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COVID-19 Vaccine: A Right or Privilege for Nigerian Prison Inmates

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ABSTRACT

Citizens are members of a particular country who, because of birth, registration, or application, are entitled to enjoy certain basic rights and privileges. Discrimination by reason of age, ethnicity, religious background, or liberty of any person should not be entertained at any level; hence, every citizen is to be treated equally in terms of the enjoyment of basic rights and privileges. The most important fundamental right to be enjoyed by a citizen is the right to life, mainly because a person needs to be alive to enjoy other rights and privileges as contained in the constitution. However, the right to life is not limited to the right not to take a person's life, and rather it expands to the right to enjoy unhindered access to resources that will ensure good physical and mental well-being. Unfortunately, some countries are unable to ensure the enjoyment of these rights by all their citizens. In a bid to manage the limited resources, some persons are being discriminated against, one of which is inmates who are incarcerated and serving an imprisonment term. This act of discrimination was evidenced in 2020 during the COVID-19 pandemic when immediate preventive measures were taken across the country to curb the spread of the virus. It became a cause of concern whether inmates in correctional centres were equally carried along on these measures. This article will discuss the right to life of prisoners in Nigerian correctional centres as it relates to their unhindered right to health. Using the doctrinal and empirical method, this paper will identify the local and international instruments that provide for the enjoyment of the right to health of inmates, and particularly whether inmates were discriminated against in the exercise of the various preventive measures taken during the pandemic.

Keywords: COVID-19; Vaccine; Right; Prison inmates; Nigeria.

INTRODUCTION

A prisoner is any person who is kept in custody because of being convicted and sentenced as punishment for the commission of an offence. Accordingly, a prisoner is a person who has been deprived of his right to personal liberty because of being in confinement for as long as his term requires or, in the case of a death sentence, until his life is lawfully taken [1]. The question that arises on the enjoyment of fundamental rights of inmates is usually whether, by reason of their

confinement, they are still entitled to the enjoyment of their rights or they are to be stripped of those rights. The analogy will be that for the time spent in prison, they are to be treated as offenders who cannot enjoy the rights and privileges entitled to the rest of the citizens in the outside community. However, legal instruments at the international, regional, and local levels [2] have corrected this notion by constantly releasing laws, rules, and manuals to the effect that prisoners are not to be deprived of their fundamental rights because of

their existence as humans first before being incarcerated.

A prisoner is entitled to his right to life, right to private and family life, right to dignity of the human person, right to be free from any form of discrimination, right to food, a clean and conducive environment, and other fundamental rights as if he were not in custody. Prisoners are also regarded as one of the vulnerable groups in society; vulnerable not necessarily in terms of exposure to harm but more about the limitation to give voluntary informed consent or make certain personal requests or choices. For instance, while in custody, a prisoner cannot request special medical care or special diet except where medically recommended, which even in some cases will not be respected due to lack of funds or adequate facilities. Accordingly, the presence of this vulnerability forms the basis of the obligation of the government to pay closer attention to the general welfare of prisoners in custody. In the case of *Holomiov v. The Republic of Moldova* [3], the applicant alleged that he was detained in inhuman and degrading conditions and had not been provided with proper medical care. According to the medical certificates, he suffered from several serious illnesses, including chronic hepatitis, second-degree hydronephrosis, chronic bilateral pyelonephritis with functional impairment of the right kidney, hydronephrosis of the right kidney with functional impairment, and chronic renal failure. The court held that there had been a violation of Article 3 of the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The core issue was not the lack of medical care in general but rather the lack of adequate medical care for the applicant's particular conditions, as disclosed. The court further observed, in particular, that, while suffering from serious kidney diseases entailing serious risks to his health, the applicant had been detained for almost four years without appropriate medical care; it, therefore, found that the applicant's suffering has constituted inhuman and degrading treatment [4].

The distasteful condition of prisons in most parts of the world equally puts prisoners in a disadvantaged position concerning maintaining good physical and mental well-being. Prisons are known for overpopulation, unhygienic environment, unventilated and small sleeping areas, lack of standard medical facilities to provide general and specific health care services and lack of nutritional diet. The Nigerian Correctional Service (NCS) data on the Summary of Inmate Population by Convict and Persons Awaiting Trial as of October 4th, 2021, revealed that the facilities hold

37% more inmates than it is designed to [5]. This is not a problem peculiar to Nigeria alone. In Haiti, the Philippines, and Congo, overcrowding levels remain high and are growing to chronic levels, with occupancy levels as high as 450 to 600%. In the context of the global pandemic, overcrowding has exacerbated the overall poor detention conditions in many countries, especially access to healthcare, proper hygiene, and appropriate nutrition, placing the lives of people in prison at particular risk [6]. The challenges facing the prison administration cannot be exhausted. This, however, should not deter the government and other stakeholders from putting in measures to address them. Although the above-listed challenges are all important and need to be addressed urgently, this paper has chosen to address the right of prisoners to enjoy the protection and promotion of a good healthcare system; the COVID-19 vaccination exercise will be treated as a case study.

COVID-19 PANDEMIC

The first case of coronavirus was reported on the 31st of December 2019, when mysterious cases of pneumonia were reported in Wuhan, a city in China in January 7, 2020, the causative agent was identified as a new coronavirus (2019-nCoV), and that disease was later named covid-19 by the World Health Organization [7]. Soon after, a large number of people were infected, and death cases were recorded [8]. The virus began to spread across China and other parts of the world. The spread was so rapid that most countries had to take drastic steps to protect their borders; lockdown orders and closing of country borders were announced. Countries like the USA, Egypt, India, and so on were hit seriously by this virus so much that the reported death cases increased daily. Accordingly, the World Health Organization [9] and other health-related organisations were at work trying to identify the best means to manage the spread of the outbreak. In addition to global and national lockdowns, other measures such as the use of nose masks, hand sanitisers, social distancing, online classes for students at all levels, and remote working for both public and private institutions were introduced, all in a bid to reduce physical contact which was a sure means of spreading the disease. In further response to the pandemic and its drastic effect, individuals and organisations in the international community invested immense financial and human resources to develop a safe and effective vaccine within an unprecedented period. The effect of these vaccine variants is to significantly reduce the transmission of the COVID-19 disease and mortality rate of

affected persons in addition to the other preventive measures [10].

These attempts, both at the International and National levels, are laudable because the virus came suddenly and affected all aspects of human life, particularly the health sector. To a considerable extent now, things are being managed even though the virus is still very much present and seems to be evolving in bigger forms as the reports of stronger variants are being released periodically [11]. Nigeria equally abided by international standards by enforcing a lockdown at the beginning [12] and then reducing it to other preventive and safety measures of social distancing, compulsory use of hand sanitisers and nose masks, virtual classes, remote working, and the latest which is the vaccination being administered in health centers all around the country.

During all of these, it became important to re-evaluate the health system being the most affected during the pandemic. For other developed countries, although they struggled hard at the beginning [13], it was easy for them to find ways to manage because of their technological advancement and available financial resources. Countries like the US, UK, and China are prime examples. The same cannot be reported in Nigeria, where the health system before the pandemic was struggling to be at its best due to several reasons. Citizens in Nigeria are not exactly enjoying a good health system; this then begs the question of the fate of vulnerable people (including inmates) before and, most importantly, during the pandemic. If it is difficult for free citizens to have access to good healthcare facilities or affordable healthcare, how do we guarantee that these vulnerable persons are not left to their fate and are last on the line when it comes to access to good health care; and in this case, the protection from covid-19?

FUNDAMENTAL RIGHTS OF PRISONERS

Although deprived of their right to personal liberty, several Human Right Laws [14] have provided that a prisoner who is observing a prison sentence does not completely lose his rights as a human being; in other words, such prisoner enjoys certain basic rights despite being confined to prison. These rights, particularly those promoting the health of inmates, will be discussed with a focus on the provisions of local and international instruments with emphasis on the Constitution of the Federal Republic of Nigeria since this paper is focused on Nigeria as a case study.

The United Nations Charter [15] is an instrument that strongly preaches the enjoyment of fundamental human rights by all humans equal rights without discrimination. The Charter states one of the principal aims of the United Nations as follows; *"to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and nations, large and small [16]"* Furthermore, it states one of its purposes as: *"achieving international cooperation in solving international problems of an economic, social, cultural or humanitarian, and in promoting and encouraging respect for human rights and fundamental freedoms for all without distinction as to race, sex, language or religion."* These provisions are to the effect that every person without any form of discrimination, whether because of age, religion, race, sex, or condition, is entitled to enjoy the fundamental rights attributed to being human.

The International Covenant on Economic, Social, and Cultural Right (ICESCR) and the International Covenant on Civil and Political Rights (ICCPR) equally support the equal enjoyment of fundamental rights by all humans. With regard to the right to health, which is the subject matter of this paper, both covenants promote the enjoyment of the highest attainable physical and mental well-being for every human [17] without any form of discrimination against persons in detention. In doing this, States must ensure the protection, treatment, and control of any epidemic, endemic, or disease by providing adequate medical facilities that can address the health issue [18]. The ICCPR also provides for basic rights that should be enjoyed by every human person, such as the right to life to be enjoyed by everyone and protected by law such that no one is arbitrarily deprived of his life [19]; the right not to be subjected to torture, inhumane or degrading treatment or punishment [20]; the right of prisoners although deprived of their liberty to nevertheless be treated with humanity and respect to their dignity as human persons [21]. Without a doubt, these rights are equally applicable to inmates by virtue of their being human beings, notwithstanding their confinement.

The United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) [22] is another instrument that serves as a guideline for countries to enable them to operate their prison system using an acceptable minimum standard necessary to protect the lives of inmates in prison custody. The Rules posit that the State is under an obligation to provide a safe and

conducive environment for inmates to ensure the enjoyment of their fundamental human rights even while in custody. One major proposition is the need for the State to provide adequate medical attention to the inmates, among other services. The Rules provide specific measures to ensure the provision of standard minimum medical services to protect the physical and mental well-being of inmates, some of which include the provision of a healthcare centre in the prisons having basic facilities to provide medical services when they arise, the employment, training, and retraining of professional health care providers who are professionally and psychologically fit to attend to the physical and mental needs of inmates putting into consideration their peculiarity, proper documentation of prisoners medical file containing the previous and current health status to enable adequate treatment when the need arises, provision of special accommodation for pregnant and nursing women in custody [23].

The Universal Declaration on Human Rights (UDHR) [24], like other human rights instruments, generally recognises the promotion of the inherent dignity of the human person and the equal and inalienable rights of all human beings without any discrimination. With regard to the health of the human person, the UDHR provides for the need to protect the right to life and security [25] and the prohibition of inhuman or degrading treatment of anyone [26]. These rights form an umbrella provision for the right to health of the human person, including inmates while being incarcerated, whether free or in custody; the right to life of everyone matters, and no one should be treated in an inhuman or degrading manner which might in any way affect their health. This indirectly safeguards the physical and mental well-being, i.e., the right to health of every human, inmates inclusive.

The Convention against Torture and Other Cruel, Inhuman, Or Degrading Treatment or Punishment [27] makes general provisions for the protection of every human against torture and any form of cruel, inhuman, or degrading treatment or punishment. Like the provisions of the International Covenant on Civil and Political Rights and the Universal Declaration of Human Rights, every human should be treated equally with dignity and should not be subjected to any degrading treatment. Unfortunately, the reality in most prisons is that inmates are usually tortured and treated in inhumane manners, which eventually leads to injuries, sickness, and much worse untimely

deaths for the unfortunate ones; it almost seems as though it is a norm in the prisons.

The American Convention on Human Rights [28], in its Article 4, provides for the protection of the right to life of every person regardless of their condition, except where such a person is being sentenced to death by a competent court for an established crime. Article 5 [29] also specifically provides for the enjoyment of the right to humane treatment; such that every person is expected to be treated with physical, mental, and moral integrity and respect; and no one should be subjected to cruel, inhuman, or degrading treatment or punishment even where they are being deprived of their liberty. This summarily makes provision for the protection of the mental and physical well-being of prisoners.

The European Convention on Human Rights [30], like other conventions, does not expressly provide for the right to health of inmates, but it, however, supports the right to life and the need to treat humans with dignity. Article 2 provides for the right to life of every person to be protected by law and should not be arbitrarily taken except by a sentence of a court following the conviction of a crime. Article 3, in addition, prohibits subjecting anyone to torture or inhumane or degrading treatment or punishment.

The International Committee of the Red Cross (ICRC), as part of its humanitarian mandate, conducts visits to places of detention to monitor the conditions of detention and ascertain the treatment of prisoners concerning the international humanitarian law (IHL). The ICRC created a manual that serves as a set of standards and guidance on how detainees are to be treated while in custody and provides basic provisions that should be included in national laws, regulations, and policies necessary to guide the State and prison authorities on how to manage the prison facilities [31].

The provisions of the **African Charter on Human and People's Rights** [32] guarantee that the rights established under the Charter are to be extended and enjoyed by every category of persons, including prisoners, detainees, and other persons deprived of their liberty [33]. By this resolution, prisoners are equally entitled to enjoy the basic rights of every human as provided under the Charter, which include but are not limited to the right to life, the right against inhumane or degrading treatment, the right to food, the right to a good standard of physical and mental well-being like their counterpart in the outside community.

Their incarceration should not deny them the enjoyment of their rights as humans. This includes all rights provided under the Charter asides from the right to personal liberty.

The Constitution of the Federal Republic of Nigeria (as amended) [34] in Chapter IV provides for the fundamental human rights to be enjoyed by every citizen of Nigeria; without any form of discrimination, these rights are equally applicable to inmates in custody. The enshrined rights include:

- Right to Life [35]
- Right to dignity of the human person [36]
- Right to personal liberty [37]
- Right to a fair hearing [38]
- Right to private and family life [39]
- Right to freedom of thought, conscience, and religion [40]
- Right to freedom of expression and the press [41]
- Right to peaceful assembly and association [42]
- Right to freedom of movement [43]
- Right to freedom from discrimination [44]
- Right to acquire and own immovable property anywhere in Nigeria [45]

It is important to note that inmates are not to be discriminated against based on their condition for the enjoyment of these rights except for the right to personal liberty and freedom of movement, as well as the right to private and family life. The constitution guarantees the right to life of inmates such that the State is obliged to ensure that they are in good condition while in custody and avoid any act or omission that might lead to their sudden death. In addition, the constitution guarantees the right to the dignity of a human person. Accordingly, inmates are to be treated with respect and regard for their inherent dignity as humans and are not to be subjected to inhumane treatment or punishment. These provisions indirectly promote the right to health of inmates in custody, as it guarantees the physical, mental, and moral well-being of inmates.

The constitution is the grundnorm and the fundamental law of the land, and it is evident that the provisions, particularly those relating to the fundamental rights of the citizens of Nigeria, are backed by international instruments recommended by international bodies, some of which Nigeria is a member of. It then flows that inmates, although in custody, are nevertheless entitled to the enjoyment of these rights. To guarantee their right to life, their right to health must be protected; that is, they must have access to a good healthcare system and healthcare personnel, and they should take priority in terms of any national health challenges that require immediate attention; this is due to their obvious disadvantaged position of being in an unpleasant environment.

The Nigerian Correctional Services Act [48], which was signed into law on the 14th of August 2019 to repeal the Nigerian Prisons Act [49], also contains relevant provisions for the protection of the right to health of inmates. For example, Section 15 (1) of the new law asserts the right of Prison inmates to the dignity of their person by asserting that "inmates shall not be held in slavery or servitude, and labour carried out by inmates shall not be afflictive or for the personal benefits of any correctional officer. Another major provision is the introduction of alternative correctional methods for offenders to reduce the overcrowding challenge in correctional facilities [50]. This provision will to a large extent, address the issue of overcrowding in the facilities and turn, reduce the possible health challenges. Other relevant sections include the provisions of a safe, secure and humane custody for the inmates [51], proper documentation of the health status of an inmate upon admission to ascertain the psychological and mental health status [52] of such inmate and determine whether or not he is eligible to be admitted in such facility or he should be transferred outrightly to a special center [54], prevention of torture, inhumane and degrading treatments against inmates, sexual and non-sexual violence, bullying, punishment of offenders and protection of victims of any reported case [54], prohibition of treatment of inmates under any slavery or servitude or any form of illegal hard labour [55], transfer of inmates in special cases of outbreak of diseases that might escalate as a result of overcrowding [56], continuation of treatment for a person who has completed his sentence but is still required to receive treatment for an existing ailment [57], and transfer of seriously ill inmates to a specialist hospital in order to save the life of such inmate and protect the other inmates and staff [58]. During the various stages of COVID-19, many countries responded

differently to measures to contain the virus concerning inmates. In the US, the Federal Bureau of Prisons and the different states instituted measures that include the early release of inmates, home confinement, and the release of incarcerated inmates at serious risk of contracting the virus [59]. In Indonesia, the government has released at least 36,500 prisoners, but as of April 14, the country still had 260,000 inmates, almost double the 132,000 total capacity [60]. In the United Kingdom, where COVID-19 cases have been identified in the majority of prisons, Justice Ministry authorities announced in early April that up to 4,000 prisoners would be eligible for release, but only 57 had been released by May 12 [61]. In Australia, New South Wales introduced emergency legislation in late March enabling the government to release prisoners, but as of May 18, no prisoners had been released [62]. In Turkey, a law authorising the release of up to 90,000 prisoners was limited to convicted offenders, arbitrarily excluding a high number of prisoners in pretrial detention or without finalised convictions [63]. In India, where approximately 67 percent of detainees are awaiting or undergoing trial, a high-level committee authorised the release of up to half of all detainees in the State of Maharashtra, but a requirement to post bail will prevent many from securing release [64]. Nigeria also took measures to contain the virus at various stages. As of May 2020, Nigeria had released 3,571 comprising convicts and awaiting trial inmates who meet certain criteria due to COVID concerns [65]. It is relevant to note that 70 per cent of inmates in Nigerian Prisons are awaiting trial.

Conclusively, the international, regional, and local laws all make relevant provisions for the protection of the right to health of inmates while in custody. While some of the provisions provide general protection on the right to life of inmates, which may indirectly be achieved by ensuring that the physical and mental health of the inmates is properly protected, other provisions are direct to the provisions of standard health care services in the form of health care centers, health care practitioners, conducive and healthy environment, swift and adequate medical treatment of inmates and transfer of inmates who are not fit to be in the custodial center due to lack of efficient health care facilities. These provisions, if properly implemented, will achieve the objective of complying with international standards and respecting international humanitarian laws.

ACCESS TO VACCINES

According to the World Health Organization (WHO), the use of the vaccine is critical in reducing

the risks of getting a disease by working with the body's natural defenses to build protection, as well as control the infectious-diseases outbreak [66]. Several vaccines have been introduced to control various diseases, such as polio, measles, cholera, hepatitis B, Influenza, covid-19, to mention a few. Despite the remarkable effect of vaccines in controlling further outbreaks of diseases, millions of people, for several reasons, have insufficient access to these vaccines [67], thereby affecting the whole essence of the vaccines in the first place. Equitable access to vaccines is particularly important as various international, regional, and local laws have preached the enjoyment of fundamental human rights of every human, which includes their right to access good health and basic medical services, under which receiving vaccines may be classified. No form of discrimination should be entertained during the availability, accessibility, acceptability, and affordability of health products of assured quality, including receiving vaccines. Except because of age, where certain vaccines are for children of a certain age, and others are for adults of a particular age, discrimination should not be made by religion, sex, freedom, or other conditions that are not justifiable.

The report compiled by the Director-General of the WHO on the "Access to Medicines and Vaccines" [68] clearly analysed the challenges faced in the accessibility of medicines, vaccines, and other health products as a global concern and the importance of addressing it to achieve sustainable development goals, particularly as it relates to health. The report identified certain factors hindering the equal accessibility of medicines and vaccines globally, such as inadequate financing of health products, high prices of health products, lack of good governance, corruption, fraud, and lack of adequate health professionals that may be useful in sensitising citizens of certain drugs and vaccines hence encouraging or increasing the interest to access them, to mention a few. This concern, as reported by the WHO, trickles down to those at the lower end of the ladder, for example, prison inmates, who will have to face these challenges just like the larger society regarding the inadequacy of vaccines.

Furthermore, having established in the above international, regional, and local laws that everyone has a fundamental right to life, out of which the right to health must be protected, it is safe to conclude that every reasonable measure that is required to sustain the good health of a person should equally be made available with no form of discrimination. Access to medicines,

vaccines, medical tests, and screening, where necessary, which will ensure a person's right to good physical and mental well-being is to be enjoyed by every person who, because of being human, is under the protection of the government to guarantee their fundamental rights.

With direct reference to inmates, it is no longer news that the incarceration of inmates does not deprive them of their fundamental human rights, which include their general right to life and specific access to good healthcare services. This implies that inmates are eligible to be treated equally with other members of society concerning preventive and curative measures to ensure good mental and physical health. The administration of vaccines on citizens should not exclude the inmates in custody, particularly due to the fear of a catastrophic outbreak should they fail to take proper precautions.

A summary report obtained from inmates in two correctional centres in Lagos State in the form of questionnaires showed that inmates were vaccinated and other measures such as restriction of movements in and out of the centres, use of hand sanitisers and there was a swift response to suspected health-related cases. However, this is not a conclusive report on whether the same measures were taken or not in correctional centres in other states in Nigeria, considering that some centres are more neglected and in worst conditions than others [69].

CHALLENGES AFFECTING THE IMPLEMENTATION OF THE RIGHT TO HEALTH OF PRISONERS

There are a number of identified challenges that impede the enjoyment of the rights to health of inmates as provided for in the international, regional and local legal instruments. Prisons all over the world, and in Nigeria especially, are known for their common negative attributes such as congestion and overpopulation, lack of proper spacing and ventilation for its occupants, poor medical services, and provision of a poor nutritional diet [70].

A congested and overpopulated environment is a perfect habitat for all sorts of diseases, viruses, and infections, both communicable and non-communicable, hence exposing inmates to various illnesses. Inmates in custody are regarded as vulnerable members of society as a result of the unpleasing state of the prison centers. The spread of diseases in prisons is on the high side compared to the larger society. As earlier discussed, COVID-19 is a transmittable virus that can be easily spread by body fluid, hence the introduction of various preventive measures to use nose masks

which will prevent the virus from entering the nose or mouth, frequent sanitisation of the hands to continually kill the germs that might have stuck to the hand after touching infected surfaces, social distancing to prevent spread or transmission of the virus. All these measures will, unfortunately, lead to wasted efforts where the environment is not conducive enough.

Another challenge is the issue of poor medical services. Due to the poor state of the correctional centres, inmates are prone to develop various illnesses which require unhindered and adequate medical attention. However, a physical inspection of these correctional centres would show that not all are well equipped with standard healthcare facilities, adequate personnel or enough medications and treatments for health issues when they arise. In some centres where healthcare facilities, personnel and drugs are available, some inmates with special cases are usually referred to government hospitals for further treatment as the former are inadequate to manage some of these cases. This inadequacy largely affects the enjoyment of the right to health of inmates in these centres, as it means that they are not guaranteed proper first aid treatment, not to mention when the need for serious medical procedures arises. For instance, people with underlying health issues were kept on respiratory machines where they are suspected of having contracted the COVID-19 disease, but for a centre where there are no proper medical records of its occupants, it will be challenging to know properly how to attend to their physical and mental well-being, in addition to the lack of adequate medical facilities and personnel.

Also, the failure to provide clean, safe and adequate food and drinking water for inmates will undoubtedly have a negative impact on their physical and mental health. This act is an obvious violation of the provisions of many local and international laws that guarantee the right to health of inmates in correctional centres. The essence of serving nutritious and adequate food and water is largely to ensure that the inmates are healthy and protected from malnutrition and other related health deficiencies, which will, in the long run, ensure the protection of their right to life. In Nigerian correctional centres, inmates constantly complain of the inadequate and malnourished food served by the system. Those who can afford it resort to alternative means of cooking by themselves or waiting on foods brought by religious or non-governmental organisations [71].

CONCLUSION AND RECOMMENDATIONS

Flowing from the above paragraphs, it can be concluded that inmates in detention or correctional

facilities are entitled to quality healthcare services like their counterparts in the outside world as provided for by several international, regional, and local human rights instruments. However, the challenge is usually the implementation of these laws by various stakeholders such as the government, the judiciary, staff of the correctional centers, and non-governmental and private organisations.

Nevertheless, all hope is not lost in achieving a sound healthcare system for inmates in incarceration amidst the obvious challenges facing the correctional system. Below are a few recommendations that can ensure the proper implementation of the healthcare policies such as vaccination of inmates, prevention, and protection of inmates from diseases by providing a conducive and hygienic environment in the correctional facilities:

1. Exploring Alternative Correctional Measures

The need to explore other alternative corrective or pecuniary measures cannot be overemphasised when trying to address the issue of congestion in correctional facilities. Reports have shown that most of the occupants in the centers are those awaiting trials, that is, persons who have been in custody with no chance of appearing before a competent court to be heard or tried for whatever offence he has been remanded for. This is appalling and completely against the fundamental rights of an individual. The justice system should know better than to keep an individual in prison with other categories of inmates for an unreasonable period without trial. Majority of the time as well, individuals whose offences require just a few months of imprisonment or fine or even community service are equally dumped in these centers, thereby increasing the number of occupants without considering the available space or facilities.

The judiciary needs to ensure that matters that do not attract punishments of imprisonment or which imprisonment are not more than 3 to 6 months are quickly treated, and alternative measures are explored instead. Offenders can be made to pay fines, partake in community services, driving disqualification for a while, restricted movement or access to certain areas, and many others. This recommendation is not strange as it has already been codified in Part II of the Nigerian Correctional Services Act. However, like other laws in Nigeria, effective implementation is the

main ingredient for achieving the desired result. Also, the implementation must cut across all states of the federation as the issue of overpopulation is imminent in all states and not selected ones.

2. Construction of Better Correctional Facilities

It is high time our correctional centers are rebuilt, refurbished, or even demolished and replaced with new structures. Most of the Nigerian correctional centers operating now were built decades ago; it is imperative to confirm whether these structures are up to standard considering the changes occurring now. We have more offenders than we used to, and this implies larger structures with better facilities. Inmates are humans before being incarcerated and, as such, are entitled to live and be treated humanely in hygienic, spacious, well-ventilated environments that will enable them to live a physically and mentally healthy lifestyle.

3. Prioritising the challenges facing inmates in custody

Like every citizen in a country, inmates are equally humans entitled to enjoy basic rights except for the right to liberty, which they are deprived of for the time being, where the imprisonment is for a term of years. This implies that the government pays considerable attention to the challenges facing inmates in custody. Their well-being cannot be ignored because of their condition, and they should be paid more attention to achieve the objectives of rehabilitation, retribution, and reformation. When an inmate suffers health issues while in custody because of a lack of healthy food, poor health care system, poor treatment of health issues, etc., and he is released back to society, the situation becomes worse as he puts the public in danger. The present conditions of the prisons should be the driving force of the government to pay serious attention to the prevention of disease outbreaks and proffer immediate preventive and curative measures to prevent the spread and avoid an uncontrollable fatality rate.

If the end goal is to reform these inmates so they come out to society and become good citizens again, then they must be treated as humanely as possible while they are in custody. Administration of the prison system should be given proper attention by the government and other stakeholders in terms of financing, personnel, provision of necessary

amenities, and embracing the international, regional, and local laws on the enjoyment of fundamental human rights by inmates.

Conclusively, the Nigerian Correctional Services Act is a robust law to a considerable extent in addressing custodial and non-custodial services. Nigeria may nevertheless borrow from the laws of other jurisdictions to see how our prison system can be better managed. Asides from the other International and regional laws, which might be more generic, the Nelson Mandela Rule Book [72] is an exclusive guide that sets the minimum standard for how States should take responsibility and treat inmates in their custodial centers with respect for their human dignity by prohibiting torture, inhumane treatment, ensuring that they maintain good physical and mental well-being, to achieve the reformatory, and rehabilitative objective. The Rule book is not limited to access to medical services for inmates; it extends to every important aspect of the prison system, such as prisoner's inherent dignity as human beings, vulnerable groups of prisoners, medical and health services, restrictions, disciplines, and sanctions in the prisons, investigation of deaths and torture in custody, access to legal representation, complaints, and periodic inspections, and staff training. All these relevant areas apply to the Nigerian system, whose provisions should be studied and replicated in our laws and practice.

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