



Interrogating the Crisis of Prison Congestion in Nigeria

MIKE CHIKE NWOSU

Mewar University, Nassarawa State, Nigeria

Abstract. This paper explores the persistent issue of prison overcrowding in Nigeria. While incarceration is intended globally as a final option for penalizing offenders, in the Nigerian context, it is frequently applied as the initial course of action. The change in nomenclature from "Prisons" to "Correctional Centers" has not significantly altered their punitive orientation, as many facilities continue to prioritize punishment over genuine rehabilitation. As of the fourth quarter of 2024, nearly 70% of inmates in Nigerian correctional facilities are still awaiting trial. This high percentage reflects systemic inefficiencies, largely stemming from the inaction and negligence of key actors in the criminal justice system, particularly government institutions. Each component of the justice system shares in the responsibility. The police often detain suspects without conducting prompt or adequate investigations. Delays by prosecuting bodies, including the Ministries of Justice, in filing charges, issuing legal opinions, and pursuing prosecutions, further exacerbate the problem. Additionally, poor handling of case files contributes to the prolonged detention of suspects. Within the judiciary, challenges such as excessive case backlogs, repeated adjournments, and the lack of enforcement of bail or provisions for speedy trials under the Administration of Criminal Justice Act (ACJA) 2015 are also significant contributors. Furthermore, the Ministry of Interior and the Nigerian Correctional Service are yet to fully implement non-custodial measures or enforce strategic actions aimed at reducing overcrowding. Provisions outlined in Section 1.2 (4–12) of the Nigerian Correctional Service Act of 2019 remain largely unimplemented. This theoretical study seeks to re-engage and stimulate the commitment of stakeholders towards addressing the ongoing failures within Nigeria's correctional and judicial systems.

Keywords: Congestion, Correctional, Crises, Inmates, Prison, Reform.

1. Introduction

The problem of overcrowded correctional facilities in Nigeria is a complex one, arising from a mix of systemic inefficiencies, legal inadequacies, socio-economic limitations, and poor infrastructure. Many of Nigeria's prisons operate far beyond their intended capacities, leading to unsafe living conditions, heightened incidences of violence, increased health hazards, and violations of the rights of inmates.

The Nigerian Constitution, under Section 36 of the 1999 edition, guarantees every individual the right to a fair hearing. This includes timely and impartial adjudication by legally established courts or tribunals. A complete and fair trial is integral to justice delivery. However, despite this constitutional safeguard, delays in processing court cases remain a major issue. By the first quarter of 2024, available records indicated that out of approximately 78,000 individuals in custody, over 55,000 were still awaiting trial. This represents nearly 70% of the incarcerated population.

Furthermore, Nigerian custodial institutions fall short of the minimum global standards for prison conditions as outlined by the United Nations. These standards emphasize adequate facilities and the humane treatment of prisoners. To align Nigeria's correctional system with the UN's Standard Minimum Rules for the Treatment of Prisoners—commonly known as the Nelson Mandela Rules—there is an urgent need to prioritize structural reforms, better resource allocation, and human rights-centered policies.

Let me know if you'd like this transformed into a full research background, introduction, or policy brief.

There is a pressing need for the comprehensive and efficient enforcement of the Nigerian Correctional

Service Act of 2019 — this includes the proper application of its key provisions.

a) Promoting and efficiently applying alternatives to imprisonment such as community-based service, probation, parole, deferred sentencing, and other non-custodial measures.

b) Establishing frameworks for faster trial processes, enhancing case handling systems, and guaranteeing access to legal counsel, particularly through strengthened legal aid services for all detainees.

In countries such as the United Kingdom and the United States, court proceedings often operate on an almost continuous, round-the-clock basis. In the U.S. in particular, aspects of correctional management are contracted out, allowing private prison operators to work alongside government bodies in handling logistics and providing inmate rehabilitation and training programs.

By contrast, Nigeria has a total of 240 correctional facilities with a combined holding capacity of approximately 50,000 individuals. This capacity is already overstretched, presenting significant housing challenges. Even more concerning is the fact that a large number of inmates have remained in custody for over 15 years without the conclusion of their trials. In 2021, the Controller of Corrections in Lagos disclosed that many prisoners at the Kirikiri Maximum Security facility had been confined there for over ten years—a major contributor to the overcrowding crisis.

Such circumstances contradict the intent of the Nigerian Correctional Service Act of 2019, which seeks to reposition correctional institutions into centres focused on reform and rehabilitation. The law rebranded the former Nigerian Prisons Service as the Nigerian Correctional Service (NCOS), assigning it two core responsibilities—

The custodial unit is responsible for overseeing individuals in detention, with a focus on humane care, correctional reform, and their eventual reintegration into society.

The non-custodial division manages alternatives to incarceration, including options like probation, parole, deferred sentencing, restorative justice practices, and community-based sanctions.

The role of the Nigerian Police in exacerbating the issue of prison congestion is significant. Unlawful arrests, improper charge filings, and opposition to bail—particularly in cases where bail is constitutionally guaranteed—are common practices. Often, suspects are charged with vague or "holding" offenses at magistrate courts without diligent follow-

up. In many instances, the delay in case progress is linked to the absence of financial incentives.

Detainees charged under these holding provisions frequently remain in custody for extended periods due to a lack of effective communication and monitoring systems. Although the Administration of Criminal Justice Act (ACJA) allows magistrates to remand suspects on holding charges for a maximum of four weeks, this is frequently abused. In practice, many suspects are not brought to court as scheduled, often due to excuses from correctional officers citing insufficient funds, vehicle shortages, or other logistical issues.

Had the police fulfilled their legal obligations properly, a significant number of individuals could have been granted bail and allowed to attend court sessions from their homes. This would reduce the burden on correctional facilities and allow for greater use of non-custodial sentencing options. Additionally, magistrates who impose unnecessarily strict bail conditions hinder the smooth operation of the justice system. Minor infractions such as petty theft, public disturbance, and assault should ordinarily qualify for bail under flexible conditions to ensure the justice process functions efficiently.

2. Prison Congestion in Nigeria as a Social Problem

According to Agomoh (2010), a significant portion of individuals held in Nigerian correctional facilities comprises males and females still undergoing trial—commonly referred to as Awaiting Trial Males (ATM) and Awaiting Trial Females (ATF). This group represents the largest population within custodial centers.

In 2007, Amnesty International conducted assessments in several Nigerian prisons, including those in Abuja, Enugu, Lagos, and Kano. Their findings highlighted severe shortcomings within the country's criminal justice and prison systems. The report revealed that these institutions fail to align with the core objectives of correctional services.

Rather than serving as centers for meaningful reform, many prisons in Nigeria lack the structure and programs necessary for the rehabilitation and reintegration of inmates. Correctional institutions are ideally meant to provide offenders with the opportunity to learn productive skills, rebuild character, and return to society as responsible, law-abiding individuals.

This aligns with the stipulations in CAP 366 of the Laws of the Federation 1990, which outlines that correctional centers are responsible for housing convicted individuals, guiding their rehabilitation, and supporting their reintegration into the community. Additional responsibilities include:

- To take into lawful custody all those certified to be so kept by court of competent jurisdiction.
- To produce inmates in court as and when due if they are on remand.
- To identify the root causes of inmates' anti-social behaviours
- To put in place the focal infrastructural development, inmates training and staff training and retraining¹¹.

Most of these responsibilities and intended outcomes have largely gone unfulfilled. One of the most critical issues facing the correctional system today is severe overcrowding. This arises when the population of incarcerated individuals surpasses the facility's capacity, leading to inhumane living conditions and causing psychological, emotional, and mental health challenges for inmates. Such conditions are symptoms of deep-rooted systemic failures involving all key actors within the justice, judicial, and correctional framework.

Correctional institutions, originally created to reform, rehabilitate, and reintegrate offenders back into society, are no longer fulfilling their intended mandate. One of the major setbacks is the persistent overcrowding in these facilities, which has become a growing societal concern. This condition not only strains correctional infrastructure but also diverts government resources from vital sectors like education, healthcare, agriculture, and infrastructure development.

As noted by Bukie (2024), when over 70% of incarcerated individuals are pre-trial detainees, it points to deep inefficiencies within the criminal justice system. Several contributing factors to this delay include the shortage of courts and inadequate judicial personnel. With increasing urbanization and population growth leading to higher crime rates, there is an urgent need to expand the judicial infrastructure accordingly.

Amnesty International has observed that a significant cause of prison overcrowding is the prolonged detention of suspects awaiting trial. These delays are often due to slow or incomplete investigations. Legal procedures are sometimes overly technical, contradictory, or poorly coordinated. Compounding

the problem is the general public's reluctance to cooperate with law enforcement agencies—such as the police, Civil Defence, EFCC, or ICPC—stemming from a lack of trust and previous negative encounters.

Another contributing factor is the frequent transfer of magistrates. When a new magistrate assumes office, the lack of case continuity can lead to trials being restarted from scratch. This procedural disruption adds further delays. In Nigeria, minor offenses such as theft of trivial items (e.g., poultry, a yam tuber) still result in imprisonment, when non-custodial sentences would be more appropriate for managing overcrowding.

It is important to clarify that correctional centers are primarily intended for convicted persons undergoing rehabilitation—not for housing the large numbers of detainees still awaiting trial. According to a 2010 investigation by Amnesty International, prisons in Nigeria have become holding grounds for various categories of individuals, including petty debtors, persons with mental health challenges, pregnant women, and those facing minor or questionable charges.

Many of Nigeria's correctional facilities are outdated, with some being over 100 years old and established during the colonial era. Unfortunately, the government has made minimal progress in constructing new facilities or renovating existing ones. When one considers the rise in contemporary crimes such as terrorism, child trafficking, kidnapping, and bombings, the inadequacy of the current prison infrastructure becomes more evident.

In its 2008 report, Amnesty International identified overcrowding as a critical issue, severely affecting the mental and physical well-being of detainees. Many inmates are forced to sleep on bare floors, face malnutrition, endure unsanitary conditions, and suffer from health issues such as skin infections, tuberculosis, and chronic diseases like diabetes.

In 2024, the former Comptroller-General of the Nigerian Correctional Service, Mr. Zakari Ohinoyi Ibrahim, expressed serious concern over the implications of overcrowding, identifying it as a significant obstacle to reforming the prison system. Echoing the findings of earlier scholars, he noted that over 70% of inmates remain in custody awaiting trial. He called for increased financial investment in the correctional sector and expressed optimism that improvements would follow once policymakers understood the broader security risks posed by chronic underfunding.

Speaking at a workshop organized by the Prisoners Rehabilitation and Welfare Action (PRAWA), under its Human Rights Training Integration Project, he once again highlighted the persistent issue of Nigeria's high pre-trial detention figures. He revealed that out of the over 70,000 individuals currently held in correctional facilities, more than 50,000 had not yet been convicted. He emphasized that inmates, despite being deprived of certain freedoms due to legal infractions, are still entitled to fundamental rights protected by law—even while in custody.

On the same subject, Mrs. Catherine Atoki, Chairperson of the African Commission on Human and Peoples' Rights, stressed the importance of ensuring humane conditions within Nigeria's correctional centers. She argued that inmates should be housed in dignified environments and not subjected to degrading or inhumane conditions.

International and regional legal frameworks widely recognize and uphold the rights of prisoners. The general consensus is that correctional authorities must remain accountable and place a strong emphasis on the welfare of those in custody.

3. Factors that contribute to Prison Congestion in Nigeria.

(a) One of the major issues hindering the smooth handling of criminal cases is the lack of effective communication between correctional staff and prosecuting authorities. Ideally, there should be seamless coordination between prosecutors and correctional facility personnel. Once a defendant is remanded in custody, it becomes the responsibility of custodial staff to maintain communication with the prosecuting counsel regarding court adjournment dates and relevant updates.

In cases where a prosecutor is reassigned to another location, it is essential that a proper handover of case files and progress notes is carried out. However, this procedure is often neglected. As a result, when a new prosecutor assumes the role, they face delays in understanding the status of ongoing cases due to the absence of clear documentation or briefings, which prolongs pre-trial detention unnecessarily.

(b) There is noticeable indifference among some judicial officers, especially in handling older cases. Many tend to prioritize newly filed matters while neglecting unresolved ones—particularly those abandoned due to the reassignment of prosecuting counsel. The judiciary also faces structural limitations: there is a shortage of magistrates and insufficient courtrooms to meet growing demands. Some magistrates travel considerable distances to get to their

assigned courts. A notable example occurred in 2023 when a video surfaced showing a magistrate lamenting a transportation issue after the commercial vehicle meant to convey her to court broke down.

(c). Corrupting Investigating Police Officers (IPO) and Prosecuting Police Officers.

Although the police officially maintain that bail is offered at no cost, in practice, securing bail often involves unofficial financial demands at police stations. Cases that proceed to court are frequently those in which no informal arrangements have been made with law enforcement. Additionally, prosecutors sometimes delay proceedings unnecessarily, especially when the accused persons lack the financial means to influence the process.

(d). A key limitation within the criminal justice system is the inadequate adoption of digital technologies. The well-known phrase “justice delayed is justice denied” underscores the need for modern tools that can accelerate legal processes. Incorporating communication technologies—such as creating coordinated digital platforms (e.g., WhatsApp groups)—could significantly enhance collaboration among essential justice sector actors, including magistrates, prosecutors, investigating officers, and custodial officials. Such digital integration would improve case tracking and ensure faster case resolutions. Establishing a centralized and accessible digital database for case records and related information would further promote transparency and efficiency in the system.

(e) Prolonged pre-trial detention remains a major issue, with many individuals held behind bars for extended periods—sometimes months or years—without receiving a formal judgment. Contributing to this situation are systemic inefficiencies within the judiciary, including overwhelming case backlogs and limited court infrastructure. Additionally, bail processes tend to be restrictive, either due to financial barriers or complex legal procedures that make release difficult for many detainees.

(f) High Crime Rates and Recidivism – Nigeria continues to grapple with recurring criminal activities including robbery, abduction, corruption, and electoral-related offenses. The country also experiences a high rate of reoffending, which contributes to repeated incarcerations and adds further pressure on correctional facilities.

(g) Weak and outdated legal provisions, along with insufficient policy development, limit the effectiveness of the criminal justice system.

Compounding the issue are enforcement challenges such as widespread corruption and a lack of institutional accountability, which significantly obstruct meaningful reform.

(h) **Infrastructural Deficiencies** – Numerous correctional centers suffer from inadequate funding and neglect. The excessive number of inmates' places immense pressure on limited resources, resulting in degrading and unsafe living environments.

(i) **Economic hardship, joblessness, and limited educational opportunities** are key drivers that push individuals toward unlawful behavior. In addition, societal exclusion and extremist movements, such as Boko Haram, further escalate criminal activity across affected regions.

(J). **Nigeria factor-** Nigeria's criminal justice structure is supported by three key institutions: the police, the judiciary, and the correctional system. Among them, the police occupy a foundational position, significantly influencing the operations of the courts and custodial centers. Acting as the initial point of contact in the justice process, their decisions often shape the flow of cases into the legal and correctional systems. However, this critical role has been misused over time, with law enforcement officers increasingly assuming judicial functions—deciding arbitrarily who faces prosecution and who is released—thereby obstructing due legal processes.

3.1 Impacts of Prison Congestion

- (a) **Human Rights violations-** overcrowding leads to poor sanitation, inadequate healthcare, and violence
- (b) **Public Safety Concerns-** High recidivism and Unrehabilitated offenders threaten community safety
- (c) **Judicial and Administrative Strain -** Overburdened prisons reflect weakness in the Criminal Justice System
- (d) **Economic Costs** – Maintaining overcrowded prisons is costly for the government and taxpayers.

3.2 Legal and Judicial Reforms

(a) **Legal Reforms** – Strategies aimed at reducing overcrowding in correctional facilities have included reforms to the bail system, initiatives to accelerate trial processes, and revisions to existing bail-related legislation. At various times, the Nigerian government has also granted releases to certain inmates based on medical conditions or compassionate considerations.

(b) **Alternative Dispute Resolution** – Encouraging the use of non-custodial measures such as community

supervision, conditional release, and probation as alternatives to incarceration to ease pressure on correctional facilities.

(c) **Judicial Reforms-** Enhancing the handling of legal proceedings, recruiting more judges and court staff, and adopting digital technologies to streamline courtroom operations.

(d) **Infrastructural improvements-** Constructing additional correctional centers and modernizing current infrastructures, alongside introducing policy changes aimed at enhancing living standards within custodial environments.

(e) **International and Civil Society Engagement-** Partnering with global bodies such as the United Nations and various NGOs to advance correctional system improvements and uphold inmates' fundamental rights.

(f) **Sentencing Reforms-** Encourage the use of alternatives to imprisonment for lesser crimes by reforming legal frameworks to broaden the use of community service, supervised release, and diversion programs.

3.3 Challenges to Reforms

- (a) **Political will and commitment** are inconsistent
- (b) **Corruption and resource constraints** hinder effective implementation
- (c) **Deep-rooted socio-economic issues** are complex and require broad-based strategies

4. Conclusion

As of 2025, Nigeria's correctional facilities hold approximately 70,000 individuals across 240 centers. Alarming, around 70% of these individuals are pre-trial detainees who are still navigating various stages of the legal process, including arraignment, repeated adjournments, and, in some cases, prolonged neglect. They have neither been convicted nor acquitted. Nigeria ranks among the countries with the highest proportion of pre-trial detainees globally. According to the World Prison Brief, Ghana has a rate of 12.4%, and South Africa stands at 32.9%, significantly lower than Nigeria's.

Section 36(5) of the 1999 Nigerian Constitution clearly affirms the principle of presumption of innocence, stating that anyone accused of a criminal offence is to be treated as innocent until proven guilty. However, the practical reality often contradicts this

guarantee. In many instances, individuals are presumed guilty upon arrest, detained without proper investigation, and held for long periods due to an overburdened judiciary plagued with excessive case backlogs.

This situation also violates Section 296 of the Administration of Criminal Justice Act (ACJA) 2015, which mandates that suspects held on remand should not exceed 28 days in custody. Persistent delays and systemic inefficiencies within the legal system continue to erode human rights and undermine constitutional protections.

Effectively addressing the issue of prison congestion in Nigeria requires a multi-dimensional strategy. This includes legal and policy reforms, improvement of judicial infrastructure, socio-economic support systems, and a more efficient justice delivery process. Long-term success will depend on strong political commitment, adequate financial investment, and a genuine adherence to human rights and rule of law.

5. Recommendations

The Legal Aid Council requires additional support and resources to function effectively. Expanding its workforce by hiring more legal practitioners will enable the provision of free legal services to indigent inmates, the majority of whom cannot afford private representation, as evidenced by multiple studies.

There is also a critical need to adopt modern technology within the criminal justice system. Digital platforms should be developed to facilitate communication and collaboration among police officers, correctional authorities, and members of the judiciary. For instance, an integrated case management system could be created where law enforcement agencies upload case files to a shared portal. This database would then be accessible to correctional and judicial officials and contain comprehensive records such as charges, personal information of defendants, and trial updates.

For minor infractions and non-violent offenses, alternative penalties such as community work or monetary fines should be considered instead of custodial sentences. Moreover, expanding the use of plea bargaining would significantly help in easing overcrowding in correctional facilities. Agencies like the EFCC and ICPC have recently utilized this method with encouraging results.

Other recommendations include:

(a) Poverty Reduction and Social Development- This includes funding initiatives for skills development, educational access, and job creation, alongside strengthening support systems for at-risk communities.

(b) Community Engagement- Encouraging locally driven crime prevention efforts through public awareness campaigns and education on legal rights and the justice system.

(c) Multi-Stakeholder Collaboration- Establish multi-sectoral task teams comprising representatives from government agencies, the judiciary, civil society organizations, and global development partners. It is also essential to conduct frequent policy evaluations and adjust strategies based on evidence and stakeholder input.

(d) Public Awareness and Campaigns- Raising public awareness about individual legal entitlements and ongoing changes within the criminal justice system.

(e) Regular Reporting- Releasing yearly updates on correctional system improvements and using the collected data to guide evidence-based policy revisions.

References

- Adeleke, A; & Uche, C. (2015), Good Governance and prison congestion in Nigeria: The case of maximum security, Ilesha.
- Administration of Criminal Justice Act (ACJA) 2015.
- Agomoh, V. (2010). Prison Congestion and Reforms in Nigeria – Issues and Methods.
- Ajah, B (2022). Nigeria has too many prison inmates awaiting trial. Technology could achieve swifter Justice.
- Ajayi, J (2012). Nigeria Prisons and dispensation of Justice. *AFRREV IJAH. An International Journal of Arts and Humanities*. 1(3), 208 – 233
- Amnesty International Report, 2010
- Anoba, B. (2024). Unveiling the crises of congestion. <http://>
- Ayade, A. (2010). Problems of prison overcrowding in Nigeria (Doctoral dissertations, central European University)
- Bukie, F. (2024). Correctional Institutions and the health implication of inmates in Nigeria.
- Bukie, F. & Oganga, M. (2024). Correctional institutions (Prison) Congestion and the Health Implication of Inmates in Nigeria. September, 2024.
- Eyitayo, O, Asamu. F; Arisukwu, o., & Olorunmola, J (2021). Prison overcrowding trial in Nigeria and Policy Implications on Health.

- Garba- Wanapia, M., Iliya, N, & Jellason, A (2021).
Privatization of Prison (custodial centres): A
Panacea for Prison problem in Nigeria.
- Obiora, E (2011). Challenges and Reforms in the
Nigeria Prison system.