

PRISON VOCATIONAL LABOUR UNDER MANDELA RULES AND NIGERIAN PRISON LAWS: A COMPARATIVE STUDY



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ABSTRACT

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Prison Vocational Labour (PVL) is an integral aspect of the correctional facilities that provide prisoners with the ability to learn better life skills. Nowadays, most of the prisons have a directorate that is entrusted with the responsibility of training prisoners through PVL. The purpose of PVL is to impart employable skills so that they may be employed after release. Within the international legal framework, the United Nations Standard Minimum Rules for the Treatment of Prisoners (Mandela Rules) provides a benchmark to all States for the treatment of prisoners as well as the nature and conduct of PVL. In the context of Nigeria, the domestic legal framework which consists of Prison Act, Prison Regulations and Prisons Standing Orders define the nature of PVL and how it should be carried out at the Nigerian Prisons. This study examines the compatibility between Nigerian legal framework and Mandela Rules on the nature and conduct of PVL.

Contribution/ Originality: This study contributes to existing literature by examining the compatibility between Nigerian legal framework and Mandela Rules particularly on the nature and conduct of Prison Vocational Labour. The findings demonstrate that Nigerian Prison Laws are compatible with the Mandela Rules in some aspects and not to some other aspects.

1. INTRODUCTION

Prison is viewed as a place that confines individuals who are legally accused of committing a crime pending the determination of their trial or convicted of crimes until they served the sentence imposed on them by the court (Ndukwe and Iroko, 2014; Raju, 2014; Danjuma *et al.*, 2017). History has shown that prisons in the ancient world were used to confine law offenders to carry out hard labour in Granaries and other places (John, 2006). In the middle of 1500 in England and other European Countries, workhouses were established in prisons in order to develop a self-control (May *et al.*, 2008; Opafunso and Adepoju, 2016) and to train prisoners with certain occupational skills that will be useful upon release. In other words, prisoners' sentence is usually the starting point for the kind of programme intended for the reformation and possible rehabilitation of a prisoner (Samuri, 2012; Ogunleye, 2014; Kamaluddin *et al.*, 2016). In the Nigerian context, prisons during colonial era were not mainly established for rehabilitation and reintegration of law offenders instead for the social, political and economic

subjugation of Africans who resisted colonial masters from imposing their authority over them (Sarkin, 2008; Tajuddeen, 2013; Uche *et al.*, 2015; Stephen, n.d). However, in 1946 R. H. Dolan, a trained prison officer who had a wealth of experience in prison administration in Britain and its colonies, re-introduced vocational training as a fundamental part of the penal treatment in Nigeria (Orakwe, n.d). Further, with the promulgation of Decree no.9 of 1972, prisons in Nigeria were transformed to reformatory and rehabilitation centres (Orakwe, n.d). The Decree of 1972 states the goals of the Nigerian Prison Service (NPS) and functions prison. The functions of Nigerian prisons, among others, include taking into custody those legally detained, identifying the causes of their behaviour and retaining them to become useful citizens in the society (Brown, 2012).

From the above, it can be argued that the philosophy of imprisonment has gradually shifted from retributive justice even though some still support it Muhamad (2015) to reformation, rehabilitation and reintegration of law offenders (Araromi, 2015) hence, Prison Vocational Labour (PVL). PVL is an essential aspect of the correctional services that offers prisoners an ability to learn employable skills. Currently, most of the prisons have a unit that is burdened with an obligation of training prisoners on PVL. The purpose of PVL is to impart employable skills to prisoners to have a positive orientation of getting decent work after release (Ogunleye, 2014). The United Nations Standard Minimum Rules for the Treatment of Prisoners 2015 (Mandela Rules) provides a benchmark for the treatment of prisoners as well as describes the nature and conduct of PVL. The Mandela Rules were first adopted by the United Nations as the Standard Minimum Rules for the Treatment of Prisoners in 1957 and were revised in 2015. The UN Standard Minimum Rules for the Treatment of Prisoners was named as "Mandela Rules" as a mark of respect and to honour the legacy of the Late Nelson Mandela, the former South Africa President (United Nations Office on Drugs and Crime).

Mandela Rules generally set out recognised good practices and principles towards the treatment of prisoners and the administration of prison which are accepted as suitable by the United Nations (Preliminary observation 1 & 2 of the Mandela Rules). Nigeria is among the Member States of the United Nations. By virtue of its membership, it is expected to comply with all the resolutions and declarations passed by the General Assembly (De Schutter, 2010). This study examines the provisions of Mandela Rules on the nature and conduct of PVL and compare them with the Nigerian prison laws in order to determine the compatibility or otherwise. Nigerian laws such as Prison Act (1990), Prison Regulations 1990 and Prisons Standing Orders (2001) state how PVL should be carried out in Nigerian Prisons.

By adopting a comparative analysis as a methodology, the study begins with an overview of the Mandela Rules and discusses the nature and conduct of PVL under Mandela Rules. Thereafter, the study identifies the relevant Prison Laws in Nigeria and examines the provisions on PVL. Furthermore, the study identifies the similarities and dissimilarities on the nature and conduct of PVL under two different legal frameworks with a view to find out the compatibility or otherwise.

2. AN OVERVIEW OF MANDELA RULES

The Mandela Rules are the culmination of 5 years of broad negotiations and consultations between Representatives of various United Nations entities, intergovernmental organizations, specialized agencies, independent experts and civil society groups (International Justice Resource Centre, 2015). As mentioned in the introduction, Mandela Rules incorporate good practices and principles towards the treatment of prisoners and management of prisons as agreed upon by the United Nations. The Mandela Rules stress the need for improvement of prisons conditions in 9 specific areas: respect for prisoners' dignity and value as human beings; disciplinary action and punishment; replacement of outdated terminology; investigation of deaths in custody and allegations of torture; the provision of medical and health services; protection of vulnerable groups; complaints and independent inspections; access to legal representation; the and training of staff to implement the Mandela Rules (International Justice Resource Centre, 2015). It has 792 Rules which are divided into 2 parts. Part 1 has 514 Rules which are on

the general management of prisons and are applicable to all classes of prisoners, civil or criminal; awaiting or convicted as well as prisoners subject to corrective or security measures (Preliminary observation 3 of the Mandela Rules). Whereas part 2 has 278 Rules which are applicable only to the special categories of prisoners and it is subdivided into 4 Sections. Section A deals with prisoners under sentence; section B deals with mentally disable prisoners and/or prisoners with other health conditions; section C is on prisoners under arrest or awaiting trial; and section D is on civil prisoners.

The basic principles that are of general application as contain in part 1 echo that “all prisoners shall be treated with respect due to their inherent dignity and value as human beings” (Rule 1 of the Mandela Rules). Equally, Rule 1 of the Mandela Rules provides that prisoners including children alleged to have committed an offence should not in any way be subjected to torture, cruel, inhuman or degrading punishment or treatment and their protection and security should be ensured at all the times (Abdulrahim and Zainudin, 2014). The Mandela Rules should be applied impartially to all prisoners without discrimination on the basis of sex, race, colour, religion, language, origin, birth or any other status (Rule 1 of the Mandela Rules). This right against discrimination that is guaranteed to prisoners towards the application of Mandela Rules is predicated upon the principle of universality. The principle of universality refers to the quality of involving or being shared by all people in a particular group or world and any right or privileges belonging to that group must be guaranteed across the board without any segregation (Rafie *et al.*, 2017).

Rule 4 of the Mandela Rule states that the purposes of punishment with imprisonment are to protect public against crime and to reduce a rate of reoffending. These can only be achieved if the period of imprisonment is utilized towards the reintegration of prisoners. Thus, prisons should provide vocational training and work; education and other forms assistance that are suitable and available for the possible reintegration of prisoners ((Rule 4(2) of the Mandela Rules).

2.1. Prison Vocational Labour under Mandela Rules

For a clarity and coherence, the discussion of PVL under Mandela Rules will be divided into the following aspects: the provision of valuable work; medical examination; working days and hours; an indemnity of prisoners; remuneration; and protection against exploitation.

2.2. Provision of Valuable Work

Rule 96 of the Mandela Rules provide that convicted prisoners shall be given a chance to work and to vigorously partake in their rehabilitation after they have been certified medically fit for the work by a medical doctor. Adequate and valuable work shall be provided to keep prisoners energetically employed for a usual working day (Rule 96(2) of the Mandela Rules). The work or labour must not be afflicted while prisoners shall not be regarded as slaves and shall not work for a personal benefit of any staff of the prison (Rule 97 of the Mandela Rules).

Under Rule 98 of the Mandela Rules, prisoners are allowed to choose the type of work they wish to perform so as to increase their earning abilities in order to have an honest living upon release. The methods and organisation of the work shall resemble those work outside the prison and the interest of the work should not be solely for making a financial profit (Rule 99 of the Mandela Rules). Industries and farm centres should be operated by the Prison Authorities and not private contractors and made available to prisoners (Rule 100 of the Mandela Rules).

2.3. Medical Examination before Enrolment

Mandela Rules provide that a medical officer should examine each and every prisoner after his/her admission into the prison so as to determine whether the prisoner is medically fit to enrol in PVL (Rule 30 (a-e) of the Mandela Rules). Additionally, Rule 96(1) of the Mandela Rules provide that before a prisoner embarks on any work

or training as part of rehabilitation, his physical and mental health have to be determined by a medical doctor United Nations High Commissioner for Human Rights, 2005 (Moller *et al.*, 2007; Smith, 2013). If it is discovered that he is physically and mentally fit, it is then he can be enrolled in vocational training. If discovered otherwise then it has to be suspended pending further directives or when he/she recovers.

2.4. Working Days and Hours

With respect to working days and hours, Mandela Rules do not provide working days and hours. Nevertheless, Mandela Rules provide that such working days and hours should be stated in prison rules or regulations taking into account of what is operated outside prison (Rule 102(1) of the Mandela Rules). At least, there should be one day off in order to have sufficient time for education and other rehabilitation programs (Rule 102(2) of the Mandela Rules). For instance, if workers outside prison work for only 6-7 hours a day and one or two days off in a week as provided under different Employment Acts, then a prisoner should be given such hours and day(s) off. Furthermore, the working hours for prisoners under PVL should be reasonable so as to avoid interference with their education and other activities.

2.5. Safety and Indemnity of Prisoners

Safety measures toward health, security and well-being of workers as well as indemnity against industrial injury or occupational disease outside the prison wall shall be similarly observed in prisons as provided in Rule 101 of the Mandela Rules.

2.6. Remuneration

Apart from allowing prisoners to select the type of PVL of their choice, Mandela Rules provide that prisoners enrolled in any PVL are entitled to equitable remuneration (Rule 103(1) of the Mandela Rules). Mandela Rules provide that where prisoners are enrolled in any PVL that is not under the control of Prison Authority, then full normal wages for such work shall be paid to the prisoners by the person who hired their labour (Rule 100(2) of the Mandela Rules). With respect to remuneration to be given to the prisoners, they should be allowed to spend part of their earnings while in custody for basic needs and to use some portion upon release (Rule 103(1&2) of the Mandela Rules).

2.7. Protection against Exploitation

According to Rule 99 of the Mandela Rules, the structure, conditions and approaches of carrying out PVL such as carpentry, tailoring, soap and pomade making among others should be similar to those carried out by freemen outside prison. Prisoners are also protected against exploitation by ensuring that the purpose of PVL should not be solely for financial profit. Prison's farms and industries should be under the control of prison administration and not private contractors so as to protect prisoners' labour from being exploited by the private individuals or companies (Rule 100(1) of the Mandela Rules). For further protection, the Mandela Rules provide that in a situation where prisoners are employed and not under the control of prison administration, they should be supervised by the prison officials (Rule 100(2) of the Mandela Rules). And in such a situation, the full normal wages should be paid for all work done by the prisoners. However, payment for prisoners must be made to the prison administration for safekeeping (Rule 100(2) of the Mandela Rules).

3. AN OVERVIEW OF NIGERIAN PRISON LAWS

The present-day of Nigerian Prisons came into being in 1861 when the present Lagos State was declared as a British colony (Orakwe, n.d). Adoption of Gobir's Report brought to an end of the Native Authority Prisons in 1968 and thus, gave birth to a unified prison system called Nigerian Prison Service (NPS) (Orakwe, n.d). As mentioned

earlier, sequel to the enactment of Decree no.9 of 1972, prisons in Nigeria were transformed to reformation and rehabilitation centres (Orakwe, n.d). The NPS is regulated by various subsidiary legislation, but the most important ones related to PVL are; Prisons Act Cap. 366 LFN 1990 Act Cap. P29 L.F.N. 2004, Prisons Regulations Cap. 366 L.F.N 1990, and the Nigerian (Prisons Service Standing Orders, 2011).

Prison Act came into force on 10th April, 1972 and contains comprehensive provisions for the administration of prisons in Nigeria and other matters subsidiary thereto. Any amendment to Prison Act has to be made by the National Assembly consisting of a Senate and House of Representatives. While Prison Regulations initially came into force in 1917 during the colonial era and was subsequently amended over a different period of time. While the present Prison Regulations came into effect in 1955. Section 15 of the Prison Act (1990) empowers President of Nigeria to make regulations on administration and organisation of prison and upon the recommendation of the Federal Civil Service Commission with respect to appointments to offices in the Nigerian Prisons Service. Prison Regulations were amended for almost more than 15 times. The success recorded regarding these amendments was predicated on the fact that the power to review or amend it is solely within the power of the President without a rigorous procedure. Whereas the present Prison Standing Orders of Nigeria was revised and came into force on 29th December, 2011. It was gazetted on 31st December, 2011. It was revised under the leadership of former Controller-General of Prisons (CGP) in person of Olusola Adigun Ogundipe. This power to amend or revise the Standing Orders was conferred on CGP by Section 16 of the Prison Act of Nigeria (1990). Standing Orders (2011) is divided into four parts namely; part one contains provisions on Prisoners; Part II on Prison Staff; Part III on Administration of Prison as well as Part IV on Organisation and Control. Prisons Regulations (1990) are regulations made by the President with respect to the organisation and administration of the Nigerian Prisons whereas Prison Standing Orders are good orders for the discipline and welfare of prisons (Sections 15 & 16 of the Prison Act).

3.1. Prison Vocational Labour under the Nigerian Prison Laws

Similarly, for a better understanding of the discussion of PVL under the Nigeria Prison Laws, this section is divided into the following aspects: provision of valuable work; medical examination; working days and hours; an indemnity of prisoners; remuneration; and protection against exploitation.

3.2. Provision of Valuable Work

Prison Act of Nigeria (1990) contains provisions for the establishment and classification of prisons; hard labour; production of a prisoner before the courts; how to treat an unsound mind; taking of prisoners to hospitals; discharge; offences among others. While Prison Regulations (1990) state that prisoners who were not sentenced with hard labour shall be employed in such a way that adopted their capability, talent, and strength (Regulation 36 of the Prison Regulations of Nigeria 1990). In the same way, Order 404 of the Prisons Standing Orders (2011) provides as follows;

The Superintendent-in-charge shall on the advice of the Reception Board, allot to each prisoner the labour for which he is best suited and shall ensure that any industrial or building work being undertaken in the prison is supplied with sufficient labour.

Order 404 does not give room to prisoners to select from the available PVL in the prison that suit them. Instead, the Reception Board is mandated to advise the Superintendent in charge of the prison as to which PVL to be assigned to each prisoner. The Reception Board advice is predicated upon the prisoner's antecedent; length of the sentence and the PVL for which he/she is certified to be medically fit (Order 14 of the Prison Standing Orders,

2011). The Reception Board normally informs prisoners about the restrictions under PVL (Order 14 (b) of the Prison Standing Orders, 2011).

3.3. Medical Examination before Enrolment

Regulation 6 of the Prison Regulations of Nigeria (1990) requires a prisoner to be examined as soon as possible upon admission into prison by a medical doctor as to the state of his/her health. Prisoners are further protected from embarking on any type of labour that are medically certified to be unfit (Regulation 34 of the Prisons Regulations of Nigeria 1990). Equally, Prisons Standing Orders (2011) provide as follows:

51(a) The Medical Officer shall examine each prisoner on admission and certify him/her fit for labour as follows: (i) Fit for Hard Labour, (ii) Fit for light labour only, (iii) Excused labour for weeks/months, (iv) Excused lifting, (v) Permitted to wear a surgical belt.

(b) The Medical Officer shall make any other medical recommendations he considers necessary.

52. Where facilities allow, prisoners on admission shall be kept apart from other prisoners, if necessary, until seen by the Medical Officer.

53. Recommendations of the Medical Officer, other than treatment for sickness or medicine, including instructions for alteration of diet and labour; drill, exercise, clothing, etc., shall be entered in a book kept for this purpose, which shall be seen daily by the Superintendent-in-charge for compliance.

3.4. Working Days and Hours

Prison Regulations (1990) do not contain an express provision as to the distribution and hours of PVL, instead provides that such distribution and hours should be fixed by the Director of Prison upon approval of the Minister. Due to the above flexibility, Order 405 of the Prisons Standing Orders (2011) provides the PVL shall be carried out from Mondays to Fridays between the hours of 9:00 am and 13:30 pm. The head of industries should provide a daily task to prisoners under their respective industries so as to be fully engaged for the whole period during which they are required to work (Order 406 of the Prisons Standing Orders (2011)).

3.5. Safety and Indemnity of Prisoners

Prison Act (1990) and Prisons Regulations of Nigeria (1990) are silent on the protection of prisoners on hazardous labour and compensation for any injuries or diseases encounter. However, Prisons Standing Orders of Nigeria provide that prisoners engaged in PVL that are hazardous in nature within and outside prison compound should be given adequate protective tools (Order 413 of the Nigerian Prisons Service Standing Orders 2011). Order 433 of the Nigerian Prisons Service Standing Orders (2011) provides that the officer in charge of the industry in the prison shall inform the prisoners and other staff the risk involved in the use of a machine under PVL. Where an accident occurred as a result of the use of machine, the officer in charge should obtain a report from a prisoner or staff that can narrate to him what actually happened so as to determine whether it was as a result of negligence of any prisoner or staff (Order 437 of the Nigerian Prisons Service Standing Orders 2011). The Medical Officer attached to the prison should examine the extent and nature of the injury sustained by the prisoner (Order 438 of the Nigerian Prisons Service Standing Orders 2011). Also, Order 444 of the Nigerian Prisons Service Standing Orders (2011) provides that proper measures should be taken to avoid any apparatus from being inadvertently or accidentally electrically charged when working.

3.6. Remuneration

On the issue of remuneration for PVL, Regulation 38 of the Prison Regulations of Nigeria (1990) provides that skilled labour should be charged at the rate of 0.30 kobo; unskilled labour at the rate of 0.10; and light labour at the rate of 0.5 kobo per day. From the charges provided under Prison Regulations above, it is observed that there is

ambiguity as what to do with the money received by prisoners under PVL. The Prison Regulations of Nigeria (1990) do not indicate whether the money to be credited in total into the account of prisoners who participated in the labour or to be divided at any prescribed ratio between the relevant prisoners and the Prison administration. However, Order 174 of the Prisons Standing Orders (2011) provides that any prisoner who participated in PVL during the period his matter is pending appeal and his appeal was successful and his/her conviction was quashed, such prisoner is entitled to a daily pay at a higher rate, 350 Naira for skilled labour, 200 Naira for unskilled labour and 100 for a light labour.

3.7. Protection against Exploitation

Order 751 of the Prisons Standing Orders (2011) provide that the head of industries should collect payment of any item produced by the prisoner for a private person or Prison Officers. The above Order went further to states that in the event the head of industries failed to comply with the collection of payment of anything produced, the head of industries should be held accountable for the money.

3.8. Comparisons of PVL under Mandela Rules and Nigerian Prison Laws

Both the Mandela Rules and Prison Laws of Nigeria guaranteed right to work to convicted prisoners after they have been certified medically fit by a medical doctor. Mandela Rules added that sufficient and valuable work shall be provided to keep prisoners energetically employed for a usual working day.

On the issue of medical examination, Prison Laws of Nigeria particularly Prisons Regulations (1990) and the Prisons Standing Orders (2011) contain provisions that are similar to Rules 30 and 96 of the Mandela Rules. These provisions require a prisoner on admission to prison to be examined in order to determine whether he/she is physically and mentally fit for any work or PVL. Order 51 of the Prisons Standing Orders (2011) went further to categorise the report of examination into 5: that whether the prisoner is fit for hard labour; light labour; excused for labour for weeks or month(s); excused from lifting; and lastly allowed to wear a surgical belt. Both the Mandela Rules and Prison Laws of Nigeria use the word "shall" and this makes it mandatory for a prisoner to be medically certified for any work and PVL, leaving no discretionary power on the part of Prison Authority.

In order to buttress the above fact, the Supreme Court of Nigeria held in the case of *Aladejobi (2013) LPELR-20940(SC)* that where a word "shall" appears in a law or statute signifies an obligation or a command and gives no room for discretion and therefore, imposes a duty. Recently, Court of Appeal applied the above position in the case of *Chindo Ors v. Sanda (2016) LPELR-40340(CA)*, it held that where the word "shall" is used in a statute connotes a command or what is legally inevitable or unavoidable, and is mandatory.

Mandela Rules and Prison Laws of Nigeria acknowledge the need to have prescribed working days and hours for the PVL. However, Mandela Rules and Prison Regulations (1990) do not provide precise working days and hours. Nevertheless, Prison Standing Orders (2011) provide that the PVL shall be carried out from Mondays to Fridays between the hours of 9:00 am and 13:30 pm. These working days and hours are consistent with the provision of Mandela Rules which requires prison administration to give at least one rest day for prisoners to attend education and other rehabilitation programs.

Further, safety measures toward health, security and well-being of prisoners working under PVL are protected and guaranteed under Mandela Rules as well as Prison Laws of Nigeria. Additionally, Prisons Standing Orders (2011) provides that prisoners engaged in PVL that are hazardous in nature should be given adequate protective apparatuses. Proper measures should be taken to avoid any apparatus from being inadvertently or accidentally electrically charged when working (Order 444 of the Nigerian Prisons Service Standing Orders 2011).

Mandela Rules and Prison Laws of Nigeria equally contain some provisions on remuneration for prisoners enrolled under PVL. Mandela Rules states that prisoners enrolled in any PVL are entitled to equitable remuneration and where prisoners are enrolled in any PVL that is not under the control of prison authority, then

full normal wages for such work shall be paid to the prisoners (through Prison administration) by the person who hired their labour. Prison Laws of Nigeria particularly Prison Regulations (1990) provides that labour should be charged at certain rates discussed above (Regulation 38 of the Prison Regulations 1990).

Mandela Rules and the Prison Laws of Nigeria protect prisoners from being exploited. Mandela Rules emphasises that the structure, conditions and approaches of carrying out PVL should be similar to those carried out by freemen outside the prison. Additionally, Mandela Rules provides that PVL should not be solely or mainly for gaining financial profit. Labour hired by or item produced for private individuals or prison staff have to be paid accordingly before the release of the said item.

Although, notwithstanding the fact that the Mandela Rules and Prison Laws of Nigeria recognise the need to provide valuable work to prisoners during their imprisonment, both differ to some certain extent. Mandela Rules made provision for the prisoners to select the type of PVL that suit them. Whereas Prison Laws of Nigeria empower the Superintendent in charge of the prison to determine suitable PVL for each prisoner upon the advice of the Reception Board. Under the Prison Laws of Nigeria, the Reception Board advises the Superintendent in charge of the prison about the placement of prisoners in a particular PVL after considering the period of imprisonment and the type of work which he/she is certified to be medically fit.

The Prison Laws of Nigeria particularly the Prisons Standing Orders (2001) is at variance with the Mandela Rules on the issue of indemnity of prisoners under PVL. This is because the Mandela Rules provide that there shall be a room for a prisoner to be indemnified against industrial injuries or occupational diseases similar to the terms and conditions given to a freeman. On the other hand, Prison Laws of Nigeria do not make provision for a prisoner to be compensated for any industrial injuries or occupational disease.

Notwithstanding the consistency of both Mandela Rules and Prison Laws of Nigeria on remuneration for prisoners under PVL, the question to ask is whether the remunerations provided in the Prison Regulations (1990) are adequate to provide profit earnings to prisoners as required by Mandela Rules taking into account of the present cost of living in Nigeria? The answer is in the negative. This is due to the fact that at this material time, there is no single item that one can purchase at the rate of 30 Kobo much less 10 or 5 Kobo. The unit of Nigerian currency is 1/100 i.e. 100 Kobo makes 1 Naira. According to the scale of remuneration, for a prisoner to get 1 Naira in respect of the highest remuneration of 30 Kobo per day for a skilled labour, he has to work for at least more than 3 days. For him to get 20 Naira only to buy a small loaf of bread, it will take him more than 60 days. There is no industry or company in Nigeria even in the remote village(s) that pays 30 Kobo per day for labourers, be it unskilled or light labour. This is because the current minimum wage in Nigeria which was passed into law in 2011 by the Senate is 18,000 (Vanguard News, 2011). Therefore, the remuneration provided under Prisons Laws of Nigeria is very much below profitable earnings for a prisoner to take care of himself and his family. Hence, the remuneration rate specifies in the Prisons Regulation are far from being adequate and fail to satisfy the rationale behind providing wages to prisoners as stated in the Mandela Rules. This is because the Mandela Rules advocates that the PVL should increase prisoners' earning abilities and should be in form of useful trade to prisoners to earn a profit (Rule 98(1 & 2) of the Mandela Rules).

Conversely, Prison Laws of Nigeria particularly Prisons Standing Orders (2011) differ from the Mandela Rules on the status of prisoner cum appellant who during his stay in the prison engaged in a labour and his sentenced was set aside on appeal. Prisons Standing Orders (2011) provide that such a prisoner is entitled to receive wages at a higher rate for the work done under PVL during incarceration (Order 174 of the Prisons Standing Orders (2011)). This set for a better standard and protection to prisoners who are declared innocent by the appellate court.

4. CONCLUSION

From the foregoing, this study examines the nature and conduct of PVL under Mandela Rules and Prison Laws of Nigeria with a view to determining their compatibility. The Discussion of PVL under both different legal

frameworks demonstrates that they have similarities and dissimilarities. In areas of similarities, it was discovered that both the Mandela Rules and Prison Laws of Nigeria guarantee valuable work to a convicted prisoner and has to be certified medically fit by a medical doctor before enrolment in PVL. Additionally, both legal frameworks acknowledge the need to have working days and hours; guaranteed safety measures toward health, security and wellbeing; provide protection against exploitation and allow remuneration to be given prisoners working under PVL.

In areas of contrast, under Mandela Rules prisoners are allowed to select the type of PVL that suit them. Yet, Prison Laws of Nigeria empower the Superintendent in charge of the prison to determine the suitable PVL for each prisoner upon the advice of the Reception Board. Prison Laws of Nigeria do not make provision for a compensation to be given a prisoner for any industrial injuries or occupational disease as contained in Mandela Rules. More so, the remuneration rates specifies in the Prisons Regulation (1990) are far from being adequate and defeat the purpose of providing wages to prisoners as stated in the Mandela Rules. It can be concluded based on the above that, Nigerian Prison Laws are compatible with the Mandela Rules in some aspects and not to some other aspects as observed above.

On the other hand, with respect to the protection of a prisoner who participated in PVL during his appeal and the sentence was set aside, Prison Laws of Nigeria particularly Prisons Standing Orders (2011) set better standard than Mandela Rules. This is because it provides for a better protection for prisoners who are declared innocent by the appellate court. Due to his innocence, Nigerian laws require him to be paid at a higher rate for work done during his period of detention.

However, Nigeria has no legal obligation to adhere to any United Nations General Assembly resolutions including the Mandela Rules. Nevertheless, as a State Party, it has legal obligation to comply with the International Covenant on Civil and Political Rights 1966 and International Covenant on Economic, Social and Cultural Rights 1966. Standards that are incorporated in the Mandela Rules are rooted in these two Conventions. Therefore this study recommends for a review of Prison laws of Nigeria so as to be compatible with the Mandela Rules. The review should focus on the aspects of adequate remuneration for a prisoner working under PVL; prisoner's right to select the type of PVL; and payment of compensation in the event of industrial injury or occupational diseases for prisoners enrolled in PVL. This study also suggests for an empirical study to be conducted in order to assess implementation of the Nigerian laws on PVL in practice in Nigerian prisons. This is because there is every tendency that what is contained in the statute may not be necessarily implemented. In the same way, this will provide an idea as to what should be in the review of the laws since they are tested as feasible and workable.

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