



April 2020  
Series 1

# PRAWA'S RECOMMENDED SANCTION FOR VIOLATORS OF COVID-19 REGULATIONS:

**These include the following:**

## A. RECOMMENDED SANCTIONS:

1. Award of Fines and other Economic Sanctions.
2. Award of Community Service Order:  
This should recognize the current context and should align with activities and processes that comply with prevailing restrictions contained in the applicable COVID-19 regulations/directives given by the world health organization, National Commission for Disease Control, and other competent federal and State authorities. Example can be sanction to remotely provide whatever service they can provide depending on their available skills, level of education and circumstances. E.g. online teaching of pupils. Some States are migrating their primary and secondary school trainings from physical classrooms to web/online/ radio - based trainings. There are several examples. The key issue is to apply flexible and tailor made approach which will be determined by the given context and the available skills that the offender possess and is able to offer as community service (service to the community for free).
3. Award of Probation Order:  
The order should require implementation of actions that are compliant to COVID-19 restrictions contained in relevant legislations and directives. For example, someone that is required to complete certain online training modules, example anger management training, health awareness training. The order may demand that the applicable training will be restricted to only those that will receive online certification which will be tendered as proof of completion of the training.

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#### 4. Naming and Shaming:

This may be done in collaboration with the media. This will be a very strong deterrent as many people will not want their friends, relations to see or hear their names on the media as those violating these laws. Note application of this must be after conviction which should be done in a prompt fashion giving the defendant opportunity to fair hearing.

#### 5. Suspended Sentence:

All the sentence types mentioned under 1, 2, and 3 above can be applied in form of a suspended sentence which will kick in on a later date.

### **B. PRINCIPLES AND RECOMMENDED MODE OF APPLICATION:**

(1). PRAWA recommends that custodial sanction should not be awarded to violators.

(2) That one or more of the sanction options may be applied given the circumstances and gravity of the violation/offence.

(3). That the application of the above recommended sanction options should be structured to be effective by ensuring amongst other things the following -

**a.** That the amount of the fine is realistic and a proper deterrent. The just deserts theory. This theory is based on the argument that the crime must fit the sanction.

**b.** Attempt should be made to understand why the law or directives was/were violated. In other words, ensuring that the sanction fit the offender. Thus, this calls for a holistic approach to ensure that the chances of offender reoffending is eliminated or reduced. Example, if the offender violated the movement restrictions because he or she was trying to look for funds to feed his or her children, such an offender can be linked to the agency providing palliative measures for the poor and vulnerable in the jurisdiction (at State and Federal level).

**c.** The award of the sanctions should include (where required) awareness and sensitization of the need to comply with the provisions of the laws and directives and the methods of achieving this.

**Note: The Administration of Criminal Justice Act (2015), Administration of Criminal Justice Laws of various States, and the Nigerian Correctional Service Act 2019 contain provisions in support of most of the above recommended sanctions.**

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