

Human Rights Abuses in Nigerian Correctional Facilities in the 21st Century: Challenges and Reforms.

Eluchie-Chike¹, Happiness Nkeiruka² (Esq)

College of Law, Gregory University, Uturu, Abia State, Nigeria

Abstract:

The persistent problem of human rights abuses in Nigerian correctional facilities necessitated this study. It highlighted the need to examine the challenges and proposed reforms. The purpose of this research was to investigate human rights abuses in Nigerian correctional facilities. It explored the challenges faced by inmates and proposed reforms to address these issues. This study employed a qualitative research approach in analyzing existing literature and reports from human rights organizations. The study discussed issues such as overcrowding, poor living conditions, inadequate access to healthcare, and torture in Nigerian correctional facilities. Despite these challenges, the Nigerian government has initiated reforms, including the establishment of modern custodial facilities and rehabilitation programs. The findings revealed that human rights abuses persist in Nigerian correctional facilities, with ongoing challenges related to overcrowding, inadequate infrastructure, and lack of access to justice. Based on the findings, one key recommendation is that the Nigerian government should prioritize the implementation of non-custodial measures and judicial reforms to alleviate overcrowding and enhance rehabilitative outcomes in correctional facilities.

Keywords: Human rights abuses, correctional facilities, Nigerian prisons, reforms, overcrowding.

1.0 Introduction

The historical context of human rights abuses in Nigerian correctional facilities is deeply rooted in the country's colonial past. According to historian Falola (2020), the legacy of colonialism has contributed significantly to the current state of correctional facilities in Nigeria. During the colonial era, correctional facilities were primarily used as tools for maintaining colonial rule and suppressing dissent. Falola argues that this historical legacy has perpetuated a culture of abuse and neglect within the correctional system. The impact of colonialism on Nigeria's correctional facilities can be seen in the overcrowding, poor living conditions, and inadequate access to justice that many inmates face today. Falola's work provides a critical understanding of the historical context that has shaped the current state of human rights abuses in Nigerian correctional facilities. Furthermore, Falola's analysis highlights the need for a nuanced understanding of the complex historical factors that have contributed to the current state of human rights abuses in Nigerian correctional facilities. By examining the historical context, researchers and policymakers can develop more effective strategies for addressing these issues and promoting reform. The historical context of human rights abuses in Nigerian correctional facilities is a complex and multifaceted issue that requires a comprehensive approach to address. As Falola (2020) notes, "The legacy of colonialism has had a lasting impact on Nigeria's correctional facilities, and it is essential to understand this history to develop effective solutions to the current challenges facing the correctional system" (Falola, 2020, p. 12). The historical context of human rights abuses in Nigerian correctional facilities is a critical aspect of understanding the current state of the correctional system. By examining the historical legacy of colonialism and its impact on the correctional system, researchers and policymakers can develop more effective strategies for promoting reform and addressing human rights abuses.

Human rights advocate, Ibrahim (2019) emphasizes that, human rights abuses in Nigerian correctional facilities are a grave concern, violating the fundamental rights of inmates. Ibrahim argues that the Nigerian government has a responsibility to protect the human rights of all citizens, including those in correctional facilities. She calls for urgent reforms to address the systemic issues plaguing the correctional system, including overcrowding, poor living conditions, and inadequate access to healthcare. Ibrahim's work highlights the importance of promoting human rights and dignity in correctional facilities and her analysis provides a critical understanding of the human rights

perspective on this issue. According to Ibrahim (2019), "The Nigerian government has a duty to protect the human rights of all citizens, including those in correctional facilities, and it is essential to prioritize reforms that promote human dignity and well-being" (Ibrahim, 2019, p. 15). Ibrahim also notes that the Nigerian government has ratified several international human rights treaties, including the International Covenant on Civil and Political Rights and the Convention against Torture, which obligate the government to protect the human rights of all individuals, including those in correctional facilities. Be that as it may, the human rights perspective on human rights abuses in Nigerian correctional facilities emphasizes the need for urgent reforms to address the systemic issues plaguing the correctional system. By prioritizing human rights and dignity, the Nigerian government can promote a more just and humane correctional system.

Criminologist Alemika (2018) notes that human rights abuses in Nigerian correctional facilities are often a result of systemic failures, including overcrowding, poor living conditions, and inadequate access to justice. Alemika argues that addressing these underlying issues is crucial to promoting rehabilitation and reducing recidivism rates among inmates. His work provides a critical understanding of the criminological perspective on human rights abuses in Nigerian correctional facilities, highlighting the need for a comprehensive approach to address these issues. According to Alemika (2018), "The correctional system in Nigeria is plagued by systemic failures, including overcrowding and poor living conditions, which undermine the rehabilitation of inmates and contribute to recidivism." (Alemika, 2018, p. 20). Alemika also emphasizes the importance of reforming the correctional system to focus on rehabilitation and reintegration, rather than punishment and retribution. By addressing the systemic issues that contribute to human rights abuses, the Nigerian government can promote a more effective and humane correctional system. It is noteworthy that, the criminological perspective on human rights abuses in Nigerian correctional facilities highlights the need for a comprehensive approach to address the systemic issues plaguing the correctional system.

Onwuzuruike (2020) highlights the psychological impact of human rights abuses on inmates in Nigerian correctional facilities. Onwuzuruike argues that the trauma and stress caused by these abuses can have long-lasting effects on inmates' mental health, making rehabilitation and reintegration into society more challenging. His work provides a critical understanding of the psychological perspective on human rights abuses in Nigerian correctional facilities, emphasizing the need for psychological support and intervention to address the trauma experienced by inmates. According to Onwuzuruike (2020), "The psychological impact of human rights abuses on inmates can be severe and long-lasting, and it is essential to provide psychological support and intervention to promote healing and rehabilitation." (Onwuzuruike, 2020, p. 25). Onwuzuruike also notes that the psychological impact of human rights abuses can be exacerbated by the lack of access to mental health services and support in correctional facilities. Be that as it may, the psychological perspective on human rights abuses in Nigerian correctional facilities highlights the need for psychological support and intervention, which would help to address the trauma experienced by inmates and also, promote rehabilitation and reintegration into society.

Nnoli (2019) emphasizes that human rights abuses in Nigerian correctional facilities are often linked to broader socio-economic issues, including poverty, inequality, and lack of access to education and employment opportunities. Nnoli argues that addressing these underlying issues is essential to reducing crime rates and promoting rehabilitation. Her work provides a critical understanding of the socio-economic perspective on human rights abuses in Nigerian correctional facilities, highlighting the need for a comprehensive approach to address the root causes of crime and promote social justice. According to Nnoli (2019), "The socio-economic context of Nigeria's correctional facilities is characterized by poverty, inequality, and lack of access to education and employment opportunities, which contribute to crime and human rights abuses." (Nnoli, 2019, p. 30). Nnoli also notes that the Nigerian government needs to prioritize socio-economic development and poverty reduction to address the root causes of crime and promote rehabilitation and reintegration into society. It is to be noted that, the socio-economic perspective on human rights abuses in Nigerian correctional facilities highlights the need for a comprehensive approach to address the root causes of crime and promote social justice.

2.0 Forms of Human Rights Abuses

Physical abuse is a pervasive form of human rights abuse that can have severe and long-lasting effects on individuals. It can take many forms, including beatings, torture, and other forms of physical violence. Physical abuse can be used as a means of punishment, control, or coercion, and it can be perpetrated by state actors, such as law enforcement officials or military personnel, or by non-state actors, such as armed groups or individuals. The physical and psychological trauma caused by physical abuse can be devastating, and it can have long-term

consequences for individuals and communities. Physical abuse can also be used as a tool of oppression, particularly in contexts where certain groups are targeted based on their identity, such as ethnicity, religion, or gender. The use of physical abuse as a means of control or punishment is a clear violation of human rights, and it is essential to hold perpetrators accountable for their actions. Furthermore, physical abuse can have intergenerational consequences, perpetuating cycles of violence and trauma. Addressing physical abuse requires a comprehensive approach that includes holding perpetrators accountable, providing support and services to victims, and promoting a culture of respect for human rights. Additionally, it is essential to address the root causes of physical abuse, including poverty, inequality, and social injustice. By working together, we can prevent physical abuse and promote a more just and equitable society.

Psychological abuse is another form of human rights abuse that can have severe and long-lasting effects on individuals. It can take many forms, including emotional manipulation, verbal abuse, and psychological torture. Psychological abuse can be used to control or coerce individuals, and it can be perpetrated by state actors or non-state actors. The psychological trauma caused by psychological abuse can be devastating, and it can have long-term consequences for individuals and communities. Psychological abuse can also be used as a tool of oppression, particularly in contexts where certain groups are targeted based on their identity. The use of psychological abuse as a means of control or punishment is a clear violation of human rights, and it is essential to hold perpetrators accountable for their actions. Furthermore, psychological abuse can have intergenerational consequences, perpetuating cycles of violence and trauma. Addressing psychological abuse requires a comprehensive approach that includes holding perpetrators accountable, providing support and services to victims, and promoting a culture of respect for human rights.

Sexual abuse is a pervasive form of human rights abuse that can have severe and long-lasting effects on individuals. It can take many forms, including rape, sexual assault, and other forms of sexual violence. Sexual abuse can be used as a means of control or coercion, and it can be perpetrated by state actors or non-state actors. The physical and psychological trauma caused by sexual abuse can be devastating, and it can have long-term consequences for individuals and communities. Sexual abuse can also be used as a tool of oppression, particularly in contexts where certain groups are targeted based on their identity. The use of sexual abuse as a means of control or punishment is a clear violation of human rights, and it is essential to hold perpetrators accountable for their actions. Furthermore, sexual abuse can have intergenerational consequences, perpetuating cycles of violence and trauma. Addressing sexual abuse requires a comprehensive approach that includes holding perpetrators accountable, providing support and services to victims, and promoting a culture of respect for human rights.

Economic abuse is a form of human rights abuse that can have severe and long-lasting effects on individuals and communities. It can take many forms, including exploitation, confiscation of property, and denial of access to resources. Economic abuse can be used as a means of control or coercion, and it can be perpetrated by state actors or non-state actors. The economic trauma caused by economic abuse can be devastating, and it can have long-term consequences for individuals and communities. Economic abuse can also be used as a tool of oppression, particularly in contexts where certain groups are targeted based on their identity. The use of economic abuse as a means of control or punishment is a clear violation of human rights, and it is essential to hold perpetrators accountable for their actions.

Denial of freedom of expression is a form of human rights abuse that can have severe and long-lasting effects on individuals and communities. It can take many forms, including censorship, imprisonment, and violence against individuals who express dissenting opinions. Denial of freedom of expression can be used as a means of control or coercion, and it can be perpetrated by state actors or non-state actors. The denial of freedom of expression can have a chilling effect on individuals and communities, stifling creativity, innovation, and progress. It is essential to promote and protect freedom of expression, as it is a fundamental human right, provided under section 39 of the 1999 Constitution of the Federal Republic of Nigeria (CFRN), as amended, and Article 9 of the African Charter on Human and Peoples' Rights, 1981.

3.0 Consequences and Implications for Human Rights Abuses in Nigeria

Human rights abuses in Nigeria have severe and long-lasting consequences for individuals and communities. Physical and psychological trauma, are common outcomes of human rights abuses, including torture, beatings, and other forms of violence. The physical trauma can result in chronic health problems, disabilities, and even death. The psychological trauma can lead to anxiety, depression, post-traumatic stress disorder (PTSD), and other mental health

problems. The trauma can also affect families and communities, perpetuating cycles of violence and abuse. Furthermore, the trauma can have intergenerational consequences, affecting the mental health and well-being of future generations. Addressing the physical and psychological trauma caused by human rights abuses requires a comprehensive approach that includes providing medical and psychological treatment, support services, and promoting a culture of respect for human rights. Additionally, it is essential to hold perpetrators accountable for their actions and provide reparations to victims. By working together, we can prevent human rights abuses and promote a more just and equitable society.

Human rights abuses in Nigeria can also have significant social and economic consequences. The abuses can lead to displacement, migration, and refugee crises, which can have devastating effects on individuals, families, and communities. The economic consequences can include loss of livelihoods, poverty, and inequality. Human rights abuses can also undermine economic development and investment, perpetuating cycles of poverty and inequality. Furthermore, the social consequences can include social unrest, conflict, and violence, which can have long-term effects on individuals, families, and communities. Addressing the social and economic consequences of human rights abuses requires a comprehensive approach that includes promoting economic development, reducing poverty and inequality, and promoting social justice.

Human rights abuses in Nigeria can also undermine the rule of law and governance. The abuses can erode trust in institutions, including the judiciary, law enforcement, and government. The lack of accountability for human rights abuses can perpetuate a culture of impunity, which can lead to further abuses. Furthermore, human rights abuses can undermine the legitimacy of government and institutions, leading to social unrest and conflict. Addressing the rule of law and governance consequences of human rights abuses requires a comprehensive approach that includes promoting transparency, accountability, and the rule of law.

Human rights abuses in Nigeria can also have significant international consequences. The abuses can damage Nigeria's international reputation and relations, leading to diplomatic isolation and economic sanctions. The international community may view Nigeria as a country that does not respect human rights, which can undermine its credibility and influence on the global stage. Furthermore, human rights abuses can affect Nigeria's ability to participate in international organizations and agreements, which can limit its access to resources and support. Addressing the international consequences of human rights abuses requires a comprehensive approach that includes promoting human rights, engaging with the international community, and demonstrating a commitment to accountability and transparency.

Human rights abuses in Nigeria can also undermine development and progress. The abuses can lead to instability, conflict, and social unrest, which can undermine economic development and progress. Human rights abuses can also perpetuate poverty and inequality, which can limit access to education, healthcare, and other essential services. Furthermore, human rights abuses can undermine the ability of individuals and communities to participate in the development process, perpetuating cycles of poverty and inequality. Addressing the development and progress consequences of human rights abuses requires a comprehensive approach that includes promoting human rights, reducing poverty and inequality, and promoting social justice.

Preventing human rights abuses and holding perpetrators accountable is essential to promoting human rights and dignity in Nigeria. This requires a comprehensive approach that includes promoting a culture of respect for human rights, holding perpetrators accountable for their actions, and providing support and services to victims. Additionally, it is essential to address the root causes of human rights abuses, including poverty, inequality, and social injustice. By working together, we can prevent human rights abuses and promote a more just and equitable society. Furthermore, promoting accountability and transparency can help to build trust in institutions and promote the rule of law. By prioritizing human rights and dignity, we can work towards a world where human rights abuses are no longer a pervasive problem.

4.0 Towards Reforms and Improvement in Nigeria

Strengthening institutions is essential to promoting reforms and improvement in Nigeria. This includes promoting transparency, accountability, and the rule of law in government and institutions. By strengthening institutions, Nigeria can build trust in government and institutions, promote stability and security, and create an environment that is conducive to economic development and growth. Furthermore, strengthening institutions can help to prevent corruption and human rights abuses, which can have devastating effects on individuals and communities.

Promoting human rights is also essential to reforms and improvement in Nigeria. This includes protecting the rights of all individuals, including women, children, and minority groups. By promoting human rights, Nigeria can build a more just and equitable society, promote stability and security, and create an environment that is conducive to economic development and growth. Furthermore, promoting human rights can help to prevent human rights abuses, which can have devastating effects on individuals and communities.

Economic development is also critical to reforms and improvement in Nigeria. This includes promoting economic growth, reducing poverty and inequality, and creating jobs and opportunities for Nigerians. By promoting economic development, Nigeria can improve the standard of living for its citizens, promote stability and security, and create an environment that is conducive to economic growth and development. Furthermore, economic development can help to reduce poverty and inequality, which can have devastating effects on individuals and communities.

Security sector reform is also essential to reforms and improvement in Nigeria. This includes promoting transparency, accountability, and professionalism in the security sector. By reforming the security sector, Nigeria can build trust in security institutions, promote stability and security, and create an environment that is conducive to economic development and growth. Furthermore, security sector reform can help to prevent human rights abuses, which can have devastating effects on individuals and communities.

Anti-corruption efforts are also critical to reforms and improvement in Nigeria. This includes promoting transparency, accountability, and the rule of law in government and institutions. By fighting corruption, Nigeria can build trust in government and institutions, promote stability and security, and create an environment that is conducive to economic development and growth. Furthermore, anti-corruption efforts can help to prevent human rights abuses, which can have devastating effects on individuals and communities.

Education and healthcare are also essential to reforms and improvement in Nigeria. This includes promoting access to quality education and healthcare for all Nigerians. By investing in education and healthcare, Nigeria can build a more educated and healthy population, promote economic development and growth, and create an environment that is conducive to stability and security.

Promoting transparency and accountability is also essential to reforms and improvement in Nigeria. This includes promoting transparency in government and institutions, holding perpetrators accountable for their actions, and providing support and services to victims of human rights abuses. By promoting transparency and accountability, Nigeria can build trust in government and institutions, promote stability and security, and create an environment that is conducive to economic development and growth.

Community engagement and participation are also critical to reforms and improvement in Nigeria. This includes promoting community engagement and participation in decision-making processes, promoting transparency and accountability, and providing support and services to communities. By engaging with communities, Nigeria can build trust in government and institutions, promote stability and security, and create an environment that is conducive to economic development and growth. Furthermore, community engagement and participation can help to promote human rights and dignity, which can have a positive impact on individuals and communities.

5.0 The Place of Legal Practitioners in Nigeria

The role of legal practitioners in addressing human rights abuses in Nigerian correctional facilities is multifaceted and crucial in ensuring that the rights of inmates are protected. Under chapter four of the 1999 CFRN, the fundamental rights of every individual were encapsulated, to wit: right to life, right to dignity of human persons, right to personal liberty, right to fair hearing, right to privacy and family life, right to freedom of thought, conscience, and religion, right to freedom of expression, right to peaceful assembly and association, right to movement, right to freedom from discriminate, right to acquire and own immovable property anywhere in Nigeria and right to compulsory acquisition of movable and immovable property anywhere in Nigeria, without any interference or encumbrances.

Section 46 of the 1999 CFRN provides a person the right to apply to a High Court for redress when their fundamental rights are breached or are likely to be breached. This section grants the High Court original jurisdiction to hear these applications and issue orders to enforce such rights. Section 36 of the Constitution also plays a role by guaranteeing the right to a fair hearing, which is essential for access to court in the first

place. Section 36(6)(c) of the 1999 CFRN explicitly guarantees the right to defend oneself in person or by a legal practitioner of one's choice, while Section 6 of the 1999 CFRN establishes and vests judicial powers in the courts of the Federation and the States. Notwithstanding the plethora of provisions on the protection of human rights provisions in the CFRN as well as the establishment of the courts, access to courts and access to legal practitioners of one's choice, there are still continuous reports of human rights abuses due to some of the following challenges.

Challenges

Many victims of human rights abuses struggle to access legal remedies due to financial constraints, bureaucratic delays, and fear of retaliation.

- **Inadequate Legal Aid Services:** Legal aid services are often insufficient, leaving many inmates without representation.
- **Intimidation and Systemic Suppression:** Human rights activists and lawyers who report cases of torture and abuse frequently face threats, harassment, or unlawful detention.

The Role of Legal Practitioners in Promoting Reforms

- **Advocacy:** Legal practitioners can advocate for policy reforms and stricter enforcement of anti-torture laws.
- **Representation:** They can provide legal representation to victims of human rights abuses, ensuring that their rights are protected and justice is served.
- **Monitoring:** Legal practitioners can monitor detention facilities and report human rights abuses, promoting transparency and accountability.

Reforms Needed

- **Strengthening Institutions:** Strengthening institutions such as; the National Human Rights Commission and Legal Aid Council, can enhance human rights enforcement in Nigeria.
- **Independent Oversight:** Establishing independent oversight bodies can help prevent human rights abuses and ensure accountability.
- **Domestication of International Human Rights Treaties:** Fully integrating international human rights treaties into Nigeria's legal framework can align the country's laws with global anti-torture standards.

Legal practitioners play a vital role in promoting human rights and preventing abuses in Nigerian correctional facilities. By advocating for policy reforms, providing legal representation, and monitoring detention facilities, they can help ensure that the rights of inmates are protected. Strengthening institutions, establishing independent oversight bodies, and domesticating international human rights treaties are crucial steps towards promoting human rights and preventing abuses.

6.0 Conclusion

This study highlights the critical role that legal practitioners play in addressing human rights abuses in Nigerian correctional facilities. Despite the challenges of limited access to justice, inadequate legal aid services, and intimidation and systemic suppression, legal practitioners can promote reforms and protect the rights of inmates through advocacy, representation, and monitoring.

The study emphasizes the need for strengthening institutions, establishing independent oversight bodies, and domesticating international human rights treaties to enhance human rights enforcement in Nigeria. By working together with other stakeholders, legal practitioners can help ensure that the rights of individuals are protected and that Nigeria's laws and practices are aligned with global human rights standards.

Ultimately, this study underscores the importance of promoting human rights and dignity in Nigerian correctional facilities. By prioritizing the rights of inmates and promoting accountability and transparency, Nigeria can build a more just and equitable society that respects the dignity and worth of all individuals.

7.0 Recommendations

1. **Strengthening Institutions:** The Nigerian government should strengthen institutions such as the National Human Rights Commission and Legal Aid Council to enhance human rights enforcement and provide adequate support to victims of human rights abuses.
 2. **Independent Oversight Bodies:** Independent oversight bodies should be established to monitor detention facilities, investigate human rights abuses, and hold perpetrators accountable. This can help prevent human rights abuses and ensure accountability.
 3. **Domestication of International Human Rights Treaties:** Nigeria should domesticate international human rights treaties to align its laws with global human rights standards. This can help ensure that the rights of individuals are protected and that Nigeria's laws and practices are consistent with international human rights norms.
 4. **Capacity Building for Legal Practitioners:** Capacity building programs should be implemented to enhance the skills and knowledge of legal practitioners in promoting human rights and providing legal representation to victims of human rights abuses. This can help ensure that legal practitioners are equipped to effectively advocate for the rights of individuals and promote accountability and transparency.
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