the standards against which Nigerian correctional practice falls most visibly short. Article 14 provides for equality before courts and tribunals and sets out the minimum fair trial guarantees applicable to persons charged with criminal offences.

4.2 The United Nations Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules)

³⁰International Covenant on Civil and Political Rights (adopted 16 December 1966, entered into force 23 March 1976) 999 UNTS 171, arts 7, 9, 10 and 14 [hereinafter ICCPR]. Note that art 4(2) expressly excludes art 7 from permissible derogation even in a state of public emergency.

The United Nations Standard Minimum Rules for the Treatment of Prisoners, originally adopted in 1955 and comprehensively revised in 2015 under the designation of the Nelson Mandela Rules (NMR), represent the most detailed international articulation of the minimum standards that states are expected to observe in the management of custodial facilities.³¹ The Rules are not a binding treaty, but they are the authoritative expression of the minimum standards required by international human rights law and carry persuasive weight in the assessment of state practice. It is also worth noting that section 2(a) of the NCoS Act 2019 expressly commits Nigeria to ensuring compliance with international human rights standards, a provision that most naturally extends to instruments of this character.

Rule 1 NMR 2015 provides that all prisoners shall be treated with the respect due to their inherent dignity. Rules 12 to 17 NMR 2015 address accommodation, requiring that sleeping accommodation shall meet all requirements of health and that sanitary installations shall be adequate for inmates to comply with the needs of nature in a clean and decent manner. Rule 22 NMR 2015 requires that every prisoner shall be provided with food of nutritional value adequate for health and strength. Rule 24 NMR 2015 is one of the most important provisions in the entire instrument, as it requires that prisoners shall enjoy the same standards of healthcare that are available in the community. This ties the minimum acceptable level of healthcare for inmates to the general community standard rather than to some lower prison-specific benchmark. Rules 61 and 88 NMR 2015 address legal access and the purpose of imprisonment respectively, requiring that prisoners be allowed to communicate with their legal adviser and affirming that the purpose of imprisonment must include preparation for reintegration.

³¹United Nations Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules), GA Res 70/175, UN Doc A/RES/70/175 (17 December 2015), Rules 1, 12–17, 22, 24, 44, 61, 88 and 111 [hereinafter Nelson Mandela Rules].

Rule 111 NMR 2015 provides that untried prisoners shall not be subjected to any greater restriction or severity than is necessary for safe custody.

Taken as a whole, the Nelson Mandela Rules establish a detailed standard across every dimension of prison management. As Coyle has observed, these standards represent not an ideal to aspire to but a minimum below which no prison system can fall without violating the basic dignity of its inmates.³²

4.3 The Convention Against Torture

The Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment was adopted on 10 December 1984 and entered into force on 26 June 1987. Nigeria ratified the Convention in 2001.³³ Article 1 defines torture as any act by which severe pain or suffering, physical or mental, is intentionally inflicted by or with the acquiescence of a public official for purposes including obtaining information, punishment, intimidation, or discrimination. Article 2 necessitates an absolute obligation to take effective measures to prevent torture and is explicit that no exceptional circumstances whatsoever may be invoked as justification. Articles 4 and 11 require that all acts of torture be criminal offences and that the state keep under systematic review the rules, practices, and arrangements for the custody and treatment of detained persons. Articles 12 and 13 assure every individual who alleges torture the right to a prompt and impartial investigation and the right to complain to competent authorities.

³²A Coyle, *A Human Rights Approach to Prison Management: Handbook for Prison Staff* (International Centre for Prison Studies 2002) 23.

³³Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (adopted 10 December 1984, entered into force 26 June 1987) 1465 UNTS 85, arts 1, 2, 4, 11, 12 and 13 [hereinafter CAT].

The IRCT's 2024 Nigeria Briefing Note, which documents specific cases of torture within Nigerian correctional and detention facilities, provides the kind of credible evidence that confirms Nigeria's obligations under the CAT are currently not being met.³⁴

5.0 THE NIGERIAN CORRECTIONAL FACILITIES, TREATMENT, AND INTERNATIONAL BEST PRACTICES

The Nigerian correctional system, restructured under the Nigerian Correctional Service Act 2019, represents a deliberate policy shift from the punitive orientation of the repealed Prisons Act towards a more rehabilitative and human rights-compliant framework. Despite these legal advancements, longstanding issues of overcrowding, poor infrastructure, inadequate healthcare, and implementation shortfalls continue to define the lived reality for many inmates, resulting in conditions that frequently breach international minimum standards.³⁵ This section analyses the prevailing situation in Nigerian correctional facilities, evaluates inmate treatment, and benchmarks these against international best practices, particularly the United Nations Nelson Mandela Rules.³⁶

Nigeria currently maintains around 240 correctional facilities with a total inmate population fluctuating between 80,000 and 84,000 in 2025–2026.³⁷ A defining characteristic is the dominance of awaiting-trial persons (ATPs), who constitute approximately 64–68% of inmates. This stems largely from protracted delays in the criminal

³⁴International Rehabilitation Council for Torture Victims, 'Nigeria Briefing Note — Torture' (IRCT, November 2024) <<https://irct.org/wp-content/uploads/2024/11/Nigeria-briefing-note-torture.pdf>> accessed 9 April 2026.

³⁵ Nigerian Correctional Service Act 2019 (Act No 9 of 2019) ss 1–2, 9–36 (Custodial Service provisions).

³⁶ European Union Agency for Asylum, 'Nigeria Country Focus: 2.1.3 Prison Conditions and Treatment of Detainees' (2025).

³⁷ National Human Rights Commission, *Prison Report 2018* (NHRC 2018).

justice system, leading to severe overcrowding in many centres, often exceeding 130% of designed capacity and reaching extremes in metropolitan facilities. Inmates frequently sleep in shifts or on floors, with limited personal space, heightening risks of violence, infectious diseases, and mental health deterioration.

Sanitary conditions are routinely substandard. National audits report overflowing toilets, inadequate bathing facilities, poor ventilation, and inconsistent access to potable water. Nutritional provisions are often insufficient in both quantity and quality, while medical services suffer from shortages of personnel, equipment, and medication. Mental healthcare remains particularly underdeveloped, despite statutory provisions. Treatment concerns extend to restricted family contact, inadequate clothing and bedding, and reports of differential treatment based on status or influence.³⁸

The NCoS Act 2019 introduces important safeguards, including mandates for humane custody, prevention of torture and violence, basic needs fulfilment, risk assessments, and rehabilitation programmes. Some vocational and skills initiatives have benefited thousands of inmates in recent years. Nevertheless, systemic resource and operational constraints limit their reach and effectiveness.

International best practices are encapsulated in the Nelson Mandela Rules (2015),³⁹ which the UN General Assembly adopted as the revised Standard Minimum Rules for the Treatment of Prisoners. These rules set universally accepted minima grounded in human

³⁸ O.E Joseph and others, 'Prison Overcrowding Trend in Nigeria and Policy Implications on Health' (2021) and subsequent 2025 studies.

³⁹ UN General Assembly, United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), UN Doc A/RES/70/175 (17 December 2015).

dignity.⁴⁰ The Rules affirms respect for the inherent dignity of prisoners and prohibits torture or cruel, inhuman, or degrading treatment. Rule 4 emphasises that the primary purposes of imprisonment are societal protection and recidivism reduction through reintegration. Detailed provisions address accommodation (Rules 12–14: minimum space, ventilation, lighting), hygiene and personal care (Rules 15–18), clothing and bedding (Rules 19–21), food and water (Rule 22), and healthcare equivalent to that available in the community (Rules 24–25). The Rules further require separation of categories (Rule 11), meaningful activities, family contact, independent oversight, and proportionate discipline with strict limits on solitary confinement.

The NCoS Act demonstrates substantial normative alignment with these standards. It explicitly commits to international human rights compliance, establishes non-custodial alternatives to reduce overcrowding, and incorporates provisions on basic welfare and rehabilitation. Nigeria has engaged in UNODC-supported training programmes linked to the Rules. However, practical compliance lags considerably. Overcrowding and excessive pre-trial detention contravene the Rules’ emphasis on necessity and adequacy of conditions.⁴¹ Living standards often fail to satisfy minima on space, sanitation, nutrition, and health. Rehabilitation efforts are uneven, non-custodial measures remain underutilised, and robust independent monitoring is still developing.

These discrepancies arise from chronic underfunding, judicial inefficiencies, corruption, and coordination challenges, transforming many facilities into “human warehouses” rather than centres of

⁴⁰ Ibid, Nelson Mandela Rules; Rule 4; Rules 12–14; Rules 15–18; 19–21; Rule 22; 24–25; and Rule 11.

⁴¹ UNODC, resources on Mandela Rules training and implementation in Nigeria.

correction. National Human Rights Commission reports have consistently documented these shortfalls across geopolitical zones.⁴² Closing the gap requires urgent, multifaceted action: expediting judicial processes and expanding non-custodial options; investing in infrastructure, healthcare, and staffing; scaling evidence-based rehabilitation with monitoring; strengthening oversight mechanisms; and tackling socioeconomic drivers of incarceration.

In conclusion, the 2019 Act offers a solid foundation, but translating its vision into reality demands sustained commitment. Greater alignment with the Nelson Mandela Rules would uphold constitutional and international obligations while advancing more effective, humane, and sustainable correctional outcomes in Nigeria.

6.0 CONCLUSION AND RECOMMENDATIONS

This paper has examined the legal framework for the protection of inmates' rights in Nigeria across three levels: domestic, regional, and international. At every level, the framework is more substantial and not commonly appreciated. The CFRN 1999 contains absolute constitutional prohibitions on torture and inhumane treatment that apply to all persons within Nigeria, including those in custody. The NCoS Act 2019 provides detailed statutory protections across the full range of conditions that affect inmates, from healthcare and mental health through rehabilitation programming, female welfare, juvenile protection, and the management of overcrowding. The ACJA 2015 contains procedural protections specifically designed to reduce the pretrial detention population. The African Charter, the ICCPR, the Nelson Mandela Rules, and the CAT each set out international and

⁴² 'How corruption, overcrowding, weak justice systems turn Nigerian prisons into 'human warehouses' — Report' Premium Times (1 April 2026) accessed 3 July 2026.

regional standards that reinforce and, in many respects, exceed the domestic provisions.

What this framework establishes, cumulatively, is a clear and comprehensive normative standard: inmates are entitled to humane treatment; detention must not be prolonged arbitrarily; rehabilitation must be the purpose of imprisonment; and the state bears positive obligations to provide healthcare, legal access, and conditions consistent with human dignity. The problem this paper examined include the substandard facilities and treatment of inmates that has not been met. The laws exist. The obligations are binding. The gap is in implementation, institutional culture, and political will and it is that gap, more than any deficiency in the legal framework itself, that constitutes the human rights crisis in Nigerian correctional facilities.

6.1 Recommendations for Reforming Nigerian Correctional Facilities

To bridge the gap between the Nigerian Correctional Service Act 2019 and Nelson Mandela Rules standards, the following targeted recommendations are proposed:

- i. Decongestion and Judicial Efficiency* — Expedite trials for awaiting-trial persons (who form 64–68% of inmates) through digital case management, more judges, and stricter adherence to time limits under the Administration of Criminal Justice Act. Expand non-custodial measures (community service, probation, parole) as mandated by the NCoS Act to reduce unnecessary incarceration.
- ii. Infrastructure and Basic Conditions* — Allocate dedicated funding for renovation, expansion, and maintenance of facilities to meet minimum space, ventilation, sanitation,

- lighting, and bedding requirements (Mandela Rules 12–21). Ensure consistent access to nutritious food and potable water.
- iii. Healthcare and Welfare* — Strengthen on-site medical facilities to provide community-equivalent care (Rules 24–25), with dedicated budgets for medicines, mental health professionals, and infectious disease prevention. Address discriminatory treatment through clear oversight protocols.
 - iv. Rehabilitation and Reintegration* — Scale up vocational training, education, and skills programmes for all inmates, supported by individual risk/needs assessments. Partner with NGOs and private sector for post-release support to reduce recidivism (Rule 4).
 - v. Oversight and Accountability* — Fully establish and resource a National Preventive Mechanism under OPCAT. Strengthen the National Human Rights Commission's monitoring role with regular unannounced visits and public reporting. Provide human rights training for all correctional staff.
 - vi. Sustainable Funding and Coordination* — Increase budgetary allocation beyond current levels and improve inter-agency collaboration (judiciary, interior ministry, social services). Address socioeconomic root causes through broader criminal justice and poverty-reduction policies.

These steps, if implemented with political will and monitoring, would significantly improve compliance with international standards, uphold inmate dignity, and enhance public safety through better rehabilitation outcomes.