**COMMUNIQUÉ ISSUED AT THE END OF A TWO-DAY HIGH-LEVEL CONFERENCE ON DECONGESTION AND CORRECTIONS ADMINISTRATION.**

**PREAMBLE;**

The Ministry of Interior in collaboration with PRAWA and the Nigerian Correctional Service with the support of OSIWA and UNICEF organized a Two-Day conference which focused on decongestion and corrections administration in Nigeria at Ladi Kwali Hall Abuja Continental Hotel, Abuja from Wednesday, May 10 to Thursday, May 11, 2023. It was attended by over 200 participants drawn from the relevant stakeholders in the criminal justice sector. The conference was aimed at developing effective, efficient and sustainable strategies for managing pretrial detention and congestion correctional/custodial centers and detention related reforms at national and sub-national levels.

The welcome address was delivered by the Ministry of Interior. An overview of the technical session and agenda setting was given by PRAWA and there were also presentations on custodial and non-custodial data and statistics by the NCoS wherein the following statistics were given 75,507 as the total lock up for the custodial centers with 52,436 as ATPs and 23, 071 representing 31% are those convicted over 2000 stayed for more than 10 years, over 5000 spent from 6 to 10 years, 3322 inmates on death row. 82 custodial centers are overcrowded out of the 244 custodial centers. A presentation on data and strategy series was made by PRAWA. Participants were divided into groups during the breakout for the syndicate group session to deliberate on issues germane to corrections. Group sessions focused on:

i. Sustainable strategies for reducing high number of pre-trial detainees in custodial centers

ii. Strategies to promote effective implementation of non-custodial measures

iii. Strategies to promote effective reformation, rehabilitation and reintegration of inmates and ex-inmates

iv. Performance review, monitoring and oversight mechanisms

v. Corrections Management and the concurrent role of federal and state governments.

After robust discussions on issues under the above themes, the following observations and resolutions were made:

**OBSERVATIONS**

The conference noted the following as factors that bring about the high number of ATPs in custody:

1. Slow dispensation of justice especially for capital offenders
2. Delay in prosecution of criminal cases
3. Lack of synergy between the arresting and prosecuting agencies
4. Non compliance with the provision of Section 12 of the NCoS Act
5. Inadequate probono services especially the less privileged inmates
6. Frequent transfer of judicial officers and prosecuting police officers leading to stalling of cases
7. Increase in crime rate due to population growth
8. Stringent bail conditions for most offences
9. Inadequate personnel both in the custodial centers including the polic
10. Inadequate logistics for taking inmates to and from courts caused by lack of vehicles and traffic congestion
11. Corruption by some government officials in the justice system
12. Underdeveloped and underfunded criminal justice system
13. The system of using physical files result in cases of missing case files
14. Lack of implementation of the existing laws particularly ACJA

**RESOLUTIONS:**

The conference came to the following resolutions:

**On Sustainable strategies for reducing high number of pre-trial detainees in custodial centers**

**WE,**

**Encourage** full implementation of section 12 of the Nigerian Correctional Service Act, 2019;

**Recommend** having a strong synergy between the arresting bodies and prosecuting agencies;

**Encourage** the provision of pro bono services and are deeply concerned about the bureaucracy involved in getting access to the pre-trial detainees in the custodial centers by agencies statutorily mandated to provide free legal services and CSOs;

**Strongly recommend** the need to enhance the synergy between the Legal Aid Ccouncil of Nigeria. National Human Rights Commission of Nigeria and non-governmental organizations;

**Strongly recommend** that there is need to situate courts within the custodial centers to take care of pre-trial detainees;

**Strongly encourage** the full implementation of ACJA and ACJL for states that have domesticated same and domestication of ACJA by those states that are yet to domesticate it

**Urge** the government to build more structures to accommodate more inmates at custodial centres

**Recommend** that the legislature look into the classification of offences provided for in the criminal and penal codes towards the decriminalization and declassification of some minor and petty offences.

**Strongly recommend** the need to strengthen the usage of virtual courts

**Urge** the government to provide adequate logistics to enable transportation of inmates to courts

**Urge** the government to ensure training and retraining of police and other law enforcement agencies with the mandate to arrest and detain, courts and correctional service personnel

**Urge** the government to take steps to ensure funding and budget allocation to stakeholders in the administration of criminal justice especially the Legal Aid Council

**Strongly recommend** the development of diversionary programmes provided for in the ACJA/ACJL, Child Rights Act and the Nigerian Correctional Service Act

**Affirm** the need for a nationwide screening and assessment of all children and young persons in pre-trial detentions for the purpose of their possible release or diversion.

**Strongly recommend** the implementation of non-custodial sentencing especially the community service sentencing, parole etc.

**Strongly propose** the digitalization of processes from arrest to conviction

**Urge** all Judges and magistrates to take into consideration the detention periods spent by inmates during sentencing

**Strongly affirm** the need for the detainees who are mentally ill to be taken to special facilities

**Strongly propose** that steps should be taken to establish a system for a data base of all persons in detentions in Nigeria for ease of coordination.

**On Strategies to promote effective implementation of non-custodial measures:**

**We,**

**Strongly recommend** that the law needs to be amended to reduce the kind of offenses that necessitate pretrial detention;

**Strongly recommend** having a clear categorization of crimes and emphasis on categorization be made clear

**Urge** strict adherence to sentencing guidelines

**Strongly recommend** that the law should be amended to make specific provisions for non-custodial sentencing and settle the confusion on what constitutes simple offences

**Strongly recommend** the harmonization of the ACJA and NCoS Act for better effectiveness

**Strongly propose** the need for interagency collaboration between agencies in the criminal justice system

**Urge all judges and magistrates to** effectively uitilize of community service sanctions

**Urge the government** to take steps towards ensuring adequate financial provision for the correctional service to carry out its non-custodial supervision mandate

**Propose awareness** creation for all stakeholders – judiciary, corrections, the prosecution criminal justice community and citizens including traditional rulers, community leaders on non-custodial sentencing.

**Deeply concerned** that the giving of fine as an option against imprisonment has not been very effective as some offenders of petty crimes are unable to pay the fines we therefore recommend the utilization of other non-custodial sanctions;

**Strongly encourage** the implementation of section 37 and 38 of the Nigerian Correctional Service Act on setting up the National committee on non-custodial measures;

**Propose that** counselling sessions be made part of the sentencing;

**Encourage proper** monitoring, harmonization of the functions of NCoS with that given to the court bailiffs in the ACJA;

**Strongly urge** the implementation of diversion measures for children in conflict with the law such that they do not go through the criminal justice system;

**Encourage** the utilization of restorative justice programmes pretrial, during trial, during imprisonment and post imprisonment;

**On Strategies to promote effective reformation, rehabilitation and reintegration of inmates and ex-inmates**

**We,**

**Encourage** the implementation of Section 27 of the Nigerian Correctional Service Act (NCSA) 2019 on staff trainings

**Propose** the rehabilitation of Inmates through Professional Therapy in the Correctional centers to ensure stable mind set;

**Strongly recommend** the release of inmates from custody through payment of fines;

**Encourage** the establishment of a mechanism for regulation collection and collation of list of inmates with option of fines;

**Urge** the government to take steps to improve the welfare of correctional officers towards enhancing commitment and efficiency in the discharge of their functions;

**Propose** for the development of guidelines for better management and diversion of those on fines;

**Strongly recommend** the provision of rehabilitation and reintegration support for inmates; to include opening of bank accounts and provision of ATM cards, linkage with National Directorate of Employment (NDE) and SMEDAN. PRAWA is recommended to keep links with the beneficiaries for follow up support and monitoring.

**Are deeply concerned** that Section 26 of the Nigerian Correctional Services Act 2019 makes provisions for comforts, convenience and privileges for correctional officers as well as rewards for extra or special service. However, the funding of the source for these incentives and additional benefits, lacks elements of sustainability and sufficiency we therefore recommend that outside the CORF, special and moderate welfare packages, not subject to any intrinsic or extrinsic factor(s) be made available to correctional officers;

**Strongly encourage** the adoption of a community-based approach to aid the reintegration of ex-inmates back into society;

**Strongly condemn** the existence laws that precludes ex-inmates from being employed upon their release asinimical to the very essence of reformation, rehabilitation and reintegration

**Strongly Encourage** the effective implementation of the provision of the Correctional Service Act for the issuance of certificates of good behavior to inmates who have demonstrated good conduct, including those who have acquired training through formal and informal education aimed at facilitating their reintegration**.**

**Urge the Government** to ensure the provision of interim housing for ex-inmates upon their release as well as access to grants and loans to allow them effectively put skills acquired during incarceration to use and to bolster their after-care support.

**Propose** the need to provide sustainable financial structures for inmates during incarceration and upon their release from incarceration. This can be achieved by the provision of in-house employment during their time in the custodial centres.

**Strongly propose** the need to consider extending educational and vocational programmes to persons awaiting trial;

**Strongly recommend** the effective implementation of Section 43 (3) of the NCSA on the use of restorative justice measures pre-trial, during trial, during imprisonment and after imprisonment.

**On Performance review, monitoring and oversight mechanisms:**

**We,**

**Urge the Judiciary** to ensure the implementation of Section 34 of the Administration of the Criminal Justice Act on visits to detention centers by Judges and Magistrates;

**Urge the President of the federal republic of Nigeria to constitute the visiting committee of the custodial centres in line with section 21 of the Nigerian Correctional Service Act, 2019.**

**Encourage the Minister of Interior to urgently establish the official custodial centre visiting committee with CSO representation in line with section 21(1)(c) of the Nigerian Correctional Service Act 2019.**

**Urge the Controller General** of Corrections to **establish the voluntary custodial centre visiting committee in line with section 21(1)(d) of the Nigerian Correctional Service Act 2019.**

**Urge the Correctional Service** to ensure effective management of inmate database and biometric records for reintegration;

**Strongly recommend** the activation of the oversight function of the National Preventive Mechanism by the National committee against torture.

**Propose** adequate budgeting towards encouraging both internal and external oversight mechanisms for all agencies that have detention facilities to be able to check the extent of their compliance with international standards and the provisions of the Act;

**Encourage** the ACJA monitoring committee to effectively carry out its mandate under the Act;

**On Corrections Management and the concurrent role of federal and state governments:**

**We,**

**Acknowledge** that there are two basic models that may fit into the Nigerian context, the first being that of federalism model where the federal government administers and controls the custodial centers within their purview as well as keep custody of federal offenders. While the state builds, controls and administers custodial centers for state related offenses;

The second model is a collaborative model between the state and the federal. Where they both collaborate to determine the aspects of the system which will be controlled and funded by each level of government.

**Affirm** the need for a 3 -4 years transition phase to cover the period between the present and the time of implementation after which the state should take charge of the custodial centers based on the model agreed on;

**Affirm** the need for frequent engagement and roundtable meetings amongst key stakeholders for effective take off and sustainability;

**Recommend** that the National Fiscal Commission utilize the transition period to properly and adequately divest funds to the states to manage its new responsibilities.

**Affirm** need for standardization and quality control across board, hence the need to create or establish an independent body or commission to regulate the affairs of the correctional services generally, just like the NUC, NJC et al.

**Affirm** the need for the states to understand the enormous responsibility it needs to address regarding Rehabilitation - health - feeding - clothing. - aftercare - logistics - community corrections component - capacity building, Vocational workshops and agricultural systems - oversight - performance and quality assurance — staff recruitment and welfare.

Affirm that the above issues will inform and determine the model that each state will settle for