

**UNDERSTANDING THE COMPLEXITIES OF OVERCROWDING IN NIGERIAN
CORRECTIONAL SERVICE: EXPLORING LEGAL AND SOCIOLOGICAL
FACTORS AND THEIR IMPACTS ON INMATE WELL-BEING AND THE
INSTITUTIONAL DYNAMICS**

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ABSTRACT

One major challenge that the Nigerian Correctional Service faces is the burden of overcrowding in its facilities across the country and this has birthed a bad impact on both inmates and the correctional institution. This research examines the legal and sociological factors contributing to overcrowding in Nigerian prisons. Through an in-depth appraisal, factors worsening the congestion were investigated and its impact on the well-being of inmates and institutional arrangements were explored. Potential solutions have been made to address and improve the condition of Nigerian prisons, ultimately seeking to enhance the effectiveness and humane operation of the correctional system.

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1.0 INTRODUCTION

The correctional service is a facility prepared for people who default in the law of the land; it is a secured building for criminals who the law of the land has caught up with. The Oxford Dictionary defines a prison as a building where people are kept as a punishment for a crime they have committed or while awaiting trial. When a legal system wants to control crime, it sets out punishment for the default of any of its legal provisions and may make serving a prison term one of the forms of punishment.

According to the United Nations, punishments are given to retribute, incapacitate, deter, rehabilitate, and repair.¹ In order to achieve the aim of punishment, the correctional service must be well managed with the availability of appropriate and sufficient infrastructures. The Nigerian Prison Service was reformed on 15 August 2019 and now goes by the name, “Nigerian Correctional Service,” with the vision of having a credible correctional service that secures, reforms, rehabilitates, and reintegrates offenders into society.² However, this vision is punctured by the challenge of overcrowding, which significantly affects both inmates and the correctional institution. This challenge can be linked to both legal and sociological factors.

Over the years, several scholars have proposed reforming the Nigerian prison system, because of several notable challenges, which include congestion. Overcrowding occurs when the number of inmates is more than the facility provided. Prison cells in Nigeria accommodate three times more than their proposed capacity. It is so bad in some

¹ United Nations Office on Drug and Crime, “Justifying Punishment in the Community,” available at <https://www.unodc.org/e4j/en/crime-prevention-criminal-justice/module-7/key-issues/2--justifying-punishment-in-the-community.html> (accessed 5 May 2024).

² Nigerian Correctional Service, “Our Vision/Mission,” available at [Our Vision/Mission](#) (accessed 11 May 2024).

facilities that only a foot-and-a-half-length post is appointed to an inmate, where they can barely stretch their legs or move their body freely.³ Overcrowding has been associated with a poor standard of living for the incarcerated in Nigerian prisons; it has been accounted to be responsible for physical and mental damage to inmates.⁴

The inefficiencies within Nigeria's legal system play a central role in contributing to prison overcrowding. Issues like lengthy trial processes and delays in case resolution contribute to a prolonged pre-trial detention as so many accused are awaiting trial. Also, rigid sentencing laws and the lack of alternative sentencing measures further compound the issue, resulting in an overreliance on imprisonment as the primary form of punishment.

Societal factors also contribute to overcrowding in the Nigerian Correctional Service, just as much as some practices in the legal system. Factors like economic disparities, high crime rates, and cultural stigmas surrounding rehabilitation, contribute to a disproportionate number of individuals from marginalised communities entering the prison system. Other sociological factors include socioeconomic inequalities, systemic discrimination, lack of access to resources and opportunities, and structural barriers that contribute to higher involvement in criminal activities and subsequent contact with law enforcement. Moreover, political interference in law enforcement and judicial

³ Awopetu Grace, "An Assessment of Prison Overcrowding in Nigeria Implications for Rehabilitation, Reformation and Reintegration of Inmates," (2014) 19(3) *Journal of Humanities and Social Science*, p 21-26.

⁴ Stephen Hoopgood, "Dignity and Ennui: Amnesty International Report: The State of the World's Human Right," London Amnesty International Publication, (2010) 2(1) *Journal of Human Rights Practice*, p. 151-165.

processes occasionally leads to arbitrary arrests and wrongful convictions, further straining the prison population.

The congestion at the Nigerian prisons has detrimental effects on the well-being of inmates and waters down the effort put into reintegrating the incarcerated back into the society. It leads to the spread of infectious diseases and increases the prevalence of mental health issues among inmates. Fights easily escalate in overcrowded facilities, which heightens the risk of violence, abuse, and gang-related activities. There is usually limited access to essential resources, which worsens these challenges and compromises the physical and mental health of inmates. Congestion in Nigerian prisons threatens the proper function of correctional institutions; it causes strain on infrastructure, which leads to deteriorating facilities and inadequate sanitation, while the management struggles to maintain order and provide effective rehabilitative programs. Furthermore, overcrowding fosters corruption within correctional facilities, undermining accountability, and hindering efforts to address inmate mistreatment and recidivism.

Understanding the complexities of overcrowding in Nigerian prisons requires a comprehensive examination of the legal and sociological factors. It is important to address the inefficiencies within the legal system, tackle societal root causes of crime, and promote the implementation of reforms to improve inmate well-being and institutional dynamics in Nigeria.

2.0 LEGAL FACTORS THAT CONTRIBUTE TO OVERCROWDING IN NIGERIAN CORRECTIONAL FACILITIES

The criminal justice system in Nigeria plays a significant role in the functioning of correctional facilities in the country. The criminal justice system starts the process that leads to the incarceration of inmates through law enforcement agencies. The Police step into a situation, investigate the crime committed, make necessary arrests, and gather evidence. The case is then handed over to the State prosecution, who files charges and initiates the trial in court. The decisions made by law enforcement officials regarding who to arrest and charge in court can have a direct impact on the number of persons entering the prison system. The following are some identified legal factors that contribute to overcrowding in Nigerian Correctional Facilities.

2.1 Prolonged and Inefficient Legal Processes

The Nigerian legal and criminal justice system operates hierarchically when handling cases. A legal case progresses from the lower court, and when parties are dissatisfied with its decision, they appeal to a higher court within the hierarchy. While the accused awaits trial, they are kept in detention facilities, and this in turn increases the population in prison. This hierarchy, legal technicalities, and bureaucratic delays like filing of paperwork, continuous filing of motions, legal complexity, arranging witnesses, adjournment, and case backlog (this is when there are several cases on the court list and it sometimes takes months to get a date for trial, hearing, or other proceedings) spike the crowd in prisons. These inefficiencies result in prolonged pretrial detention for the accused even for minor offences. As of 13 May 2024, the total Inmate population in Nigeria is 80,858; the total number of male inmates is 79,061; the total number of

female inmates is 1,797. The total number of convicted inmates is 25,447; the number of convicted male inmates is 25,006; while the number of convicted female inmates is 441. The total number of inmates awaiting trial is 55,411; males awaiting trial are 54,055 while females awaiting trial are 1,356. The result by percentage is that convicted inmates constitute 31%, while those awaiting trial make up 69%. Male Inmates make up 98% while female inmates are 2%.⁵ These figures highlight that prison congestion in Nigeria is primarily driven by the high number of individuals awaiting trial.

2.2 Mandatory Sentencing

The State employs two types of sentencing to punish lawbreakers, mandatory sentencing and discretionary sentencing. Mandatory sentencing refers to a predetermined prison term set by law, often indicated by phrases such as "not less than" in legislative provisions. This means that while the court has the discretion to impose a longer sentence, it cannot reduce the prison term below the minimum prescribed by law.⁶ They can be regarded as prescribed fixed sentences or sentencing ranges for specific crimes, limiting judicial discretion. This can result in longer prison terms for offenders, leading to an increase in the overall prison population.

Discretionary sentencing occurs when a judge determines the appropriate punishment for a crime without being bound by a fixed minimum or maximum sentence prescribed by law.

⁵ Nigeria Correctional Service, "Statistic Summary" (2024), available at https://www.corrections.gov.ng/statistics_summary (accessed 13 May 2024).

⁶ Emmanuel Samaila, "The Implications of the Mandatory Sentences in the Penal Code Law of Kaduna State 2017 (as amended) on the Jurisdiction of Criminal Courts in Kaduna State," (July 2022), *Law Pavilion*, available at <https://lawpavilion.com/blog/the-implications-of-the-mandatory-sentences-in-the-penal-code-law-of-kaduna-state-2017-as-amended-on-the-jurisdiction-of-criminal-courts-in-kaduna-state/> (accessed 16 May 2024).

The continuous inflow of people serving mandatory sentences can worsen the case of overcrowding in Nigerian prisons, which strains the facilities, resources, and staff. Not only do overcrowded prisons compromise safety, sanitation, and access to rehabilitation programs for inmates, but they also come with significant financial costs for the government associated with maintaining a large prison population. Therefore, taxpayers bear the burden of funding incarceration, which diverts resources from other critical areas such as education, healthcare, and social services.

Additionally, the problem associated with mandatory sentencing is that it restricts a judge's discretionary duty to consider circumstances surrounding a case when passing a sentence. This approach fails to employ mitigating factors, which in turn leads to prison or jail term sentences and increases the prison population. When a crime is committed, what distinguishes the crime from being a felony or a misdemeanour lies in the seriousness of the crime. An aggravated assault (an attack that causes serious bodily harm using a deadly weapon, like hitting someone with a heavy rod, with the intention to compromise the victim's life) is a felony, while battery (slapping someone in the face) is a misdemeanour.

Certain crimes that are typically classified as misdemeanours can escalate to felonies under specific circumstances. For instance, in some countries, possessing less than an ounce of marijuana is treated as a misdemeanour, but possession of more than an ounce may be considered intent to distribute, which is a felony. Similarly, section 355 of the Nigerian Criminal Code states that "any person who unlawfully assaults another and thereby does him harm, is guilty of a felony and is liable to imprisonment for three years."

In addition, an offence like driving under the influence, which is usually a misdemeanour, can rise to a felony status if it results in harm or death of another person or if the offender is not a first-time offender.

2.3 High Dependence on Incarceration for Minor Offences

Prisons provide a short-term solution to crimes by removing offenders from society but do not address the root causes of criminal behaviour. For several minor offences, prison term is the punishment under Nigerian laws and alternative sentencing is hardly explored. Alternative sentencing focuses on long-term solutions by addressing the root causes of criminal behaviours, such as substance abuse or the lack of education and employment opportunities. Without embracing alternative sentencing options, the cycle of crime and incarceration is likely to persist, further escalating the growth of the prison population and overburdening the criminal justice system.

Not utilising alternative punishment like probation, community service, or treatment programs (for offenders suffering from mental illness) makes the courts resort to incarceration even for nonviolent or minor offences. This approach contributes to an increase in the prison population for offences that could otherwise be managed outside the prison system. Although the Nigerian Correctional Service has adopted rehabilitation programs to reintegrate inmates into society, prison overcrowding limits the resources and programs needed for effective rehabilitation. Implementing alternative sentencing options, such as drug courts or mental health treatment programs, can help address underlying issues like addiction or mental illness. Without these alternatives, offenders are more likely to re-offend and return to prison, further exacerbating the problem of overcrowded prisons.

Exploring effective alternative sentencing options could make a significant difference in the Nigerian criminal justice system. One such option is the establishment of drug courts, which would allow for supervised treatment and rehabilitation instead of prison time for drug offenders. This approach not only helps individuals overcome their addiction but also reduces the burden on overcrowded prisons. Similarly, mental health courts could be developed to provide specialized treatment and support for offenders facing mental health challenges, promoting their well-being and reducing the likelihood of reoffending.

Community service is another viable alternative that could be adopted. Common in many Western countries, this form of sentencing allows offenders to contribute positively to society by working on community projects, thereby fostering a sense of responsibility and redemption. This type of alternative sentencing also helps reduce the prison population by reserving incarceration for more serious offences.

Restorative justice programs present another meaningful approach by focusing on reconciliation between the offender and the victim. These programs prioritise healing and resolution over punishment, allowing both parties to address the harm caused and work towards a mutual understanding. Such initiatives can contribute to lower recidivism rates and more harmonious community relationships.

Probation and parole programs also offer an effective alternative, enabling offenders to participate in community rehabilitation programs under supervision. This form of sentencing can be particularly useful for individuals who have committed less severe offences but still require oversight to ensure they comply with rehabilitation plans.

Implementing and expanding these alternative sentencing options is essential for creating a more effective and just criminal justice system in Nigeria. By focusing on rehabilitation and addressing the root causes of crime, such measures can help reduce prison populations and ultimately support a healthier, more balanced approach to criminal justice.

3.0 SOCIOLOGICAL FACTORS THAT CONTRIBUTE TO OVERCROWDING IN NIGERIAN CORRECTIONAL FACILITIES

Sociological factors are major catalysts to the congestion of Nigerian prisons. Crimes committed are products of human behaviour and one of the social theories of human behaviour is Albert Bandura's theory, which is that human behaviour is learned from the environment through observing models. The core assumption of this theory is that humans are active information processors and they believe there is a relationship between their behaviour and its consequences.⁷ Bandura propounded that the behaviour people exhibit can either get them a reward or punishment; the reward they get is an encouragement to do more while punishment is a form of deterrence or discouragement from engaging in such an act.

Jean Hampton is another social behaviour theorist who propounded that the ultimate objective of punishment is to bring about social tranquillity. He argued that people are self-determined beings with the ability to freely make choices often obstructed by various social factors like culture, religion, alcohol, drug addiction, psychosis, etc. In his theory, Jean emphasises treatment programs that aim to make offenders self-

⁷ Andrew Obiajulu, "Social Deviance and Control: The Nigerian Experience," in A.A. Aderinto (ed), *Deviance and Social Control: An African Perspective*, (Ibadan University Press, 2014).

dependent and remorseful. Treatment, in this context, is all efforts aimed at the remission of criminal behaviours and the social reintegration of the offender. One of the efforts made for criminals to remit their offence is serving a prison term.

It is important at this junction to discuss some sociological factors contributing to overcrowding in Nigerian Prisons.

3.1 Socio-economic Discrepancy

Socio-economic discrepancy gives a broad view of the general inequalities and unfair treatment obtainable in society. It includes the gap in income, standard of living, education, wealth distribution etc. These disparities can significantly contribute to the overcrowding of Nigerian prisons through various interconnected factors.

3.1.1 Poverty and Crime

Amid Nigeria's ongoing economic crisis, many citizens are enduring severe financial hardship, which can push individuals to resort to criminal activities such as theft, drug trafficking, kidnapping, and other serious offences as a means of survival. As of 24 April 2024, the Naira had lost its value by 60% against the US dollar.⁸ This has led to food inflation and an increase in the price of goods and services in the country.⁹ This is coupled with the insecurity that has kept farmers away from their farms. The removal of the fuel subsidy has led to an increase in petrol pump prices, increasing the cost of

⁸ Emele Onu, "Naira Poised for Worst Four-Day Drop Since January's Devaluation" *Bloomberg* 23 April 2024, available at <https://www.bloomberg.com/news/articles/2024-04-23/naira-weakens-as-dollar-liquidity-fades-in-nigerian-forex-market> (accessed 25 May 2024).

⁹ Paul Atuma, "Why the Prices of Food Items will Continue to Rise," *Nairametrics* March 2024, available at <https://nairametrics.com/2024/03/31/why-the-prices-of-food-items-will-continue-to-rise/> (accessed 24 May 2024).

transportation and food prices, while the minimum wage does not qualify as a liveable wage, in light of the soaring inflation.

These economic challenges have deepened poverty and hardship, making daily survival increasingly difficult and contributing to a rise in insecurity and crime. Kidnapping, in particular, has become a lucrative but dangerous enterprise as individuals seek to survive through illicit means. Those apprehended for this crime face severe legal consequences. Under section 364 of the Criminal Code Act of Nigeria, kidnapping is classified as a felony punishable by a prison term of up to ten years. However, as kidnapping has reached epidemic proportions in Nigeria, some states have amended their criminal laws to impose even stricter penalties. For instance, Kano, Benue, Bayelsa, Enugu, Anambra, and Nasarawa states have introduced the death penalty as a punishment for kidnapping, while states like Kwara, Ondo, and Osun have opted for life imprisonment as the maximum sentence. This was confirmed in interviews with Punch Newspaper, highlighting the extent to which states are reinforcing laws in response to the growing threat of kidnapping.¹⁰

3.1.2 Minor Crimes

Minor crimes are offences that are punishable by fine, forfeiture, or imprisonment of less than two years. These offences include burglary, petty theft, false information not leading to any bodily harm, traffic violations, public nuisance, violation of local laws

¹⁰ 'Kidnapping epidemic: Kano, nine others mull death sentence, life jail' Punch 24 January 2024, available at <https://punchng.com/kidnapping-epidemic-kano-nine-others-mull-death-sentence-life-jail/> (accessed 7 July 2024).

like selling wares where it is prohibited, etc. The rate of these offences in Nigeria is presently high. The Nigerian law enforcement agencies often focus their interest on arresting and custodian sentencing of the offenders because it brings money into the system in the form of fines and those that are not able to pay end up being confined and charged to court thereby contributing to the already overpopulated prison.¹¹ Some of those arrested for minor offences end up in prolonged pre-trial detention while waiting for their matters to be heard in court and prisons in Nigeria often lack effective rehabilitation programs that could prevent repeat offences. These inefficiencies cause several violations of the poor and make the recommission of crime an unending cycle and offenders end up returning to prison, further adding to overcrowding in prisons.

Non-custodian sentencing like community service, driving disqualification, parole, probation etc. should be used as alternative sentencing to reduce the influx of people into Nigerian prisons. Also, the bail system in Nigeria can be problematic, particularly for those accused of minor crimes; many detainees cannot afford bail or do not have the necessary legal support to secure it, leading to extended periods of incarceration while awaiting trial. A large portion of those in prison are offenders of misdemeanour and simple offences.

¹¹ “Special Report: Criminalisation of petty offences in Nigeria violates the poor” *Premium Times* 11 October 2022, available at <https://www.premiumtimesng.com/news/headlines/558840-special-report-criminalisation-of-petty-offences-in-nigeria-violates-the-poor.html> (accessed 7 July 2024).

3.1.3 Lack of Legal Representation

So many inmates in Nigerian prisons are held in pre-trial detention due to their inability to access legal representation.¹² The Constitution of the Federal Republic of Nigeria guarantees everyone the right to represent themselves or to be represented by a legal practitioner. However, many individuals cannot afford the services of a lawyer, and the legal aid provided by government and non-governmental organisations is often overstretched and unable to meet demand. As a result, many accused persons are left with no choice but to represent themselves in court. Without adequate knowledge of the law or their rights, self-represented defendants are often unable to present an effective defence, increasing the likelihood of wrongful convictions or harsher sentences. In contrast, proper legal representation could have led to an acquittal or a more lenient sentence, highlighting the critical importance of accessible and effective legal aid in ensuring justice.

This reflects a legal system in which delays and inefficiencies contribute significantly to the overcrowding of Nigerian prisons. In cases where suspects are arrested for bailable offences but cannot secure bail, they are often held at police stations and later transferred to prison to await trial. Without legal representation to advocate for their release or expedite their cases, these individuals may spend years in pretrial detention. Furthermore, legal reforms that could address these issues remain unimplemented, leaving many accused persons to accept their circumstances as their fate unless they

¹² Taiye Omodoyin & Omolade Omiyinde, "Law Clinic and Access to Justice for Pretrial Detainees in Nigeria" (2021) *ResearchGate*, available at https://www.researchgate.net/publication/353368484_Law_Clinic_and_Access_to_Justice_for_Pretrial_Detainees_in_Nigeria (accessed 19 November 2024).

can successfully appeal. These systemic challenges highlight the urgent need for improved access to justice and efficient legal processes to reduce the prison population and ensure fair treatment for all accused persons.

3.2 High Crime Rate

The high rate of crime in Nigeria has significantly contributed to the overcrowding of the country's prisons, driven by a combination of interconnected factors. Economic hardship, exacerbated by the deliberate manipulation of poverty by the political class, has fuelled an increase in criminal activities such as kidnapping, terrorism, robbery, and banditry. These crimes are often motivated by the substantial financial gains derived from activities like ransom payments.

Over the last five years, the level of crime has increased dramatically.¹³ For instance, the prison population rose from 63,142 inmates in 2016 to 73,631 inmates in 2018.¹⁴ By 27 May 2024, this number had further climbed to 81,647 inmates,¹⁵ far exceeding the official prison capacity of 50,153, as estimated by the World Prison Brief in 2021. These figures underscore the rising crime rates and their direct correlation with increased arrests, convictions, and, consequently, overcrowded prisons in Nigeria.

The Nigerian judicial system is often plagued by technical and bureaucratic delays, which exacerbate the backlog of cases in court, a situation compounded by the high

¹³ Numbeo, "Crimes in Nigeria" available at https://www.numbeo.com/crime/country_result.jsp?country=Nigeria (accessed 26 May 2024).

¹⁴ World Prison Brief, 'Nigeria' available at <https://www.prisonstudies.org/country/nigeria> (accessed 27 May 2024).

¹⁵ Nigeria Correctional Service, "Statistic Summary" (2024) available at https://www.corrections.gov.ng/statistics_summary (accessed 27 May 2024).

crime rate in the country. As a result, a significant number of individuals are held in pretrial detention, further straining the already overcrowded prisons. According to statistics from the Nigerian Correctional Service as of 28 May 28 2024, 67% of the prison population consists of individuals awaiting trial.¹⁶

Many of these detainees are held for bailable offences but remain incarcerated because they cannot afford bail, leading to prolonged detention and worsening prison congestion. For instance, in a recent case, about 30 boys charged with treason were held in custody for over 60 days. When finally brought before the court, the presiding judge imposed an exorbitant bail amount of ₦10,000,000 (ten million naira) each, sparking public outrage. This public reaction drew the attention of the Nigerian President, who intervened. Without this intervention, these boys would likely have been sent to prison, unable to afford the unreasonable bail.¹⁷

Similarly, Femi Jimoh, a pastor accused of robbery, spent nine years in detention simply because he could not meet his bail conditions.¹⁸ Countless others remain in prison under similar circumstances, highlighting the urgent need for reforms to address the inequities in bail practices and reduce the burden on Nigeria's judicial and correctional systems.

¹⁶ Ibid.

¹⁷ 'Nigeria drops treason charges against children after outcry' *BBC* 5 November 2024, available at <https://www.bbc.com/news/articles/cr4lzqe79x3o> (accessed 19 November 2024).

¹⁸ 'Pastor Accuses MFM Founder Olukoya of Using His Influence To Put Him In Prison For Nine Years Without Trial, Laments Police Torture, Abuse' *Sahara Reporters* 30 May 2024, available at <https://saharareporters.com/2024/05/30/pastor-accuses-mfm-founder-olukoya-using-his-influence-put-him-prison-nine-years-without> (accessed 20 November 2024).

3.3 Cultural Stigma

Cultural stigma is another social factor that significantly contributes to the increasing population in Nigerian prisons through several interconnected factors. The cultural stigma surrounding mental health issues and substance abuse is still a challenge the National Mental Health Act 2023,¹⁹ is yet to solve despite its robust provisions against the stigmatisation of people with mental disorders; these set of people often do not get the appropriate treatment and support they need, due to how the community people see them. When people with mental health conditions or substance abuse problems engage in criminal activities, they are incarcerated instead of receiving the necessary medical care at mental health institutions, and these, in turn, contribute to the prison population. Individuals from lower socio-economic backgrounds often face condescending treatment that restricts their access to quality education and employment opportunities. Struggling to navigate the economic hardships imposed by their circumstances, many are left with limited options for survival. This harsh reality often drives some to engage in criminal activities as a means of coping, ultimately leading to their incarceration.

Another cultural stigma that contributes to overcrowding in Nigerian prisons is the stigma that surrounds gender roles and domestic violence, which involve mostly women. The women who defend themselves against domestic violence or who are involved in crimes of survival (such as theft or prostitution) suffer stigma and are incarcerated for their crimes thereby contributing to the female prison population.

¹⁹ Cap. 112.

One major cultural stigma is the one attached to being an ex-convict; there is a stigma attached to being a former prisoner, and a lot of these people find it difficult to move past this stigma, and it is more difficult for them to reintegrate into society, and they find themselves committing another crime that will return them into prison. There is a lack of acceptance and support, ex-convicts face that eventually leads to recidivism, they often struggle to find jobs and rebuild their lives. And the cycle of re-offending and re-incarceration continues and keeps the prison population high.

3.4 Political Involvement

The interference of politics in the criminal justice system has negatively impacted Nigeria's prison population through the abuse of power by elected political officers and government officials. Corrupt politicians often exploit the legal system to target political opponents, activists, or protesters, using their authority to harass, arrest, and incarcerate individuals perceived as threats to their ambitions or those in power. This misuse of power results in the imprisonment of individuals who may not be guilty of the crimes they are accused of but are unjustly treated as criminals for challenging the status quo.

During the 2020 #EndSARS protests in Nigeria, numerous peaceful protesters were arrested, with some remaining in detention for over three years.²⁰ As of October 2024, allegations persist that some protesters are still imprisoned.²¹ This highlights how some

²⁰ 'Nigeria: Three years after #EndSARS at least 15 protesters languish in Lagos jail' *Amnesty International* 20 October 2023, available at <https://www.amnesty.org/en/latest/news/2023/10/nigeria-three-years-after-endsars-at-least-15-protesters-languish-in-lagos-jail/> (accessed 20 November 2024).

²¹ 'CSOs condemn alleged 4 years detention of #EndSARS protesters' *Vanguard* 21 October 2024, available at <https://www.vanguardngr.com/2024/10/csos-condemn-alleged-4-years-detention-of-endsars-protesters/> (accessed 20 November 2024).

politicians manipulate law enforcement agencies to suppress dissent and target individuals who oppose their agendas. During the protests, many protesters were arrested on questionable grounds, denied bail, and subjected to prolonged arbitrary detention.²² These actions were likely aimed at discouraging further demonstrations and silencing critics. Such political interference in law enforcement often results in the imprisonment of individuals for minor offences or fabricated charges, exacerbating prison overcrowding and undermining justice.

Politics can also compromise the quality of judicial outcomes. Some judges are influenced through bribes or political pressure to deliver specific verdicts or impose harsher sentences on individuals targeted by the political class. Such interference undermines the integrity and independence of the judiciary, eroding public trust in the justice system. This practice can result in unjust sentencing, where individuals are wrongfully convicted or disproportionately punished, ultimately contributing to the rising number of people in prison and exacerbating issues of overcrowding and systemic inequality.²³

The judiciary's financial dependence being tied to the executive branch creates a significant challenge to its independence and efficiency. If the judiciary fails to align with the executive's interests, its funding and benefits may suffer, undermining its ability to function effectively. Chronic underfunding hampers the judiciary's capacity

²² 'Nigeria: Three years after #EndSARS at least 15 protesters languish in Lagos jail' *Reliefweb* 20 October 2023, available at <https://reliefweb.int/report/nigeria/nigeria-three-years-after-endsars-least-15-protesters-languish-lagos-jail> (accessed 6 June 2024).

²³ Mondaq, 'Top Nigeria Judges on Trial for Corruption' available at <https://www.mondaq.com/nigeria/white-collar-crime-anti-corruption--fraud/551424/top-nigeria-judges-on-trial-for-corruption> (accessed 6 June 2024).

to deliver timely and fair justice, leading to delays in case processing, prolonged pretrial detentions, and overcrowded prisons.

Moreover, political interference extends beyond funding. Politicians often influence legislative decisions to introduce laws and policies that disproportionately disadvantage average citizens, particularly those from less privileged backgrounds. These politically motivated laws, often excessively stringent for minor offences, can result in mass incarcerations, further straining an already overburdened correctional system and exacerbating social inequalities.

Elections in Nigeria are often accompanied by heightened political tensions that can escalate into violence, triggering crackdowns on law and order. These situations frequently result in mass arrests, significantly inflating the prison population. Additionally, political dynamics play a role in the detention of activists, journalists, and ordinary citizens, particularly those who challenge or oppose the interests of powerful politicians.

When crafting legislation, politicians with ulterior motives often prioritise personal or political gain over the welfare of the populace. This results in the neglect of critical rehabilitation and reintegration programs for prisoners. The few programs that do exist are typically underfunded, leaving them ineffective and underdeveloped. This lack of support contributes to high recidivism rates, as former inmates, unable to access meaningful assistance, often revert to criminal activities, ultimately returning to prison.

Political interference further exacerbates ethnic and regional biases within the criminal justice system. Politicians may exploit their influence to shield individuals from their own ethnic or regional communities while disproportionately targeting others. This discriminatory treatment undermines the justice system's integrity, fosters inequality, and increases incarceration rates among marginalized groups. Such practices perpetuate social divides and hinder efforts to establish a fair and balanced judicial process.

4.0 IMPACTS OF OVERCROWDING ON INMATES' WELL-BEING

Overcrowding in any space inevitably creates significant risks for those confined within it, and this holds especially true for prison inmates. While their rights are limited due to their incarceration, prisoners remain entitled to basic human rights under both international conventions and domestic laws. These protections serve as a reminder that, despite their circumstances, they are still human beings deserving of dignity and respect.

4.1 Health Risks

The overcrowded state of Nigerian prisons makes it a fertile ground for the spread of infectious diseases like malaria, tuberculosis (TB), HIV/AIDS, hepatitis, and various skin infections. Research carried out in Kaduna prison showed that as of 2011, psychiatric disorders were the most prevalent, affecting 24.1% of inmates. This was followed by gastrointestinal diseases at 22.6%, and malaria at 21.6%. Respiratory tract illnesses accounted for 10.9%, while dermatological and allergy-related conditions were 5.4%, and cardiovascular diseases were 2.4%. Other reported health issues included self-

inflicted accidents or intentional harm at 3.6%, tumours at 0.6%, and tuberculosis and HIV/AIDS at 0.2% and 0.1%, respectively.²⁴ These findings highlight the significant health challenges faced by inmates in Nigerian prisons, underscoring the urgent need for improved healthcare services and better living conditions.

Poor ventilation, cramped living conditions, and limited access to medical care contribute significantly to the rapid spread of diseases in Nigerian prisons. The strain on prison resources due to overcrowding results in insufficient and substandard food, leading to malnutrition and making inmates more susceptible to illness. This overcrowding not only jeopardises physical health but also exacerbates mental health issues, heightening stress, anxiety, and depression among prisoners. The constant noise, heightened tension, and violence stemming from overcrowded facilities can lead to severe psychological distress. Additionally, the lack of access to clean water, inadequate toilet facilities, and insufficient hygiene supplies contribute to the spread of diseases such as cholera and other gastrointestinal infections. When inmates suffer injuries, the limited number of medical staff and resources means that these wounds often go untreated, posing further risks of infection and long-term health complications.²⁵

4.2 Violent Abuse

Overcrowding in Nigerian prisons significantly raises the likelihood of violence and abuse among inmates, and it can extend to prison staff, especially when facilities are

²⁴ O. Audu, K.W. Akorede & I.A. Joshua, "Five Year Review of Disease Profile of Inmates in Three Prison Formations in Kaduna State, Nigeria: A Case-Control Study" (2014) Vol. 13 No.5-6 *AJOL*, available at <https://www.ajol.info/index.php/nhp/article/view/119291> (accessed 7 July 2024).

²⁵ Ojo Melvin, 'Prison health in Nigeria: A sociological discourse' (2013) 7(2) *African Journal of Political Science and International Relations*, p. 38-41.

understaffed. A congested environment heightens stress and tension, leaving inmates struggling for personal space and facing constant noise and competition for limited resources. This situation can lead to aggressive behaviour and conflicts, often escalating into physical violence.

Necessities such as food, water, bedding, and hygiene supplies are scarce in overcrowded prisons, forcing inmates to compete for these resources and fueling violent altercations. The sheer number of inmates makes it difficult for guards to supervise effectively, allowing conflicts to escalate unchecked and contributing to violence and abuse. Overcrowded prisons also see an increase in gang activity, as inmates form groups for protection and control of resources. These gangs can engage in violence, extortion, and sexual abuse, creating a cycle of abuse, retaliation, and insecurity. The absence of adequate supervision and safe spaces enables predatory behaviour to flourish.

During violent outbreaks, guards may resort to excessive force to restore order, resulting in physical abuse of inmates. The psychological toll of overcrowding can leave inmates feeling helpless, frustrated, and hopeless, increasing the risk of violent behaviour towards others and themselves.²⁶ Furthermore, the lack of mental health support exacerbates these issues, leaving inmates without the resources needed to cope with their circumstances, which can further fuel aggression and violence.

²⁶ Penal Reform International, "Overcrowding" available at <https://www.penalreform.org/issues/prison-conditions/key-facts/overcrowding/> (accessed 20 November 2024).

4.3 Limited Access to Essential Resources

Overcrowding in Nigerian correctional facilities severely restricts access to already limited resources, including essential health services. The available medical facilities are under immense pressure, leading to inadequate care for inmates. The shortage of medical staff is exacerbated by the overcrowded conditions, making it nearly impossible for the few professionals on duty to adequately address the health needs of the large inmate population. Additionally, the strain of overcrowding leads to wear and tear on prison infrastructure, resulting in deteriorated and dilapidated conditions that are expensive to repair. Prison hospitals often lack the necessary medications to properly manage chronic conditions, causing many inmates' health to worsen and leading to preventable deaths from treatable illnesses.²⁷

Legal aid and other vital services for inmates are also insufficient, further restricting their access to support that could improve their conditions or speed up their legal processes. The combined effect of these challenges leaves inmates vulnerable, struggling with poor health care, inadequate legal representation, and limited access to basic necessities.

4.4 Psychological Distress

Overcrowding in Nigerian prisons significantly exacerbates inmates' psychological distress, particularly affecting those with pre-existing mental health conditions. The cramped and congested living conditions, where inmates are kept close to one another,

²⁷ "New US report slams Nigeria for inhumane conditions, diseases in prisons" *BusinessDay* 25 April 2024, available at <https://businessday.ng/news/article/new-us-report-slams-nigeria-for-inhumane-conditions-diseases-in-prisons/> (accessed 20 November 2024).

create an environment that is mentally taxing and draining. This lack of personal space can foster feelings of helplessness and severe stress.

The constant threat of physical and sexual violence compounds this mental strain, leading to heightened anxiety, fear, and trauma. Witnessing or experiencing such violence repeatedly can result in long-term psychological issues, including post-traumatic stress disorder (PTSD). The noise and chaos in overcrowded prisons disrupt sleep, causing insomnia and further contributing to mental exhaustion. The daily battle for basic necessities like food and water adds to the constant mental burden.

Uncertainty about the duration of an inmate's stay, especially for those whose trials have not been concluded, further aggravates anxiety and depression. Factors like isolation from family and loved ones, the absence of meaningful activities, and a lack of prospects for the future contribute to a pervasive sense of despair.

Additionally, a significant number of inmates resort to drug use as a coping mechanism to manage psychological distress, leading to drug abuse and addiction. This reliance further damages their mental health, creating a cycle that deepens their suffering and hampers any potential for recovery or rehabilitation.²⁸

5.0 INSTITUTIONAL DYNAMICS

Institutional dynamics refers to the changes a certain policy, regulations, power structure, and organisational structure can bring within an institution. The institutional dynamics of the Nigerian Correctional Service refer to changes in the functioning and

²⁸ United Nation Office on Drug and Crime, 'Piloting drug treatment and counselling in Nigerian prisons' available at <https://www.unodc.org/conig/en/stories/piloting-drug-treatment-and-counseling-in-nigerian-prisons.html> (accessed 24 July 2024).

operations of the prison system as a result of both internal and external influences. These influences can include policy decisions, shifts in authority, and other factors that impact the system's effectiveness. In this context, the focus is on examining how overcrowding in Nigerian prisons is reshaping or has already reshaped the institutional dynamics of the correctional system.

5.1 Strain on Infrastructure

Overcrowding in Nigerian prisons causes significant strain on the infrastructure, leading to numerous challenges that worsen the already difficult conditions within the prison system. The basic facilities such as dormitories, kitchens, bathrooms, and common areas are designed to accommodate a specific number of inmates. When this number is exceeded, these facilities become overburdened, leading to poor living conditions. Inmates are often forced to sleep on floors, in hallways, or in shifts, due to the lack of sufficient bedding.

Overcrowding in Nigerian prisons significantly accelerates the deterioration of prison infrastructure. The excessive strain on facilities such as toilets and bathrooms lead to frequent breakdowns, malfunctioning fixtures, and unsanitary conditions. This overuse results in the rapid wear and tear of prison buildings, leaving many in a state of severe disrepair and contributing to the overall dilapidation of the physical infrastructure.²⁹

When prisons house more inmates than their facilities are designed to accommodate, sanitation becomes a significant concern. Overcrowding leads to unhygienic conditions,

²⁹ ARC Foundation/Garden Court Chambers, "Prison Conditions in Nigeria" (September 2019), available at https://asylumresearchcentre.org/wp-content/uploads/2019/11/Nigeria_prison_conditions_Nov.pdf (accessed 25 July 2024), p. 45.

creating an environment conducive to the spread of diseases and infections, which can escalate into a serious health crisis within the prison system.³⁰

Overcrowding strains, the supply of clean water and adequate food while placing immense pressure on prison healthcare facilities, which are frequently underfunded and ill-equipped to meet the increased demand.³¹

Overcrowding in prisons also significantly hampers the ability to manage and secure the facility effectively. Surveillance infrastructure, including CCTV systems and guard posts, often proves inadequate for monitoring a large inmate population, increasing the risk of violence, escapes, and other security breaches that endanger both inmates and staff. Additionally, rehabilitative programs such as educational and vocational training suffer under these conditions, as limited resources and space make it difficult to deliver these critical initiatives effectively.

5.2 Management Challenges

Overcrowding in Nigerian prisons can lead to different management challenges that will complicate the administration and operation of the prison system; management challenges such as overstretched prison staff are inevitable in an overcrowded prison facility. The ratio of staff to inmates may become unmanageable, leading to difficulties in maintaining order, ensuring security, and providing essential services and can sabotage prison security, which can lead to increased violence, jailbreaks, escapes, and riots.³²

³⁰ Ibid., p.61.

³¹ Ibid., p.65.

³² Ibid.

The allocation of resources presents a significant challenge in overcrowded prisons, where ensuring the equitable distribution of essential supplies such as food, water, medical provisions, and bedding—often in short supply—can be difficult. This scarcity frequently leads to tensions and conflicts among inmates. Overcrowding also exacerbates health and sanitation problems, making it harder for prison management to maintain hygienic standards, while accelerating the spread of infectious diseases. Additionally, managing the mental health of inmates becomes increasingly challenging; the stress and anxiety caused by overcrowding can worsen pre-existing mental health conditions and contribute to the emergence of new issues.³³

5.3 Rise in Corruption

Overcrowding in Nigerian prisons exacerbates systemic corruption through various mechanisms, creating a cycle that perpetuates poor conditions and undermines the justice system. The severe shortages of essential resources such as food, water, bedding, and medical supplies in overcrowded prisons often lead inmates and their families to resort to bribery to secure these necessities. This situation provides an avenue for some prison staff to exploit the scarcity for personal gain.³⁴ Additionally, overcrowded conditions leave vulnerable inmates—such as the young, elderly, or ill—at heightened risk of exploitation. They may face demands for bribes from staff or more powerful inmates in exchange for protection, better living conditions, or access to essential services. Such exploitation can escalate into physical or sexual abuse.

³³ Ibid., p.45

³⁴ 'EXCLUSIVE: Police accuse prison officials of extortion before remanding suspects' *Premium Times* 10 August 2022, available at <https://www.premiumtimesng.com/news/headlines/547856-exclusive-police-accuse-prison-officials-of-extortion-before-remanding-suspects.html?tztc=1> (accessed 29 May 2024).

Moreover, families of inmates or the inmates themselves are often compelled to pay bribes to expedite legal proceedings or secure favourable outcomes in the face of case backlogs and administrative delays. These practices deepen corruption and erode public trust in the justice system.

Overcrowded prisons also increase the likelihood of smuggling contraband. Inmates may bribe prison staff to facilitate the entry of prohibited items such as drugs, mobile phones, and weapons. The scarcity of medical care in overcrowded facilities often compels inmates to pay for prompt or adequate treatment or for the chance to be treated outside the prison. Additionally, visitation rights may be restricted due to limited space and resources available to manage visitors. Families may be forced to pay bribes to secure more frequent or longer visits with their incarcerated loved ones than what is officially permitted.

5.4 Impeded Rehabilitation Initiatives

Overcrowding in Nigerian prisons severely hampers rehabilitation efforts, undermining the goals of the correctional system and reducing inmates' chances of successful reintegration into society. Rehabilitation programs, such as educational initiatives aimed at enhancing inmates' academic qualifications, are often compromised when prison space and resources are limited. Insufficient classroom space and a shortage of instructors lead to a decline in the quality of education available to inmates.³⁵

Vocational training, another key aspect of rehabilitation, is also affected by overcrowding. These programs are vital for equipping inmates with practical skills to

³⁵ Gbolagade Adekanmbi and Ukoha Ezikpe, 'Prison Education in Nigeria' (2018) *Academia*, available at https://www.academia.edu/71867759/Prison_Education_in_Nigeria (accessed 28 May 2024).

secure employment after release. However, overcrowded workshops and training sessions limit the hands-on experience and individual attention that inmates receive, diminishing the effectiveness of such programs.³⁶ Addressing inmates' psychological needs through counselling and mental health services, although still basic in Nigerian prisons, is critical to rehabilitation. Overcrowded conditions restrict access to mental health professionals and counselling spaces, making it difficult to support inmates dealing with psychological issues. This lack of adequate mental health care impedes the rehabilitation process.³⁷

Additionally, overcrowded prisons offer fewer opportunities for personal development activities like sports, arts, and religious services—activities that promote mental well-being, social skills, and a sense of community. The absence of these opportunities can hinder personal growth and rehabilitation. The heightened risk of violence and tension in overcrowded prisons further complicates rehabilitation. Hostile and unsafe environments make it difficult for inmates to engage in rehabilitative programs and increase the likelihood of negative behaviours. Inmates who are constantly concerned about safety or involved in conflicts are less likely to participate in constructive activities.

The strain on prison staff is also significant, as they struggle to maintain order and provide rehabilitative services. Overworked and stressed, staff members often prioritize security and basic needs over rehabilitation, leading to the neglect of programs aimed at inmate reform. With an overwhelming number of inmates, it

³⁶ Aishatu Armiyau, Issa Babadele, & Zuwairai Hassan, 'Mental Health Service Provision at a Nigerian Correctional Service' (2022) 20(2) *Nigerian Journal of Psychiatry*, p. 22-25.

³⁷ *Ibid.*

becomes challenging for staff to create and implement individualised rehabilitation plans tailored to the specific needs and circumstances of each inmate, which is essential for effective rehabilitation.

6.0 RECOMMENDATIONS

This research highlights the significant impact overcrowding in Nigerian prisons has on inmates' well-being and institutional operations. To reduce congestion in correctional facilities, attention must be given to the jail system. Jails, typically run by local or municipal governments, serve as short-term facilities for those awaiting trial or serving short sentences. In contrast, prisons, operated by state or federal governments, house those who are convicted and serve long-term sentences.

However, in Nigeria, there is no distinction between jails and state-run prisons—all inmates, regardless of their status or sentence length, are housed in federal correctional facilities. This oversight places immense pressure on the existing infrastructure. If local and state governments could step in to construct jails and state prisons, it would greatly ease the burden on federal correctional facilities.

The federal government should also prioritise building new facilities to accommodate the increasing number of inmates and repairing existing, dilapidated correctional centres. Additionally, constructing more psychiatric hospitals and community-based homes for mentally ill offenders would help alleviate pressure on prisons and improve rehabilitation and reintegration outcomes for forensic psychiatric patients.

Expanding non-custodial sentencing options, such as community service and probation, is another key strategy for reducing the strain on the prison system. Legal reforms are

essential for ensuring speedy trials, minimizing the reliance on pretrial detention, and making bail more accessible or utilizing non-monetary bail systems. Revisions to laws and policies that disproportionately target or punish poverty-related activities are necessary to lower the number of individuals imprisoned for minor offences. Streamlining judicial processes and implementing alternative dispute-resolution mechanisms can reduce pre-trial detention and ensure timely legal representation for all detainees.

Developing comprehensive rehabilitation and reintegration programs that support ex-prisoners in securing employment and housing is vital to lowering recidivism rates. Addressing the root causes of crime through investments in education, vocational training, and employment opportunities is key to decongesting Nigerian prisons. Community-based rehabilitation programs and support for reintegration can be powerful tools in reducing re-offending. As the saying goes, “an idle hand is the devil’s workshop”—when individuals engage in positive activities that can provide financial stability, their likelihood of committing crimes decreases. This, in turn, leads to fewer detentions and lower prison populations.

7.0 CONCLUSION

This article has revealed that several key factors contribute to the overcrowding in Nigerian prisons. A significant issue is the long backlog of individuals awaiting trial, coupled with an over-reliance on incarceration as a solution, mandatory sentencing policies, and inefficient legal processes. These elements work in tandem to exacerbate congestion within the prison system.

Socioeconomic factors also play a substantial role in the growing prison population. Economic hardship, widespread poverty, inequality, unemployment, and the stigma faced by ex-convicts are pervasive societal challenges that drive many individuals into criminal activities, ultimately increasing the prison population.

The consequences of overcrowding are severe, leading to inhumane living conditions for inmates. The lack of sufficient medical care, poor nutrition, and limited access to exercise and recreational activities take a toll on the well-being of those incarcerated. This environment fosters significant mental strain, contributing to an uptick in violent behaviour, psychological issues, and a heightened risk of the spread of infectious diseases.

The strain on resources and the heavy workload on prison staff compromise safety and the quality of supervision, affecting both inmates and correctional officers. This creates a gap in the effectiveness of rehabilitation efforts, undermining the primary mission of the Nigerian correctional service and perpetuating a cycle of re-offending. Addressing these issues is crucial to creating a prison system that can support rehabilitation and reintegration while ensuring the safety and dignity of all involved.