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GUIDELINES FOR THE JUSTICE AND LEGAL EDUCATION SECTORS TO FACILITATE ADHERENCE TO THE NATIONAL COVID-19 GUIDELINES - NIALS



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Edited by Prof. M. T. Ladan

MacArthur Foundation





GUIDELINES FOR THE JUSTICE AND LEGAL EDUCATION SECTORS TO FACILITATE ADHERENCE TO THE NATIONAL COVID-19 GUIDELINES

A Support Document to aid Covid-19 Compliance in the delivery of Legal Education and Implementation of the Administration of Criminal Justice in Nigeria

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Preface

The World Health Organisation (WHO) declared the outbreak of coronavirus disease (COVID-19) a Public Health Emergency of International Concern (PHEIC) in early 2020. Since then, the virus has not only spread to virtually every part of the world, it has also mutated into several other variants including the *Delta* and *Omicron* variants. The *Omicron* variant, which was first reported to the WHO from South Africa on the 24th of November 2021, is reverberating the experiences of the outbreak of the first COVID-19, as countries revisit response measures adopted earlier, including travel restrictions.

According to experts, a lot remains unknown about the COVID-19 virus as research into its characteristics continues worldwide. Pending the research outcome detailing all that needs to be known about COVID-19, experts consistently maintain that it remains virile and dangerous. Consequently, there is a need to adopt and ensure compliance with preventive and protection measures in the process of rendering services. This is important because, as already known, the outbreak of the COVID-19 pandemic upended the lives of people in unimaginable ways globally. It came with immense disruptions to governance systems, corporate and commercial activities, international cooperation and relationships, family cohesion, as well as justice and legal education delivery, among others.

Effective justice and legal education sectors are critical to governance and national development. In view of the raging pandemic, it becomes imperious to adopt and re-emphasis compliance with necessary measures that enable adjustments that allow justice sector practitioners to deliver justice effectively and seamlessly, and enable educators in the legal education sector to safely train students.

NIALS, with support from MacArthur Foundation, produced these *Guidelines* and its annexure to promote reliable guidance to justice sector practitioners and legal education actors. The essence of the Guidelines and annexed Abstracts are to provide actors within the Justice sector and legal education sectors safe and healthy.

The *Guidelines* provide clear and actionable guidance for safe justice and legal education sectors environments, underscoring that maintaining safe justice and legal education facilities for actors engaging in these operations requires many considerations, some of which have been addressed in the document. Furthermore, the *Guidelines* are produced to encourage and sustain virtual social connections between actors in the two sectors under consideration.

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PART ONE

PRELIMINARY INFORMATION

1 Introduction

On the 31st of December 2019, the World Health Organisation (WHO) Office in the People's Republic of China picked up a media statement by the Wuhan Municipal Health Commission on cases of 'viral pneumonia of unknown cause' in Wuhan.[1] By the 9th and 30th of January, respectively, the Chinese authorities identified the outbreak as the novel coronavirus.[2] The WHO under the International Health Regulations of 2005 declared the COVID-19 as a global Public Health Emergency of International Concern.[3] As at 12th November 2021, WHO has recorded "251,788,329 confirmed cases of COVID-19, including 5,077,907 deaths" globally;[4] In Nigeria, the Nigeria Centre for Disease Control (NCDC) has recorded 213,076 confirmed cases and 2,949 deaths as at 14th November 2021.[5]

The rapid spread of the coronavirus and its devastating impact on every sector of the economy, including the justice and legal education sectors, necessitated the adoption of a combination of medical and non-medical containment measures by several countries as well as Nigeria, targeted at

1 See WHO, 'Timeline: WHO's COVID-19 Response' <www.who.int/emergencies/diseases/novel-coronavirus-2019/interactive-timeline#!> accessed 14 November 2021.

2 *Ibid.*

3 WHO, Statement on the second meeting of the International Health Regulations (2005) Emergency Committee regarding the outbreak of novel coronavirus (2019-nCoV)'<www.who.int/news/item/30-01-2020-statement-on-the-second-meeting-of-the-international-health-regulations-(2005)-emergency-committee-regarding-the-outbreak-of-novel-coronavirus-(2019-ncov)> accessed 14 November 2021.

4 See WHO, 'WHO Coronavirus (COVID-19) Dashboard' <https://covid19.who.int/> accessed 14 November 2021.

5 See NCDC, COVID-19 Nigeria' <https://covid19.ncdc.gov.ng/> accessed 14 November 2021.

stemming the tide. Some of these measures include the declaration of phased lockdown, international and national travel restrictions, social and physical distancing, compulsory use of face masks, regular hand washing and use of alcohol-based hand sanitisers, amongst others.

This seeming 'new normal' has significantly changed how the justice and legal education sectors undertake their activities. Thus, to ensure an effective justice administration, particularly "the administration of criminal justice system which promotes efficient management of criminal justice institutions, speedy dispensation of justice, protection of the society from crimes and protection of the rights and interest of the suspect, the defendant, and victims in Nigeria,"[6] there is the need for clear guidelines that justice sector actors can adopt when implementing the provisions of ACJA 2015. In addition, by extension, as the bedrock of the legal profession's future, it is expedient that legal education stakeholders adopt explicit guidelines in education delivery.

2 Rationale

As part of the activities set out under the ***Supporting the Effective Implementation of and Compliance with the Administration of Criminal Justice Act/Law in Nigeria***, (MacArthur 2.0) Project, the Nigerian Institute of Advanced Legal Studies (NIALS) sought to develop a document to guide the activities of the justice and legal education sectors in light of the COVID-19 'new normal'. The objective is to provide a standard operating procedure document that would guide the actors in the justice sector towards ensuring effective implementation of and compliance with Administration of Criminal Justice Act/Laws (ACJA/Ls), other laws and legal education in Nigeria.

6 Explanatory Memorandum, Administration of Criminal Justice Act 2015.

It is important to note that this document does not in any way replace the national guidelines issued by authorised government bodies and agencies, such as the National Centre for Disease and Control, the Chief Justice of the Federation, and the various Chief Justices of High Court of the States, as well as the Nigeria Police Force,[7] among others. Instead, the focus is to provide a comprehensive document that supports the already existing guidelines. Thus, making available a complementary and valuable guide for the implementation and operation of criminal justice administration in Nigeria and delivery of legal education.

3 Methodology and Structure

This document is produced based on secondary or desk-top research conducted over three months (June-August, 2021). Research activities during this period include the gathering of materials, content analysis of information contained in these materials and the production of *Abstract of Protocols, Regulations and Guidelines on COVID-19 Relevant to the Criminal Justice and Legal Education Sectors* (attached to this Guidelines as an Annexure), as a precursor to this document. The approach adopted for the research is the doctrinal approach, while relevant secondary materials were synthesised using content analysis. The research examined materials from international agencies, such as WHO and United Nations, selected Commonwealth Countries, and Nigeria ensure extensive review. The result is a document that combines good practice from global, regional, and national perspectives. Given the dual focus of this document, namely, the justice sector and legal education sector, the document is structured into three parts.

7 The guidelines were developed for the Nigeria Police Force personnel with support from European Union and United Nations Office Drugs and Crime.

Part one provides the preliminary information. Part Two deals with eight thematic areas of the justice sector namely,

(i) Arrest
(ii) Investigation
(iii) Detention of Suspects or Defendants
(iv) Trial
(v) Sentencing
(vi) Correctional Facility
(vii) Witness Protection
(viii) Vulnerable groups

Part Three provides guidelines that can be adopted by education service providers for the legal education sector.

4. Target Stakeholders

The objective is to develop COVID-19 standard operating procedures to guide the implementation of and compliance of ACJA/Ls by justice sector actors. In view of this the target stakeholders include the Nigeria Police Force, Correctional Facility Officers, Judicial Officers, Ministry of Justice, Legal Practitioners, other Law Enforcement Agencies, the Nigerian Law School and Law Faculties.

PART TWO

THEMATIC AREAS OF THE JUSTICE SECTOR

1 Arrest

In effecting arrest, the police or persons making the arrest are recommended to observe these COVID-19 preventive measures:

a. In view of the health emergency, arrest should be considered for only serious offences and as a last resort.
b. Wear non-medical face mask/covering and hand gloves when touching the suspect or defendant for the arrest.
c. Abstain from touching face – especially near the eyes, nose, or mouth – with unwashed hands.
d. Ensure that the handcuffs used on the suspect or defendant are disinfected.
e. Use alcohol-based hand sanitiser containing at least 60% alcohol and approved by the national Agency for Food and Drug Administration and Control (NAFDAC), immediately after touching the suspect or defendant.
f. Where it is necessary to search the suspect or defendant, the individual should be asked to display any item(s) on their person or personal possessions and any other item of interest that may arouse suspicion.
g. Ensure gloves are worn while performing body searches and no part of your body comes in direct contact with the body of the person searched.
h. Frequently disinfect search equipment, body scanners, and other equipment required during arrest.
i. The arrest vehicle should carry only 4 persons (the driver, the suspect or defendant, and two other police officers).
j. Physical distancing of at least 2-meters (6 feet) should be observed as far as practicable.

k. When making the arrest report, be aware that documents may be contaminated, use gloves if possible and/or alcohol-based hand sanitiser containing at least 60% alcohol and approved by NAFDAC; or wash hands with soap and water for at least 20 seconds; immediately after handling the document.

2 Investigation

In the investigation process, the investigators are recommended to observe the following preventive measures:

a. Ensure the investigation room is adequately disinfected.
b. Ensure the provision of hand-washing facility with soap and running water, or alcohol-based hand sanitiser containing at least 60% alcohol and approved by NAFDAC, at every police station.
c. Ensure the provision of body temperature checking equipment at every police station. Any person found to have a body temperature above 38 degrees Celsius should be immediately referred to medical personnel.
d. There should be medical personnel attached to the police station to ensure prompt response.
e. Maintain at least 2-meters (6 feet) physical distance between the investigator, the suspect or defendant, the legal practitioner, the interpreter, or such other person(s) as may be involved.
f. Ensure the provision of alcohol-based hand sanitiser containing at least 60% alcohol and approved by NAFDAC, for the use of persons in the investigation room.
g. Where investigation involves examination of objects, recommended hand gloves with the ability to preserve evidence should be used, especially in relation to where evidence is to be gathered forensically.
h. Be vigilant of the suspect or defendant to ensure that where the suspect or defendant display symptoms such as dry cough, shortness of breath, breathing difficulties,

tiredness, that such is brought to the immediate attention of medical personnel for necessary action.

i. Be aware that documents may be contaminated, use gloves if possible and/or alcohol-based hand sanitiser containing at least 60% alcohol and approved by NAFDAC; or wash hands with soap and water for at least 20 seconds, immediately after handling the document.

3 Detention of Suspects or Defendants

a. In view of the health emergency, it is important to limit as far as practicable the number of persons detained at the police station.
b. The use of alternatives to reduce pre-trial detention such as pre–trial discharge, diversion, release on bail, recognisance, surety, bond, should be encouraged as a means to minimise the risk of spreading COVID–19 in detention facilities.
c. Detention should be ordered only where necessary and for serious offences.
d. If detention is necessary, consider how and where the detainee can be held safely and for how long. It is also important to consider who will interact with the detainee while he or she is in custody. Only a designated person should be given access to limit person-to–person contact and interaction.
e. The size of the police station should be taken into cognisance when detaining suspects. The persons detained should not exceed 50% capacity of the space.
f. Where necessary, suspects can be detained in another police station where the present station has reached its limit on persons that can be confined within the space available.
g. To facilitate the decongestion of custodial/correctional centres, the Chief Judges are encouraged to visit all custodial/correctional centres within their respective

states to identify and release deserving inmates where that has not been done. Visitations shall be at least once a month.

h. The Chief Judges are encouraged to consider conditional or unconditional release of Awaiting Trial Persons (ATPs) who have served one-third of their sentences or more in custody; ATPs with no confirmed criminal cases against them, aged inmates and terminally ill.

i. The Chief Judges are encouraged to pay particular attention on the aged, those with health issues, low risk offenders, those with no sufficient legal basis to remain in custody, inmates convicted for minor offences with or without option of fines and inmates who have less than three (3) years to serve having served substantial term of their service for offences that attract five (5) years and above.

j. Where inmates convicted of lesser offences with option of fine are in custody because of their inability to pay such fines, Justice Sector stakeholders such as Legal Aid Council, International Federation of Women Lawyers (FIDA) and other non-government organisations are encouraged to pay such fines in favour of such inmates to expedite their release and further decongest the Custodial/Correctional Centres.

k. It might be necessary to consider the release of detainees on bail, to aid the decongestion of detention facilities/custodial centres/correctional centres. Paying bail bonds electronically at the courts or correctional facilities should be encouraged.

l. Submission of bail review applications to the Court for existing and new detainees, as well as those who are unable to raise bail bond, should be prioritised and expeditiously disposed of.

m. Ensure regular cleaning and disinfection of the detention facility and that operating personnel have access to

personal protection equipment and are trained in its proper use and disposal.

n. Observe physical distancing of at least 2-meters (6 feet), as far as practicable.
o. Be vigilant of the detainees to ensure that where any detainee displays symptoms such as dry cough, shortness of breath, breathing difficulties, tiredness, that such is brought to the immediate attention of medical personnel for necessary action.
p. During visiting hours, the Police Officer or officer of the detaining agency should ensure no physical contact between the suspect or defendant and the visitor and that the physical distance of at least two meters is observed.
q. As much as possible, visitors should be discouraged from bringing food to detainees. However, where food items are brought by a visitor, the Police Officer or officer of the detaining agency on duty should inspect the food items wearing face masks covering the nose and mouth, and hand gloves, after which it is handed over to the suspect or defendant concerned.

4 Trial

a. Ensure the provision of hand-washing facility with soap and running water, or alcohol-based hand sanitiser containing at least 60% alcohol and approved by NAFDAC in bottles and/or dispensers, liberally mounted and placed at the entrance of the Court and in strategic and easily noticeable and accessible locations within the court premises for the use of all visitors and court personnel.
b. Regulate entry into the Court premises to ensure that the 2-meters (6 feet) physical distance between persons is observed.
c. Ensure the provision of body temperature checking equipment at entrance of every Court. Any person found to have a body temperature above 38 degrees Celsius or

symptoms of illness, for example cough or fever, should immediately be refused entry and referred to medical personnel.

d. There should be medical personnel attached to the Court to ensure prompt response.
e. Only persons with face masks-covering noses and mouths - should be allowed entry into the Court premises. Anyone who refuses, neglects, is or unwilling to wear face mask at any time while in the Court premises should be politely advised to leave and be escorted outside the premises by security personnel.
f. A staff who feels unwell and experience COVID – 19 symptoms should stay at home and contact the NCDC.
g. Periodic fumigation of courtrooms, offices, and chambers of judicial officers is also recommended. Persons tasked with this responsibility should be given and advised to wear Personal Protective Equipment (PPE).
h. Electronic filing of processes should be encouraged to limit physical contact with documents.
i. The Court should ensure regular stock of sanitisers, ensure training of designated court official(s) on how to sanitise the filed processes without destroying them, and provide secure facilities for quarantining the hardcopies of filed processes.
j. Court officials should be aware that the hardcopies of processes to be filed may be contaminated and as such, use gloves if possible and/or alcohol-based hand sanitiser containing at least 60% alcohol; or wash hands with soap and water for at least 20 seconds, immediately after handling the document.
k. On receipt of hardcopies of processes to be filed, the dedicated court official should immediately sanitise the documents with alcohol-based hand sanitiser containing at least 60% alcohol and approved by NAFDAC. The sanitised documents should be left at a secure facility for a minimum period of 24 hours to ensure the expiration of

the coronavirus that might be attached to the documents. It is after these minimum 24 hours that the documents can then be processed.

l. Parties have the responsibility to monitor and follow-up with the court officials on the completion of filing processes. Notwithstanding, the date of filing should be the date the filing fees were paid as indicated on the filed processes.

m. Parties are encouraged to scan and exchange their filed processes in PDF format by e-mail with the other parties in the proceedings and this would not be prejudicial to the statutorily required service by the courts.

n. Electronic payments of filing and other fees by litigants should be encouraged and facilitated. The Court should continually publish the procedures and details for such e-payments to the counsel and the general public.

o. For ease of e-communication, parties should indicate in all filed processes their functioning email addresses and mobile telephone numbers (including telephone numbers with functioning WhatsApp capabilities). The filed processes and hearing notices may be served by the Courts and opposing parties using that channel.

p. Ensure frequent cleaning and disinfection of the court rooms and all surfaces touched by people using the building including banisters, doors and door handles, seats, and furniture. The disinfection should take place prior to and at the close of each day's sitting, also, in-between the hearing of different matters where the Court has more than one case for the day. The Magistrates, Judges, Justices, should consider allowing breaks in-between the court session for this to occur.

q. Ensure adequate ventilation of the court rooms.

r. Ensure the use of alcohol-based hand sanitiser containing at least 60% alcohol and approved by NAFDAC by the defendant and Court official immediately after handling of holy books for oath taking.

s. The use of virtual/remote/online court sittings should be encouraged and promoted by the courts and counsel. The courts should insist on virtual/remote/online hearings for matters that do not require taking any evidence. All judgements and directions may be delivered and handed down by the Courts in and through virtual/remote/online court sitting.

t. Physical court sittings should be limited only to time bound, extremely urgent and essential matters that may not be heard by the Court remotely or virtually.

u. The Courts and counsel are encouraged to gradually include taking witnesses and evidence virtually.

v. Where the Courts must conduct or hold physical sitting or hearing, it is recommended that, depending on the size of the room, the number of persons in the room should not be more than fifty (50) persons at any time during any court sitting. This number includes the Magistrate, Judge, Justices in an appellate Court panel, counsel for all the parties, the defendants, the court officials, the security personnel for the Court, and members of the public who may be attending to observe the proceedings.

w. Ensure that the 2-meters (6 feet) physical distance between each person in the courtroom including the court registrars, the Magistrate, Judge, or panel of Justices, counsel, and defendants, is observed at all times. That distance must also be maintained between the Justices in a panel of an appellate Court sitting. This might require that some rows of seats in the Courtroom be left vacant and unoccupied by counsel, Court official, and other Court attendees.

x. Ensure the use of facemask by everyone in the Courtroom, including the Magistrate, Judge, or panel of Justices, court officials, counsel, defendants, security personnel, and members of the public. On no account must the facemask be removed by any person during court sitting.

y. Processes for each day's court sitting, whether physical or remote sittings, should be disinfected by the court officials prior to the court sitting and before the documents are handed over to the judicial officers. This applies to all the courts, notably, trial and appellate courts.
z. The courts are encouraged to practice assigning time slots for the hearing of matters to reduce human traffic in the courtroom.
aa. Where it is inevitable that Awaiting Trial Persons (ATPs) must be physically taken to the court for courtroom sittings/hearings, holding bays should be provided at the court premises (in substitution for a cell) for the detention of the ATPs in conformance to physical distancing requirements.

5 Sentencing

a. All judgements, ruling, and directions may be delivered and handed down by the courts in and through remote court sittings.
b. The Magistrates and Judges are encouraged to consider reduction in sentence where the defendant pleads guilty in view of reducing custodial sentencing.
c. In the light of reducing/preventing congestion in correctional centres, the court is encouraged to consider the use of fines or non-custodial sentences, except where the statute that creates the offence provides for a mandatory sentence or a minimum custodial sentence.
d. Where a statute that creates the offence expressly disallows a specific non-custodial sentence, the court but may still consider other non-custodial options that which the statute does not expressly disallow

e. The community services rendered by parolees and probationers should be carried out within the NCDC COVID-19 preventive and containment measures.
f. Office visitations by parolees and probationers should be carried out within the NCDC COVID -19 preventive and containment measures.
g. The use of alternative forms of non-custodial monitoring, such as telephone and video calls, should be encouraged.

6 Correctional Facility

a. The Controller-General is encouraged to consider the development of a comprehensive emergency plan covering:
(i) medical isolation, quarantine, referral and care plans for inmates and staff of the facility;
(ii) health and safety measures that will be put in place to prevent outbreaks and mitigate the spread of COVID–19 at the Centres,
(iii) visitation, and
(iv) security arrangement.
b. Ensure the provision of hand-washing facility with soap and running water, or alcohol-based hand sanitiser containing at least 60% alcohol and approved by NAFDAC in bottles and/or dispensers, liberally mounted and placed at the entrance of all custodial/correctional centres and in strategic and easily noticeable and accessible locations within their premises for the use of all visitors and officials.
c. Regulate entry into all custodial/correctional centres premises to ensure that the 2-meters (6 feet) physical distance between persons is observed.
d. Ensure the provision of body temperature checking equipment at entrance of all custodial/correctional centres. Any person found to have a body temperature above 38 degrees Celsius or symptoms of illness, for

example cough or fever, should immediately be refused entry and referred to medical personnel.

e. There should be medical personnel attached to all custodial/correctional centres to ensure prompt response.
f. Only persons with face masks–covering noses and mouths – should be allowed entry into all custodial/correctional centres premises.
g. Physical distancing of at least 2-meters (6 feet) should be observed as far as practicable amongst officials and inmates.
h. Ensure that new inmates are screened for COVID-19 and placed on self-isolation for at least two weeks before they are integrated into the custodial/correctional centres. An area should be designated for self-isolation of new inmates.
i. Medically isolate inmates with suspected COVID–19 symptoms for 14 days if possible. Contacts should also be traced for further action to prevent spread. Isolation should be used sparingly only where no alternative measures can be applied. Isolation should not be used for punitive reasons.
j. A staff who feels unwell and experience COVID–19 symptoms should stay at home and contact the NCDC.
k. Officials should ensure that those suspected of COVID–19, or those who contracted COVID – 19 are not discriminated against.
l. Ensure regular cleaning and disinfection of the custodial areas and that operating personnel have access to personal protection equipment and are trained in its proper use and disposal after use.
m. Keep all custodial areas well ventilated and follow preventive hygiene measures.
n. The size of the custodial area should be taken into cognisance when housing offenders. The number of offenders in a custodial area should not exceed 50% capacity of the space.

o. Provide inmates with access to fresh air on a rotational basis for at least one hour a day.
p. Where an inmate is on medication for other diseases such as human immunodeficiency virus (HIV), tuberculosis (TB), hepatitis, or other drug dependent conditions, the inmate should continue to take prescribed medication.
q. Inmates are encouraged to inform the correctional centre's staff when feeling unwell, or another inmate is noticed to be unwell.
r. Provide alternative to physical visits such as phone call or virtual meetings where physical visits have been stopped, to safeguard the mental health of inmates and ensure their wellbeing.
s. Provide continued access to legal representation for offenders, and access for representatives of external inspection bodies. Where physical visits by lawyer is not possible, they should be provided with alternatives to physical visits. Ensure confidentiality is maintained at all times when access is being given to a legal representative of an offender.
t. Ensure that all offenders are provided with access to the same healthcare as that which is available in the community to secure their access to healthcare.
u. Ensure uninterrupted access to treatment and medication for offenders who are being treated for other diseases prior to the COVID–19 emergency measures.
v. Ensure that all detention measures that are put in place to COVID–19 risks are necessary, proportionate, reviewed periodically, and are applied without discrimination and arbitrariness.
w. Ensure that all measures that are put in place respect human rights and meet human rights standards.
x. Provide specific training for all staff to maintain proper hygiene and increase knowledge and skills.
y. Regular sensitisation sessions should be organised to inform inmates on how to prevent infection and spread of

the COVID–19 and steps to take if the prisoner or someone else develops symptoms. Information about measures should be disseminated in accessible languages and formats. Address any of their fears and concerns.

z. Where an inmate dies of COVID-19, *NCDC Guidelines for Safe Transportation of Remains of Persons Suspected or Confirmed to Have Died of COVID-19*, should be observed.

7 Witness Protection

a. Witnesses are encouraged not to arrive Court more than thirty (30) minutes before trial begins.
b. Witnesses must use facemasks at all times while in Court premises.
c. The witness should be allowed to bring one person for support, for example, family member or friend.
d. Professional supporters such as Intermediaries, Independent Domestic Violence Advisors (IDVAs) or Independent Sexual Advisors (ISVAs) may attend.
e. Physical distance of at least 2-meters (6 feet) must be maintained at the Witness waiting room.
f. Alcohol-based hand sanitiser containing at least 60% alcohol and approved by NAFDAC in bottles and/or dispensers should be provided for in the Witness waiting room.
g. The persons in the waiting room should not exceed 50% capacity of the space.

8 Vulnerable Groups (Persons Aged 50 Years and Above, Persons with Critical Underlying Medical Conditions, Pregnant Women, Nursing Mothers, Children and the Physically Challenged)

a. Ensure the use of face masks – covering noses and mouths, and frequent washing of hands or use of alcohol-based

hand sanitiser containing at least 60% alcohol and approved by NAFDAC.

b. Ensure that the 2-meters (6 feet) physical distance is observed especially with this group.
c. Consider converting custodial sentencing of children, pregnant women, nursing mothers, women with young children, physically challenged, inmates aged 50 years and above and inmates with critical underlying medical conditions, to non-custodial sentencing.
d. Explore alternative to judicial proceedings and detention for cases involving children.
e. Ensure that the rights of children are promoted, protected and respected, and that their treatments comply with the Child Right Act and other human rights standards.
f. When in detention, ensure that children are treated in a way that encourages rehabilitation and social reintegration.
g. Provide children with continuous access to legal representation.
h. Provide children access to visitation. Where physical visit is impossible, or visits have been stopped, alternative to physical visits such as phone call or virtual meetings should be provided, to ensure their wellbeing.
i. Provide access to necessary services to ensure the health and wellbeing of children, including access to education, counselling, therapy, and sports/ physical education.
j. Provide uninterrupted access to treatment for all heath conditions, including the COVID– 19.
k. Provide access to independent inspectors recognised by law to inspect correctional centres.
l. To safeguard the wellbeing of inmates, ensure continuous provision of commodities and services to people with special needs and vulnerable group.
m. To discharge its responsibilities towards safeguarding the welfare of inmates, measures should be put in place to pay special attention to inmates with specialised healthcare

needs and vulnerable groups. NCDC *Advisory for Vulnerable Groups* and *Guidelines for the Management of Pregnant Women and Nursing Mothers* should be observed.

PART THREE

LEGAL EDUCATION SECTOR

The importance of legal education to effective management of criminal justice administration cannot be over emphasised. Hence the need for seamless and uninterrupted legal education. As experience has shown with the COVID-19 outbreak and its spread, health emergencies can erupt at any time. This means that measures need to be put in place for the survival and sustenance during and post COVID-19 era, as well as in situations of any public health emergency. In that regard, the following recommendations are proffered to ensure the provision of COVID-19 free learning environment in facilitating effective delivery of legal education to the students, adherence by faculty members, staff, and students:

1 Safety Measures at Entry/ Exit Point(s)

a. Ensure that the entrance point where everyone gaining access to the Law Faculty or Nigerian Law School (NLS) Campus is screened for high temperature, requested to wear masks and perform hand hygiene is well marked.
b. Ensure the provision of body temperature checking equipment at every Law Faculty or NLS Campus entrance. Any person found to have a body temperature above 38 degrees Celsius or symptoms of illness, such as cough or fever, should immediately be refused entry and directed to the nearest medical facility.
c. Ensure the provision of the hand-washing facility with soap and running water, or 60% alcohol-based hand sanitiser approved by NAFDAC placed at the entrance of the Law Faculty or NLS Campus is easily noticeable and accessible for use by all persons.
d. Only persons with face masks–covering noses and mouths–should be allowed entry into the Law Faculty or NLS Campus. Anyone who refuses or neglects to wear face mask at any time while in the premises should be

politely advised to leave and escorted out of the premises by security personnel.

e. Ensure that persons who gain entrance into Law Faculty or NLS Campus and are required to queue up or sit maintain the 2-meters (6 feet) physical distance.
f. Congestion should be avoided at entry and exist points.
g. Where the Law Faculty or NLS Campus has multiple entry and exits, all such points should be utilised. The medical personnel in the university medical centre or NLS Campus should be easily accessible.

2 Safety Measures During Lectures and Examinations

a. The Law Faculty and the NLS Campus are encouraged to adopt virtual lectures/examination. Where this is not possible, the persons in the lecture/examination room should not exceed 50% capacity of the space.
b. Ensure that at least 2-meters (6 feet) physical distance is observed between each student. This might require that some rows of seats in the lecture/examination room be left unoccupied. These seats must be marked to show that they should be left unoccupied.
c. During lectures, the lecturer must ensure that the 2-meters (6 feet) physical distance is observed.
d. Ensure the use of facemask by everyone in the lecture/examination room. Facemasks should not be removed by any person while in the lecture/examination room, or within the premises of the Law Faculty or NLS Campus.
e. Ensure frequent cleaning and disinfection of the lecture rooms, all surfaces touched by people such as banisters, doors and door handles, seats, and furniture. The disinfection should take place prior to and at the end of each lecture session / examination.
f. Ensure all lecture/examination rooms are well ventilated and preventive hygiene measures are observed.

g. After the examination, the invigilator should transport boxes of scripts to a designated secure storage site for quarantine overnight. The scripts should be sent to examiners for marking after a minimum of 12 hours.

3 Other Safety Measures

a. The Law Faculty and NLS Campus should sensitise all staff and students on COVID – 19:

(i) how it is transmitted,

(ii) its symptoms, and

(iii) what to do when someone shows symptoms within the school premises.

b. The Law Faculty and NLS Campus should encourage staff and students to be vaccinated.

c. The Law Faculty and NLS Campus should provide clear instructions on effective hand washing procedure.

h. The Law Faculty and NLS Campus should provide clear instructions on how to dispose of used napkins/tissue and face masks; and also designated waste bins to promote hygiene.

i. The Law Faculty and NLS Campus are encouraged to provide students with medical status/COVID-19 testing self-reporting form that must be completed and submitted prior to resumption, and periodically.

j. A staff or student who feels unwell and experience COVID– 19 symptoms should stay isolated and contact medical personnel within the premises, close contacts of the isolated person should be quarantined and symptomatic ones to be immediately tested.

k. Law Faculties and the NLS Campuses are encouraged to have adequate facilities to provide healthcare support to those resident students and staff who test positive and are isolated.

l. Guidelines restricting social and physical contacts and mobility in such parts of residential places in the campus,

where positive cases have been found, should be strictly enforced. Measures such as not holding of physical lectures may be enforced, depending upon the severity of the situation.

m. The Law Faculty and NLS Campus should designate an area within the premises that can serve as sample collection site and have a record of reported cases and contacts in the Law Faculty or NLS Campus.

n. Staff at the Sick Bay/designated temporary isolation room should be trained and provided with required PPE.

o. The Law Faculty and NLS Campus should ensure that waste from the sickbay/designated temporary isolation room and used face masks are separated from general wastes and safely disposed**.**

p. Ensure that the Sick Bays/temporary isolation room can be used to manage asymptomatic cases for students living within the premises and a response protocol is in place to transfer persons who are ill or test positive to the nearest designated medical facility.

q. Beds in hostels should be re-arranged to allow for 2-meters (6 feet) spacing, which will ensure physical distancing as provided for in the COVID-19 safety protocol.

r. The Law Faculty and NLS Campus should ensure that there is access to sufficient running water, soap and hand washing facilities.

s. Infection Prevention Control reminders and communication materials should be prominently displayed in every part of the premises.

t. Ensure regular disinfection of teaching materials, computers, laptops, printers, and so on at the library and common rooms.

u. To protect the welfare of students, the Law Faculty and NLS Campus should ensure measures are in place to support vulnerable students, namely, persons aged 50 years and above, persons with critical underlying medical conditions nursing mothers and pregnant women.

v. The Law Faculty and NLS Campus should establish information sharing mechanism and keep staff and students informed on any updates regarding COVID– 19.
w. The Law Faculty and NLS Campus should conduct periodic risk assessment to ensure informed measures are put in place.
x. The Law Faculty and NLS should maintain regular collaboration and coordination with local health authorities and health officials and the NCDC and other relevant agencies.
y. Students should avoid sharing stationeries, utensils and other items to prevent transmission of COVID – 19 and other diseases.
z. To protect the mental health of staff and students at the Law Faculty and NLS Campus, staff and students should avoid stigmatising persons who show symptoms or are infected by the COVID–19 virus, and should encourage those who experience symptoms to seek medical assistance.
aa. Students should always participate in COVID–19 sensitisation programmes.
bb. To ensure their wellbeing, students should meet outdoors wearing facemasks and maintaining physical distance.
cc. In the event that meeting with friends and colleagues outdoor is impossible, the use of social media and virtual meetings should be encouraged.

ANNEXURE







ABSTRACT OF PROTOCOLS, REGULATIONS, AND GUIDANCE ON COVID-19 RELEVANT TO THE CRIMINAL JUSTICE AND LEGAL EDUCATION SECTOR



1 Introduction

The coronavirus (COVID-19) disease, first reported from Wuhan, China, on 31 December 2019, systematically crept into several countries worldwide, killing millions and exposing fragile peculiarities in the various healthcare systems (especially in Africa). The pandemic continues to cripple economies as it moves. Following the 30 January 2020 World Health Organisation's (WHO) declaration of COVID-19 as a global public health emergency of international concern under the International Health Regulations of 2005, countries began to adopt a combination of medical and non-medical measures to contain it. Measures adopted include restrictions on national and international travels, total lockdowns, compulsory wearing of face masks, social distancing, and regular washing of hands or use of alcohol-based hand sanitisers when accessing public places, among others. Lockdowns occasioned closure of all schools, including those involved in legal education, and inaccessibility of courts to users, with dire consequences on justice delivery. Proclaiming and imposing measures and introducing new ways of making the system work amid the coronavirus pandemic was not without the challenges of resistance and acceptability by the public. Hence the need to produce regulatory documents, directives, protocols, and guidelines to give effect to government actions and standardise new ways of carrying out official functions and activities.

Nigeria announced its index COVID-19 case on Friday 28 February 2020 ushering in an era of fear, confusion and despair due to existential problems of weak healthcare system, and infrastructure deficit. This means that the country must act fast in order to prevent the spread of the disease. As a result, regulations (see *items 3.1.1.and 3.1.2 below*), were issued by President Muhammadu Buhari pursuant to powers conferred on him by sections 2, 3, and 4 of the Quarantine Act Cap Q2, Laws of Federation of Nigeria (LFN), 2004. Subsequently,

several regulations, directives, guidelines, and protocols were issued at national, states and organisational levels to prevent the spread of COVID-19; and redefine work and office life. In particular, the virtual mode of work, commonly referred to as the "new normal", was introduced and encouraged.

This work captures international and national documentary efforts that were introduced to ensure seamless service delivery in the midst of the COVID-19 pandemic. The work is a precursor to the NIALS COVID-19 Guidelines for the Justice and Legal Education Sectors. It is thematically divided into 6 omnibus parts as follows: part 1 is the introduction while part 2 states the objectives of the work. Part 3 summarised COVID-19 documents from the federal and state governments as well as the judiciary, among others. Part 4 summarise documents from United Nations (UN) agencies and WHO while part 5 deals with documents from selected commonwealth countries. Part 6 is conclusion.

2 Objectives

The purpose of this work is to provide a one-stop document that reference documents that were drafted and adopted by selected countries, Nigeria and international organisations, to legally justify actions taken to contain the spread of the coronavirus. Against this backdrop, it is expected that users:

1. Acquire enhanced knowledge about where the President and governors of the various states in Nigeria derived their powers to impose measures such as lockdowns, restricted movement, etc.
2. Become familiar with documentary efforts towards enforcing COVID-19 containment measures worldwide, particularly in Nigeria.
3. Appreciate the rationale for NIALS COVID-19 Guidelines for the justice and legal education sectors.
4. Be able to identify good international practices for transplantation purposes or recommendations to Nigerian policymakers and implementers.

3 Nigeria

3.1 COVID-19 Regulations 2020: Federal and States

3.1.1 COVID-19 Regulations 2020

President Muhammadu Buhari signed these regulations on 30 March 2020 in exercise of the powers conferred on him by sections 2, 3, and 4 of the Quarantine Act CAP Q2 LFN 2004, the Regulation encapsulates Nigeria's response and the government's commitment to ensuring a safe Nigeria from the COVID-19 virus. The Regulation explicitly identifies the virus as a dangerous infectious disease. The Regulation restricted movement in Lagos, FCT, and Ogun State for an initial period of fourteen (14) days. Court matters that were urgent, essential, or time bound were exempted and to be handled as the Chief Justice of Nigeria may time to time direct. The movement restriction was to enable identification, trace, and isolation of all individuals that had come into contact with confirmed cases.

3.1.2 COVID-19 Regulations No. 2 of 2020

Pursuant to the powers conferred by sections 3 and 4 of the Quarantine Act, President Muhammadu Buhari made these regulations on 13 April 2020, to extend the restriction of movement in Lagos, Ogun State and FCT, Abuja as contained in the 30 March 2020 Regulations (see 3.1 above). This is to enable the government to achieve its objective of effectively containing COVID-19. Importantly, all the responsibilities of the government officials, citizens and residents contained in the COVID-19 Regulations, 2020 remain extant in these regulations.

3.1.3 Lagos State Infectious Diseases (Emergency Prevention) Regulations

Issued by Governor Babajide Olusola Sanwo-Olu on the 27 March 2020, pursuant to the powers conferred on him by the Lagos State Health Law, Cap Ch.P16 Laws of Lagos State 2015 and section 8 of the Quarantine Act CAP Q2 LFN 2004. The Regulation seeks to prevent and contain the spread of COVID-19 with the Local Area, which includes, all the local governments in Lagos State, all the local development areas in Lagos State, all land, sea, lagoon, river, and other entry points into Lagos State, and so on. The regulation stipulates COVID-19 as a dangerous infectious disease that is a serious and imminent threat to public health. It empowers the Governor to direct the isolation of a potentially infectious person, order the restriction of movement, restrict the gathering of persons, order temporary closure of public places, and prohibit the transmission of false information regarding COVID-19. The regulation explicitly designates as an offence (i) failure to comply with a restriction, prohibition, or requirement imposed by the Regulation; (ii) false or misleading information; (iii) obstructing any person carrying out duties under the Regulation; (iv) any action contravening the provisions of the regulation. The offence penalty is fine, imprisonment or both in accordance with extant laws.

3.1.4 Akwa Ibom State Quarantine and Restriction of Movement Regulations 2020

In these regulations, the entire land mass and water of Akwa Ibom State spanning 31 Local Government Areas were declared a Local Health Area for purposes of declaring COVID-19 as a "Dangerous Infectious Disease" within the meaning of section 2 of the Quarantine Act, Cap. Q2, Laws of Federation of Nigeria 2004. The regulations stipulate containment measures that include restriction of movement of persons and vehicles and also regulate the number of persons that can be carried in vehicles, including tricycles at any given

time. Other containment measures include closure of all borders to all persons and vehicles except "government and recognised security personnel, fire service personnel, medical health workers and other personnel on essential duties and food supplies". As a further containment measure, the regulations admonish infected persons not to act in a manner that may likely put others at risk of contracting the virus through self-quarantine and treatment. Non-compliance with the provisions of the regulations constitutes an offence, which can be prosecuted in accordance with the Quarantine Act, Cap. Q2, Laws of the Federation of Nigeria, 2004 and the Akwa Ibom State Infectious Disease (Control of Spread) Law, 2014 or any other applicable law. Penalty to be meted out would be in accordance with the provisions of the relevant law in addition to confiscation of the offender's vehicle and cancellation or suspension of his or her licence for a stipulated time. The regulations directed security agencies to enforce strict compliance with the regulations.

3.1.5 Kaduna State Infectious Diseases (Prevention) Regulations, 2020

These regulations, which were signed by Governor El Rufai of Kaduna State on 26 March 2020, were made in recognition of infectious nature of coronavirus, its ability to spread rapidly, and the need to preserve public safety across the state by stopping its spread. It was also in recognition of the fragile state of the state's health sector in terms of lack or limited facilities and infrastructure to effectively combat the disease. The Governor acted under powers conferred on him by "section 40 of the Kaduna State Public Health Law Cap. 125, Laws of Kaduna State 1991, Section 8 of the Quarantine Act Cap Q2 Laws of the Federation of Nigeria 2004, Sections 5 (2) and 45 of the Constitution of the Federal Republic of Nigeria 1999 (as amended) and of all other powers" enabling him to do so. Like most other regulations, the focus was to contain the

spread of coronavirus by restricting movement, restricting mass gatherings, closure of schools, structured commercial activities (including transportation), and controlled burial activities, among others. Unlike many other states regulations, these regulations actually empowered the Governor to prohibit the transmission of false information, obtain information, and make consequential amendments or alterations in addition to the regulations. In terms of procurement, the Governor was empowered "to dispense with the strict compliance of all or any part of the Kaduna State Public Procurement Law of 2016 or any other Law for the procurement of any materials, items or services relating to COVID 19 pandemic during the period of lockdown".

3.1.6 Kaduna State Coronavirus Disease (COVID-19) (Partial Lock-Down) Order, 2020

This Order was made pursuant to the powers vested in the Governor by section 45 of the Constitution of the Federal Republic of Nigeria 1999 (as amended), section 2 and 8 of the Quarantine Act Cap Q2 Laws of the Federation of Nigeria 2004, the Public Health Law Cap 125 Laws of Kaduna State 1991 and the Kaduna State Infectious Disease (Prevention) Regulation, 2020. The Order expands the regulations (discussed above) with emphasis on the need to comply with both medial and non-medical COVID-19 protocols. The Order makes failure to comply an offence which may attract a term of imprisonment of not less than one year or a fine of not less than fifty thousand naira (N50, 000.00) or both upon conviction. The Order contains a list of potential defaulters and the appropriate fines as well as a Schedule.

3.1.7 Rivers State Executive Order No: RVSG 06 2020

This Executive Order was signed by Governor Nyesome Ezenwo Wike in 2020 to impose further measures to reinforce the ongoing efforts toward the spread of COVID-19 in Rivers

State. The Executive Order stipulates mandatory wearing of face masks, prohibition of operations of private motor parks, taxi ranks and loading bays, closure of hotels, restricted number of persons in a commercial vehicle-buses to carry a maximum of 40 percent of its full capacity with all persons in vehicles wearing face masks. Under the Order, a task force was set up and mandated to enforce the Executive Order, and met out appropriate punishment to defaulters, which may include arrest and prosecution, confiscation and auctioning of vehicles and hotels and guests' houses belonging to defaulters.

3.1.8 Executive Order Prescribing Guidelines for the Conduct of Public Burials, Rivers State

This Executive Order took effect on 5 June 2020 to regulate the conduct of public burials. It defined crucial terms such as "public burial", and "Commissioner for Health"; and provides guidelines to be followed by any person who intends to hold public burial during the COVID-19 pandemic period. More importantly, if the burial relates to a person who died as a result of complications from coronavirus, the corpse is to be "transported out of Rivers State under the supervision of Health Officials and the applicant shall comply with such other conditions necessary for the prevention of the spread of the COVID-19 disease, as the Commissioner for Health may prescribe".

3.1.9 Ebonyi State Infectious Diseases (Emergency Prevention) Regulations, 2020

Governor Umahi signed these regulations on 27 March 2020 in a bid to try and stem the tide of coronavirus in the state. The Governor signed them pursuant to the powers vested in him by the Ebonyi State Coronavirus and Related Matters Law 005 of 2020, Ebonyi State Public Health Law, Cap 126, Laws of Ebonyi State of Nigeria, 2009, section 8 Quarantine Act, Cap Q2 Laws of Federation of Nigeria, 2004as well as other

enabling laws, including the Constitution of the Federal Republic of Nigeria, 1999. The regulations came into effect on 2 April 2020 and applied throughout the state. The regulations also ratified all actions taken to contain the spread of coronavirus before to its commencement. Under the regulations, coronavirus was declared as a dangerous disease within the meaning of sections 2 and 8 of the Quarantine Act, Cap Q2 Laws of Federation of Nigeria 2004. The regulations imposed containment measures such as restriction of movement, mass gatherings, and regulate how trade and how other commercial activities should be conducted. In the same vein, the supplies chain of food, drugs and other essentials were to be done in accordance with guidelines, which were to be updated from time to time. The regulations prohibit transmission of false information, forbidding people from spreading information relating to vaccines and treatment or cure that are not verified, tested or approved by relevant authorities. Failure to comply with the regulations constitutes offence, and attracts a term of imprisonment or fine upon conviction, as the extant law may prescribe.

3.1.10 Kano State Public Health (Infectious Diseases) Regulations 2020

The Executive Governor in the exercise of powers conferred by the Quarantine Act, Cap Q2, Laws of the Federation of Nigeria, 2004, particularly sections 2, 3and 4, made regulations to impose quarantine and other measures for preventing the spread and transmission of COVID-19 in Kano State. The Regulations define terms such as "child" as *person under the age of 18*, in accordance with extant child rights provisions; and "coronavirus" as *severe acute respiratory syndrome coronavirus*, among others. The Regulations contain expansive provisions dealing with a variety of subthemes, i.e., *Local Area Declaration, Dangerous Infectious Disease Declaration, Power Over Potentially Infectious Persons,* among others. The Regulations further imposed restrictions on movement and on mass gatherings.

Movement was allowed only to the extent that it was for moving "essential supplies" such as food, drugs, water and others that "the Governor may deem necessary". On events, gatherings and premises, the regulations empowered the Governor to adopt all necessary measures that can help prevent the spread of coronavirus, including, restricting or prohibiting the gathering of people, and ordering the temporary closure of markets, stores and other public places. The Governor has the powers to direct relevant security agency in the Local Area to break up any gathering of persons. The Regulations also allotted omnibus powers to the Governor that include the power to issue directives and take all necessary actions to prevent, protect, control or contain the incidence or transmission of COVID-19 within the Local Area. Failure to comply with provisions of the regulations constitute offence punishable, on conviction, with fine or imprisonment or both as prescribed under the Quarantine Act, Q2 L.F.N, 2004, Kano State Public Health Law Cap 120, Laws of Kano State 1991, and any other existing law. The regulations are dated 16 April 2020.

3.1.11 Edo State Dangerous Infectious Diseases (Emergency Prevention) Regulations 2020

The preamble indicates that the Regulations were made in recognition of the fact that international travels into and out of Nigeria from high incidence countries like USA, UK, South Korea, China and Germany (before the closure of Nigeria international air space to foreign flights) exposed Nigeria generally, and Edo State particularly to the risk of COVID-19. The preamble also referenced lack of infrastructure and inadequate healthcare facilities as giving impetus to the need to be proactive in preventing the spread of COVID-19 and containing it in Edo State. The Regulations defined terms such as "child"," coronavirus"," coronavirus disease"," Governor"; and" infected area", "Local Area", "Permitted Essential

Areas"; and "potentially infected person" for purposes of clarity and unambiguity. Under the regulations, the Governor has power to direct that a potentially infected person be dealt with in the manner specified in regulation 6. Other areas of focus of the Regulations include restriction of movement, except for purposes supplies of essential supplies such as food, drugs, etc. The regulations also dealt essentially with curtailing the number of people that attend an event at any given time in accordance with the Governor's directives, which he may issue from time to time. Regulation 9 also gave the Governor the power to determine how trade and commercial activities should be conducted. As a containment measure, "public, educational and vocational institutions" were ordered closed while court proceedings were suspended under regulation 13, which also allowed the Governor to direct the Chief Judge of Edo State, and other heads of courts to order such suspension. Suspension of the courts did not however, affect hearings in matters relating to the constitutional right to life and liberty of people. Very fundamentally, and like the regulations of many other states, transmission of false information is prohibited. Failure to comply with provisions of the regulations constitute an offence which may attract, upon conviction, a fine of not more than one hundred thousand naira, or such non-custodial sentencing as may by prescribed by the court, or a combination of the said punishments. The Governor also reserved the power to alter, amend or supplement the regulations.

3.1.12 Enugu State Executive Order No 1 Of 2020 COVID-19 Containment Order (Temporary Prohibition of Large Assemblages and Events, all Cultural and Social Gatherings, Temporary Closure of Schools, Prohibition of Excess Passengers in Commercial Vehicles)

The Governor of Enugu State, Ifeanyi Lawrence Ugwuanyi, issued this Executive Order on 31 March 2020 to contain the spread of the new strain of coronavirus, which is believed to spread faster and more deadly than the first strain of COVID-19. The Executive Order targeted specific containment measures, i.e., "temporary prohibition of large assemblages and events, all cultural and social gatherings, temporary closure of schools, prohibition of excess passengers in commercial vehicles". Accordingly, all educational institutions in the schools were closed and public and civil servants were asked to remain at home. Also, all cultural and social gatherings such as marriage and burial ceremonies were suspended. In the same, masquerade festivals and drinking bars were not allowed to function. Those exempted from the temporary suspension were health care workers, forest guards, neighbourhood watch personnel, waste management operatives, Enugu State Emergency Management Agency, and everyone involved in rendering essential services. The Order was made pursuant to the powers vested in the Governor by section 48 of the Public Order law 130 Revised Laws of Enugu State 2004, section 81 of the Public Health Rules Cap 128 Revised Laws of Enugu State 2004; section 86(g)(ii) of the Road Traffic Law of Enugu State 2004, section 8 of the Quarantine Act Cap Q2 Laws of the Federation of Nigeria 2004, section 215(4) of the Constitution of the Federal Republic of Nigeria 1999, and other extant provisions.

3.1.13 Proclamation Made Pursuant to the Nasarawa State Dangerous Infectious Diseases (Emergency Prevention) Regulations 2020, Public Health Law of Northern Region 1959, Section 8 of the Quarantine Act, Cap Q2 Laws of the Federation of Nigeria 2004, on the Enforcement of Restriction of Movement in Nasarawa State and Related Issues Thereto to Check the Spread of Coronavirus (COVID-19)

This Proclamation took effect 6:00 am of Wednesday 6 May 2020. The Proclamation is considered as peculiar in the sense that it took precedence over every other Proclamation as stipulated in paragraph xxii. The Proclamation was made following the recommendation of medical experts that a three-day curfew be imposed. The curfew was to enable them to carry out urgent contact tracing and testing activities in Nasarawa Local Government Area, after restrictions on vehicular movement and the total lockdown imposed earlier were lifted. The Proclamation also directed that all civil servants in the State from Grade Levels 01- 12 should continue to work from home except those involved in rendering essential services. Further, social gatherings such as weddings and naming ceremonies remain suspended till further notice. At the same time, a total restriction of entry and exit from Nasarawa State was imposed in line with the Presidential directive on interstate movement dated 27 April 2020. Street begging was declared undesirable with directives to security operatives to arrest any child found begging on the streets. Other restrictions imposed by the proclamation include a ban on all social and religious gatherings. Markets and businesses, events centres, and cinemas were to remain closed. Furthermore, the proclamation requires full compliance with that federal government directives on social distancing,

wearing of facemasks and other non-medical protocols. Other measures in the Proclamation include ban on interstate travel with its consequent closure of all commercial motor parks, restriction on commercial motorcycles and 'keke' transportation. Violations were to attract punishment such as forfeiture of the motorcycle in addition to punishment prescribed by the regulations and other extant provisions. To ensure total compliance, Task Force Committees were established to augment the effort of security operatives who were directed to intensify patrol. They were also directed to ensure that defaulters were prosecuted in accordance with the law.

3.1.14 Imo State Executive Order 001 on COVID-19 Lockdown and Curfew

This Order made fundamental declarations. While recognising the imperatives of preserving the lives of Imo people, the government of Imo State reiterated its commitment to enforcing COVID-19 containment measures to prevent the spread of the virus. In that regard, a total lockdown and restriction of movement of vehicles and persons was ordered. However, movement for purposes of essential supplies and services was exempted but restricted to the hours of 6am to 6pm daily. The Order declared closure of borders leading in and out of Imo State, and imposed a dusk to dawn curfew from 6p.m to 6 a.m. as from Saturday 18 April 2020 till further notice. Despite the closure of land borders into and out of Imo State, indigenes of the state who were returning from outside the state were allowed into the state so far as they are able to present proper identification and were willing to take COVID-19 test and quarantine for 14 days. Punishment for violating the Order includes seven days of community service and a fine in lieu, ranging between N7000.00 and N50000.00 depending on whether the defaulter is a tricycle, motorcycle, car or truck. The Oder was signed by the Governor of Imo State, Hope

Uzodinma on Friday, 17 April 2020 at the Government House, Owerri.

3.1.15 Quarantine Act, CAP Q2 Laws of the Federation of Nigeria, 2004: Ekiti State Coronavirus (Prevention of Infection) Regulations, 2020

Passed by Governor Dr John Kayode Fayemi on 29March 2020, the Regulation sets out measures to ensure the prevention of the spread of COVID-19 in Ekiti State. The Regulation restricts movement of persons and goods, exception on essential goods and services; prohibits any gathering that is not in respect of a funeral and limits the attendance to 20 people; closure of borders during curfew except for essential goods and transportation of fuel; prohibits movement of public transport except where it is used for essential goods, service, attending funeral, and receiving social grant or food; stipulates as an offence artificial inflation of prices, refusal to sell, and/or hoarding of essential goods. The penalty for this offence is forfeiture to the state government of the goods. Also, contravention of the Regulation is an offence punishable by fine or imprisonment of not more than six months, or both fine and imprisonment.

3.2 Guidelines and Practice Direction Relevant to Justice and Legal Education Sector

3.2.1 Guidelines for Court Sittings and Related Matters in the COVID-19 Period

Issued by the Chief Justice of Nigeria and the Chairman National Judicial Council, Hon. Dr Justice I.T Muhammad, CFR, the Guidelines seek to provide safe court sittings in light of the COVID-19 pandemic. The Heads of Courts and

respective judicial officers at both federal and state judiciary level are mandated to adopt the Guidelines in conducting court's business and sitting of courts. The Guidelines provide explicit provisions on measures that should be taken for court premises, filling of processes, payment of filling fees, service of processes and hearing notices, virtual or remote court sittings, and physical court sittings. The guidelines are not exhaustive and Heads of Courts have the discretion to expand or modify based on the exigencies of the moment and the circumstances of each court.

3.2.2 National Industrial Court of Nigeria Practice Directions and Guidelines for Court Sitting 2020

Issued on the 13 May 2020 by the President of the National Industrial Court of Nigeria, Hon. Justice BB Kanyip, PhD, FNIALS, FCArb, the practice directions seek to provide guidance on the filling and hearing of matters, maintaining social distance in court, remote hearing in accordance with the Constitution, Laws, and Rules of the Court. Adapting the ***'Guidelines for Court Sittings and Related Matters in the COVID-19 Period'*** the Practice Direction explicitly provides for service of processes and hearing notice via electronic means, computation of time, adoption of written addresses, delivery of judgements and rulings.

3.2.3 High Court of the Federal Capital Territory, Abuja, COVID-19 Practice Direction 2020

Issued by the Chief Judge of the Federal Capital Territory, Honourable Justice IU Bello, FNIALS, in light of the COVID-19 pandemic, the Practice Direction guides as to court sitting, number of legal representation, production of defendants in custody, use of virtual applications for remote hearing and conduct of parties at the hearing, the maximum number of persons in the courtroom, and the number of staff/clerks

working with the Honourable Judges and Learned Magistrates. The Practice Direction provides for review when necessitated by prevailing circumstances.

3.2.4 Practice Direction for Remote Hearing of Cases in the Lagos State Judiciary

Issued by the Chief Judge of Lagos State, Honourable Justice Kazeem O. Alogba, the Practice Direction seeks to ensure "timely and efficient disposal of cases, use of suitable technology, just determination of the proceedings, and efficient use of available judicial and administrative resources" in the light of COVID-19. The practice direction provides for electronic filing of processes, service of processes electronically, preparations for remote hearings, conduct of remote hearings, recoding, adoption of written addresses, and notice of delivery of judgement and ruling.

3.2.5 High Court Justice Ogun State of Nigeria Practice Direction No 2 of 2020

Issued by the Chief Judge of Ogun State, Honourable Justice Mosunmola A.Dipeolu, the practice direction seeks to provide guidance as to measures that should be undertaken to reduce the spread of the COVID-19 virus in especially in court sittings. The practice direction stipulates procedure to be adopted in online hearings, namely, e-filling of processes, e-service of processes, preparation for online hearings, conduct of online hearings, recordings or proceedings, adoption of written address, and notice of delivery of judgement and ruling.

3.2.6 Practice Direction Issued by the Chief Judge of Oyo State, Honourable Justice Munta Ladipo Abimbola on Court Sittings

Issued by the Chief Judge of Ogun State, Honourable Justice ML Abimbola, in the light of the COVID-19 pandemic, the practice direction seeks to ensure the protection of the health of

judicial officers, court users, and personnel, while ensuring timeous determination of matters pending and avoid the prolonged delay caused by the COVID-19 lockdown. The direction stipulates measures to be undertaken when entering the court premises; case management; filing of new cases, commissioning of affidavit; complying with the NCDC safety measures on hand washing, social distancing, and face masks.

3.2.7 Practice Directions for Court Sittings in Edo State during the COVID-19 Period and Beyond.

Issued by the Chief Judge of Edo State, Honourable Justice Esther Amenaghawon Edigin, the practice direction seeks to provide guidance as to measures that should be undertaken to reduce the spread of the COVID-19 virus in especially in court sittings, namely, virtual or remote court sittings, physical court sittings, multi-door court, service of processes and hearing notices, payment of filing fees, filing of processes, and procedure to be observed when entering the court premise.

3.2.1 National COVID-19 Pandemic Multi-Sectoral Response Plan, 2020

The NCDC produced this document on 14 August 2020 majorly to ensure that the Federal Republic of Nigeria emerges from the COVID-19 pandemic with minimal negative impact to the population, health system and the economy; and to provide a framework for the government to accomplish four basic objectives, to wit:

(a) provide coordinated and effective national and sub-national response to COVID-19 pandemic,

(b) produce COVID-19 related morbidity and mortality,

(c) mitigate pandemic-related impacts on critical social, economic and health infrastructure and systems; and

(d) facilitate post-pandemic recovery and rehabilitation operations.

The document was produced based on certain assumptions among which are that *the COVID-19 pandemic will affect multiple communities across Nigeria; COVID-19 cases may be more prevalent in densely populated states; and initial cases will come arrive from affected countries through our international airports.* The document addressed triggers of government's phased responses. It identifies the Presidential Task Force on COVID-19 (PTF) and the National COVID-19 Response Centre (NCRC) serving as operational arm of the PTF as the coordinating body for the phased responses. The task force has a direct reporting line to the President. The 67-paged response plan also marshalled the implementation plan at national and sub-national levels as well as the mobilisation and coordination of resources. More significantly, the Plan has a clear outline for post-COVID-19 economic recovery, which outlined immediate fiscal measures to effectively pull Nigeria out of the doldrums of COVID-19 pandemic.

3.2.2 Nigeria Police Force Guidelines for Policing During COVID-19 Emergency

Developed as part of the COVID-19 response by the Nigeria Police Force with the support of the European Union and United Nations Office on Drugs and Crime, the guidelines explicitly provide for measures the police officers should take while performing their duties including making an arrest; assisting with collection and disposal of COVID-19 victims; undertaking contact tracing; managing public order situations; dealing with domestic violence and abuse and persons who inject or abuse drugs. The guidelines also cover measures for coming off duty.

3.2.3 Advisory on the Use of Face Masks by Members of the Public without Respiratory Symptoms

Issued by the National Centre for Disease Control (NCDC), the Advisory stipulates that the use of face masks is compulsory

for members of the public without respiratory symptoms. The objective is to prevent the spread of the virus by asymptomatic patients. Face masks should be used while attending large gatherings, also combined with physical distancing, hand washing, respiratory hygiene, cleaning and disinfecting frequently touched surfaces. The advisory further encourages the use of face masks by older person from 60 years and above who have existing medical conditions.

3.2.4 Guidelines for Safe Transportation of Remains of Persons Suspected or Confirmed to have Died of COVID-19

The National Centre for Disease Control (NCDC) issued the guidelines to provide for measures to be taken when transporting the remains of a person who is confirmed or suspected to have died from COVID-19, whether by air or land transportation.

3.2.5 Guideline on Social Distancing

The National Centre for Disease Control (NCDC) issued this guideline to explicitly provide the proper manner to observe social distancing. For instance, "use of non-physical greetings, maintaining at least 2 metres between oneself and anyone coughing or sneezing, staying at home when feeling unwell with fever, cough, difficulty breathing symptoms.

3.2.6 COVID-19 Guidance for Schools in Nigeria

Issued by the National Centre for Disease Control (NCDC), the guideline stipulates measures that schools should adopt in preventing the spread of and protecting students from COVID-19. This includes constant washing of hands by students and teachers, staying at home if feeling unwell, cleaning and disinfecting of frequently touched objects and surfaces by the school.

4 United Nations Agencies / World Health Organisation:

4.1 United Nations Office on Drugs and Crimes (UNODC)

4.1.1 Guidance Note: Ensuring Access to Justice in the Context of COVID 19

This Guidance Note is a preliminary guide for practitioners and policymakers on factors to consider while ensuring safe, fair and timely access to justice. The overall objective is to prevent or limit interruptions to the justice system. The Note covers the adjustment that may be required to be made to existing measures, or the new measures that are required to keep users safe as continued access to justice is ensured. It provides guidance on preparatory strategy which aim to prevent as much disruption to the provision of justice services. The response strategies provided include emergency containment responses for prisons and detention centres while continuing to provide fair, equitable and timely access to justice. The recovery strategies provide guidance on how to ensure inclusive ease out of emergency measures, while taking the socio – economic impact of the crisis which led to the adoption of the emergency measure into account. The Guidance is developed against the backdrop of respect for human rights, rule of law and international standards while addressing the short-, medium- and long-term impacts of the crisis.

4.1.2 UNODC, WHO, UNAIDS AND OHCHR Joint Statement on Covid-19 In Prisons and Other Closed Settings

In addressing the need to minimise the spread of COVID – 19, the Joint Statement made recommendations on measures prevent spread and large outbreaks using preventative

measures and a gender responsive approach with emphasis on up – to – date cross – sectoral coordination. The measures should be taken against the backdrop guarantees for human rights. The recommendations in the Joint Statement provided option on how to protect persons in prisons and other confined spaces. Overcrowding was among the challenges identified, and recommended options to deal with it include limiting deprivation of limiting, including pre-trial detention as ways to prevent overcrowding and enhanced use of non – custodial sentencing bearing in mind the need to consider vulnerable people including the elderly, those with pre-existing conditions. Consideration should also include those who are unlikely to compromise public safety such as minor and non-violent offenders. Consideration is also recommended to be given to women and children when addressing overcrowding.

The Statement also highlights the role of states in ensuring security, health and human dignity for people who are deprived of their liberty and persons working in places of detention. It was recommended that meeting these obligations, measures should be put in place to ensure decent living and working conditions, and the provision of free health services on a non – discriminatory basis. The measures are recommended to be kept in place irrespective of a state of emergency or not. The health services recommended for prisons is expected to cover preventative, supportive and curative care. The care should be of the highest quality, or equivalent to what is provided in the community. It also recommends that priority responses that obtains in the community, including hand washing and physical distancing should be applied in closed settings, and the severe restrictions that apply in close settings be addressed.

The need to ensure access to continued health services was also highlighted noting that places of confinement such as the prison have a higher rate of at-risk population than the general population. This is because prison is said to over represent people with substance abuse, tuberculosis, HIV and hepatitis B

and C. the COVID– 19 pandemics may increase the risk for such people. It is recommended that to ensure that such people continue to the treatments they started before or during imprisonment, a health systems approach should be adopted. The approach is to be applied in collaboration with health authorities to ensure that prisons are integrated with community health services to ensure continuity – of – care pathway. It is also recommended that enhanced prevention and control measures should be put in place to ensure access to quality health services, uninterrupted access and flow of quality health commodities to places of detention, and uninterrupted access to prevention and treatment of HIV, tuberculosis, and opioid dependence. It is further recommended that the staff of places of detention, healthcare professionals and service providers working in closed settings should be recognised as crucial to COVID – 19 responses and be provided with appropriate support and protective equipment.

States were also urged to respect human rights of people who are incarcerated in closed settings. In this regard, it is recommended that restrictive measures should be necessary, evidence – informed, proportionate and non – arbitrary. Furthermore, that where visits are limited, the person who has been deprived of his liberty should be given access to telephones and digital communications a way to actively mitigate the impact of the restrictive measure adopted. The respect for fundamental rights and its appropriate safeguards such as the right to legal representation and external inspection of places of confinement are also recommended.

It is recommended that political leaders should ensure that their COVID – 19 preparedness and responses in closed settings align with fundamental rights and World Health Organisation guidance and recommendations, and should be devoid of torture, cruelty, inhuman or degrading treatment/ punishment. Their intervening measures should comply with the United Nations Standards Minimum Rules for Treatment of Prisoners, also known as the *Nelson Mandela Rules*. To

comply with these requirements, it is recommended that persons who tested positive or present the COVID – 19 symptoms should be monitored and treated in line with the WHO guidelines and recommendations. It is also recommended that prisons and other places of detention should be integrated into COVID – 19 plans, and the affected population should participate in the plan. A reporting mechanism should also be put in place to notify the responsible public health authorities of all cases of COVID – 19 in confined settings. These responsible authorities will report to the national and international bodies.

4.1.3 COVID -19 Prevention and Control among People Living in Prison

The aim of this guidance is to ensure that people living in prisons get non-free and discriminatory access to good quality health services, or care that is equivalent to what obtains in the community. It is an informatics which creates awareness for prisoners. It informs them about what COVID–19 is, its symptoms, and measures they need to take to prevent contacting the virus. These include participating in information sessions on prevention and response to infection measures, hand washing, avoid touching eyes, nose and mouth, catching sneezes in elbows or tissues to prevent transmission, proper disposal of used tissues, physical distancing, preventative hygiene measures, notifying staff when feeling unwell, continuing with medication for other health conditions such as tuberculosis, HIV and drug dependence, and right to legal representation

4.1.4 COVID -19 Prevention and Control among People Working in Prison

Informatics sensitising people working in prisons on COVID – 19, how to prevent/ minimise transmission, and how to respond when infection is identified. It reiterates the rights of

prisoners to non – discrimination, and access to high quality health services, or similar health services as those available in the local community.it highlights the main routes of transmission to include breading in droplets from coughs by people in close proximity to the infected persons who coughed, touching contaminated surfaces or objects and touching ones faces, nose or mouth. Symptoms were described to include fever, cough, shortness of breath and difficulty in breathing among others. To protect themselves and others, it is recommended that staff use personal protective equipment (PPE), conduct health screening for all people who enter the prison, follow preventative hygiene measures such as maintaining clean and well ventilated premises, communicate COVID–19 prevention and control measures to all prisoners and ensure they understand them, and address their concerns, regular hand washing, avoid touching eyes, mouth and nose, sneeze into elbow or tissue and discard tissue safely, maintain physical distancing, be alert to highlighted symptoms, high temperature and continuous cough, medically isolate infected prisoners or prisoners suspected of being infected, or their contacts for 14 days in single occupancy accommodation, minimise non-essential contact with suspected COVID – 19 cases, stay at home and contact trace when unwell with cough or low-grade fever pf 37.3°C /99.14°F.

All prison staff are enjoined to ensure humane treatment by decongesting prison cells, improving sanitation, maintain prisoner's access to open air as much as possible and for a minimum of one hour daily. Continued access to the outside world where necessary for mental health and wellbeing, in the absence of visits, provide alternative access though telephone or digital communication, grant access to legal advisors of people in prison and to representatives of external inspection bodies, not to stigmatise or discriminate against suspected cases or people who had contact with suspected or confirmed cases, ensure continuity of service and commodities for people with special needs, all these requirements to persons in medical isolation.

Health care staff are expected to use PPE's when attending to patients, change gloves and masks after attending to each patient, physically distance themselves from patients during interviews, frequently clean and disinfect objects and surfaces that are touched regularly, strictly follow infection control measures, request a functioning and consistent supply chain for essential medication and PPE, report COVID – 19 to public health authorities, follow guidance of local prison and health authorities for patients who require admission to hospital on decision regarding whether to transfer them to the community or manage them in prison, ensure uninterrupted health services for prevention, treatment and care services for other health conditions, including tuberculosis, HIV, and hepatitis, screen people for COVID – 19 symptoms before they are released from prison, and ensure linkages with health facilities when people are release from prison.

4.1.5 Position Paper COVID-19 Preparedness and Responses in Prisons

The aim of the paper is to ensure safe, secure and humane custody during the pandemic. It highlighted ways through which this can be achieved and highlighted the critical role of evidence – based COVID – 19 prevention and control measures in the protection of people both inside and outside of prisons. It also identified the risks peculiar to prisons to include overcrowding in prisons populations with weak health profiles and near limited options to implement physical distancing measures in some cases and other systemic challenges. Hence the need for urgency in the implementation of the Nelson Mandela Rules. It further noted that for many prison systems, implementing prevention and control measures alone may not be sufficient to provide the necessary safety required by the Rules. This highlights the critical role of UNODC's efforts towards addressing prison overcrowding, limit imprisonment and the need for states to discharge the duty of care which they

assumed upon depriving those in custody of their liberty. Therefore, the paper urges state to consider measures aimed at reducing admissions into prisons, accelerating release of selected categories of prisoners, and ensuring the security, safety and wellbeing of those in their custody.

The need to provide prisoners with the same healthcare as those in the community was reiterated. Therefore, the paper recommended the integration of prisons and other detention settings into national health and emergency planning. It also recommended that all preparedness, prevention and response measures adopted for custodial settings should be developed in compliance with the WHO guidelines. It is recommended that the measures should cover risk assessments and contingency plans; enhanced hygiene and infection control measures; uninterrupted availability of pertinent supplies; close linkages with local and national public health authorities; and provide support and capacity building for prison staff and health-care professionals. It is further expected to integrate the overall prison health strategies into ensuring that attention is paid to broader healthcare needs of the prison population. It is also expected that the prevention and control measures should prioritise the health and wellbeing of prisoners, prison staff, other personnel, and prison visitors. Measures should comply with the Nelson Mandela Rules, including designating confinement for 22 hours as exceptional measure, and such confinements should not exceed a maximum of 15 consecutive days; continued access for external inspection bodies; clinical decisions to be taken only by healthcare professionals; abstain from suspending family contact altogether; ensure COVID – 19 measures do not amount to inhumane or degrading treatment.

The paper recommends that prison staff and healthcare professionals should be considered as essential workers and be provided with the necessary education, equipment and support. To prepare prison populations for any additional procedures that may be required to safeguard prisoners, their families and the community, states are enjoined to provide tailored awareness – raising to prisoners through transparent

communication channels. It is also highlighted that prisons as a result of overcrowding and long-term neglect impacted infrastructure, equipment and human resources which make them ill prepared to initiate basic prevention and control. Hence, it is recommended that additional measures should be taken to relieve the prison system from this expected pressure.

States were urged to consider alternatives to imprisonment and prevent overcrowding and decongest the prisons. In doing so, they are advised to develop a release mechanism bearing in mind the at-risk population and identify the categories of prisoners that are at risk of the COVID – 19 diseases to enable them limit inflow of prisoners and, accelerate release. Judges and magistrates are considered crucial to this process as they decide on remand. It is recommended that options such as pre-trial detention, commutation or temporary suspension of certain sentences should be considered by the courts to reduce new admissions. These measures are said to be most relevant to dealing with minor, nonviolent and non-sexual offences. The approach should also include compassionate, conditional or early schemes, pardons and amnesties for selected categories of prisoners. It is also recommended that probation, social and health services support measures should be put in place in communities to ensure a sustainable approach towards addressing overcrowding in prisons. The paper emphasised on the need to integrate prisons and other detention settings into national COVID–19 national responses, limiting imprisonment and detention, explore alternative to detention and imprisonment, increase support for people in contact with the criminal justice system during the COVID – 19 crises, and strategically reduce prison population.

4.1.6 Technical Note: COVID-19 and Children Deprived of their Liberty

The aim of the note is to provide detaining authorities with information and steps that will guide their COVID-19

responses. The note includes guidance on how to decrease child detention during the COVID–19 outbreak through measures including placing a moratorium on bringing new children into detention facilities, release of children who can be safely release, and protect the health and wellbeing of any children who must remain detained. The note urges compliance with the Convention on the Rights of the Child (CRC), including in emergency situations. The note highlighted that the children who are deprived of liberty in locked facilities, including those detained with their parents or caregivers, those in immigration detention, and those detained on national security grounds, are at greater risk of contracting and spreading the COVID - 19 disease.

The note also highlighted that the children in detention are likely to be adversely affected by measures imposed to control the spread of the virus and its societal impact. It can affect their wellbeing, healthy development, deprive them of adequate care while in detention, increase their risk of contracting the COVID–19 viruses, and deprive them of family and community support among other adverse effects. Measures that were taken to contain the virus which were found to have impacted children in detention negatively include closures of courts, suspension of criminal trials or administrative hearings, restrictions on freedom of movement, limiting access to lawyers or families by children deprived of their liberty, border closures, or expanding the use of pre-removal detention rather than halting deportations and releasing children to non-custodial alternatives to detention.

To protect children from the adverse effect of incarceration during the COVID-19 crises, the note recommends that note made several recommendations on the use of deprivation of liberty and emergency measures during COVID-19 outbreaks. Some key considerations for implementing emergency response measures include ensure measures adhere to international human rights law and standards. It is also advised that the measures should be applied on a non-discriminatory basis, and in the best interest of the child. The

emergency measures should also not unlawfully restrict or suppress children's rights, care must be taken to address unique vulnerabilities and disabilities, measures should not result in continued detention of children who should otherwise be released, ensure that the number of children who are deprived of their liberty does not increase, ensure compliance with International Human Rights Law and Standards on Justice for Children with detention to be used only as last resort, expeditiously and completely end child deportation, treat children who are deprived of their liberty with humanity, respect and dignity, and safeguard children's right to due process and procedural guarantees, cautious exercise of powers to detain by courts.

Alternative measures are also recommended to be prioritised and promoted to safeguard children and their families. In doing so, measures should be put in place to maintain regular contact between the child and his family, through correspondence and visit, provide children who are deprived of their liberty with prompt access to specialised legal and other assistance, take concrete steps to improve and maintain conditions in facilities where children who cannot be released are detained, adequate measure should be put in place to ensure gender – responsive approaches are adopted in COVID – 19 emergency response, ensure access to same level of healthcare as other children in the community, ensure that children who are deprived of their liberty are provided with the same information on COVID – 19 as other children in the community, avoid detaining children who are living on the streets by connecting them to national child protection authorities or non – government services.

To ensure urgent release of children from detention, use of alternative measures, and decrease the number of new children from being sent to detention, measures should be developed in adherence to binding international human rights law obligations on child justice and children deprived of liberty, the WHO Interim Guidance on the prevention and control of

COVID-19 in prisons and places of detention (WHO COVID-19 Detention Guidelines), IASC Interim Guidance on COVID -19: Focus on Persons Deprived of Their Liberty (IASC Interim Guidance), and Minimum Standards for Child Protection in Humanitarian. It is recommended that states should prioritise diverting children away from formal justice process and use alternatives to detention, prioritise children for immediate release. These include children held in pre-trial detention, children at highest risk of complications due to infection, children sentenced for non-violent, minor or petty offences, children in immigration detention, and any other children who have been determined to be safe for release. These categories should be taken into consideration to effect mass release. It is further recommended that states should provide support and engage with families and caregivers to safely integrate the child back into the community having regards to the best interest of the child.

To protect the interest of children in detention, the health of children should be monitored for symptoms and appropriate actions should be taken, decision to place a child in isolation should be subject to law and regulation authorisation, inform children about their reason for being placed in isolation, not place them in solitary confinement, provide them with access to health, nutrition, education and legal services, provide them with water, sanitation and basic hygiene services and supplies, provide them with gender sensitive and age appropriate mental health and psychological support services, and put in place procedures that allow children to maintain regular access and contact with families and guardians, and put measures in place to provide adequate number of staff to manage the facilities where children are accommodated.

Recommendations on how to protect children from violence, abuse, and exploitation include ensuring that measures are put in place to minimise vulnerabilities by developing a comprehensive coordinated plan to well managed implementation of COVID-19 measures and children

in detention such as designating child justice and social services as essential services, inter-agency coordination and collaboration between justice, security, interior, immigration, finance, health, social welfare and education ministries among others, involve children in the planning process, establish and implement child safeguarding policies, procedures and complaint mechanisms, ensure continued access to their legal representatives, ensure adherence to due process and procedural guarantees, and allow inspection of place of detention.

4.2 World Health Organisation (WHO)

4.2.1 Critical Preparedness, Readiness and Response Actions for COVID-19 Interim Guidance 27 May 2021

The aim of this guidance is the continued suppression of transmission of SARS – COV – 2 while preventing associated illness and deaths. Its overall strategic objectives include the use of evidence – based public health and social measures recommendations to roll out equitable COVID – 19 vaccines and vaccinations. It further seeks to suppress transmission, reduce exposure, empower communities, counter misinformation and disinformation, protect the vulnerable through vaccination, and reduce mortality and morbidity from all causes. It applied the WHO defined transmission scenarios to develop critical preparedness, readiness and response actions for each COVID – 19 transmission scenario such as priority areas of work, emergency response mechanisms, risk communication and community engagement (RCCE) and infodemic management, surveillance, contact tracing and management, public health and social measures (PHSM), infection prevention and control (IPC) – health care setting, infection prevention and control (IPC) – community settings, laboratory and diagnostics, case management strategy, case

management recommendations by case severity and risk factors, health services, societal response, and vaccine introduction.

4.2.2 Considerations for Implementing and Adjusting Public Health and Social Measures in the Context of COVID-19

This guidance builds on public health and social measures (PHSMs) that had been implemented across the globe to suppress SARS-CoV-2 transmission and reduce mortality and morbidity from COVID-19. Following important developments such as the COVID – 19 vaccines, this position was published to provide guidance for states to consider when implementing and adjusting public health and social measures in line with local epidemiology. The guidance assists member states in assessing the situations in their countries at national and subnational levels. It also provides on recommendations for implementation is expected to be read in conjunction with WHO interim guidance documents on Critical preparedness, readiness and response actions for COVID-191 and Considerations for implementing a risk-based approach to international travel in the context of COVID-19 to get wider coverage beyond PHSMs. Changes contained in this document includes updates to assessment framework covering types of indicators, different epidemiological settings context of vaccine roll – out, circulation of VOCs, considerations for individualised public health measures based on a person's SARS – CoV 2 immunity status in line with COVID and vaccine history.

This updated guidance provides updates on the assessment framework that drives decision-making for PHSMs, particularly on the type of indicators and the thresholds in different epidemiological settings, and in the context of vaccine roll-out and circulation of VOCs. It also contains a new section on considerations for individualized public health measures based on a person's SARS-CoV-2

immunity status following COVID-19 vaccination or past infection in the context of contact tracing, international travel, and private social gatherings.

4.2.3 Interim Guidance COVID-19: Focus on Persons Deprived of their Liberty

The document highlights the vulnerabilities of persons who have been deprived of their liberty including high concentration of persons in confined spaces, lack of access to hygiene and healthcare. States are urged to provide persons who are deprived of liberty access to same standard of care as persons in the community. Access to healthcare should be provided to all persons who have been deprived of liberty without discrimination. It provides guidance on engagement and analysis, advocacy, health, housing, and information. It recommends that states should ensure that the measures respect human rights, ensure that measures are in place to provide persons deprived of liberty direct and confidential access to lawyers, guarantee maximum transparency in adopting preventative measures and constant monitoring, ensure family visits or alternative to such visits, ensure that isolation and quarantine measures are legal, proportional, necessary, time bound and subject to review, and ensure that measures are not used to justify discrimination or used to impose harsh or inadequate conditions. Recommendations are also provided to cover the protection of families of persons deprived of their liberty, and those relating to the Staff in charge of and working in detention centres.

4.2.4 Protecting Children Deprived of Liberty During the COVID-19 Outbreak

The document highlights the vulnerabilities of children in detention. These includes being at greater risk of contracting the coronavirus and other communicable diseases, the difficulties associated with containing outbreaks in such

confined spaces, challenges associated with gaining access to healthcare, mental health services and psychosocial support, and limited to no access to information about outbreak. This is against the backdrop that many countries detention facilities for children does not meet minimum requirements. The document highlights that the human rights of children who are deprived of their liberty should be respected, protected, and fulfilled while responding to COVID-19 outbreak.

In protecting children who have been deprived of liberty, it is recommended that states promote measures that are alternative to formal judicial proceeding, ensure that children are treated with dignity, ensure that deprivation of liberty is used as a measure of last resort, and where deprivation is necessary, the child should be kept under suitable condition, and measures should be put in place for treatment of children and their rehabilitation and subsequent reintegration back into the community.

4.3 International Labour Organisation (ILO)

4.3.1 Preventing and Mitigating COVID-19 at Work

The brief aims to provide practical guidance for national and local authorities, workers and employees for on implementing WHO and ILO recommendations to prevent the transmission of SARSCoV-2 and manage COVID-19 outbreaks at work. It provides general guidance on measures to prevent transmission and protect co-workers from being infected with the COVID-19 viruses. The document recommends that all measures developed by national and local authorities should adhere to the WHO guidance on adjusting public health and social measures and the International Labour Organisation (ILO) guidance on occupational safety and health measures to prevent COVID-19. It recommends that when protecting the health and safety of workers, national policy and guidance should incorporate measures that institute occupational health

surveillance of COVID-19, paid sick, quarantine policies and ensure that public health and occupational safety and health measures are enforced. Establish occupational safety and health measures that adhere to the ILO guidance to prevent COVID-19, ensure balance between policy intervention and measures to limit potential impact of the COVID-19 viruses on socioeconomic wellbeing when implementing prevention and mitigation policies at work, acknowledge and mitigate the health and safety risks that may result from the implementation of policies to prevent the spread of COVID-19 in the workplace.

5 Selected Commonwealth Countries

5.1 Canada

5.1.1 Time Limits and Other Periods Act (COVID-19)

Access to justice and effective justice and effective functioning of the justice and court system are fundamental to a fair and just system. This law, with flair for civil litigation seeks to protect people who may be unable to comply with time limits as set out in the rules of court, federal legislation and other key regulatory matters. It does this by ensuring that no one is prevented from asserting his or her rights (in civil litigation) because of time limits. Therefore, time limits are suspended and federal ministers can make temporary orders to extend or suspend time limits. One of the fundamental requirements of the Act is that legislation should be interpreted in a manner that provide certainty in legal proceedings and ensure respect for the rule of law and human rights.

5.1.2 COVID-19: Ontario Court of Justice Protocol Re Bail Hearings (April 2021)

The objective of the protocol is to ensure that bail proceedings are dealt with justly and efficiently, taking the following into consideration:

(a) bail proceedings must protect the rights of suspects to reasonable bail and timely bail hearing,

(b) COVID-19 pandemic emphasises the need for parties and the Court to work cooperatively and flexibly to maximize the proper and efficient use of court hearing time, particularly in proceedings involving accused persons who are in custody,

(c) having hearings proceed on the basis of documentary, rather than oral evidence; and

(d) where a strict application of the procedures outlined in the protocol could cause delay or an adjournment in a particular bail proceeding, judicial officials may dispense with them.

5.1.3 COVID-19: Corrections and Federal Institutions (June 2020, Modified May 2021)

This document provides guidance on health and safety measures that should be adopted in all correctional facilities across Canada. In particular, measures such as use of masks, social/physical distancing, active health screening of anyone entering correctional institution, regular cleaning and disinfecting facilities, and hand hygiene are to be strictly enforced. The document also stipulate mandatory protocols as follows:

(a) medical isolation for inmates or self-isolation for employees, contact tracing and testing, as required,

(b) medical isolation guided by health principles and defined in policy and

(c) ensuring that all recommendations from independent infection prevention and control (IPC) reviews conducted at all institutions have been implemented.

5.1.4 Government of Canada: COVID-19 and the Parole Board of Canada (Modified 4 August 2021)-*(https://www.canada.ca/en/parole-board/services/coronavirus-COVID-19.html)*

This is a web page that is periodically updated to provide highlights of measures taken to conduct parole hearings, taking into consideration ongoing travel restrictions and limited access to Correctional Service of Canada (CSC) institutions. Adoption of safe measures is to ensure that victims continue to receive all legislated information they are entitled to and that information from victims continues to be an integral part of decision-making.

5.2 United Kingdom

5.2.1 Guidance for Family and County Court Judges

This Guidelines stipulate a 2-meter separation of (a) people in queue to get into the court building, (b) queue for security, (c) between security guards and people coming into court, (d) parties/staff/judges at all times. Equally, there is a requirement of direct access for barristers and solicitors into court building on production of ID card without going through security. The idea is to reduce potential for congestion. Furthermore, wearing of gloves for security is compulsory. In the same vein, there must be use of clean trays on regular basis; arrival times for different courts and advocates must be staggered. This is to maintain distance at all times. The guidelines also stipulate the following: judges should allow breaks to occur, organise and coordinate between courts; and to avoid sharing of documents while emphasising hand washing and sanitising. A queuing system should be organised if the public gallery can't guarantee distancing, particularly if there is no video link; or ensure that fewer people are admitted into the public gallery.

5.2.2 Coronavirus Act, 2020

This Act was passed in recognition of the potential impact that severe pandemic can have on workforce, health services and education, and justice delivery; and to enable government respond to emergency situations and manage the effects of the COVID-19 pandemic effectively.

5.2.3 Guidance on Preventing and Controlling Outbreaks of COVID-19 in Prisons and Places of Detention (July 2021)

This policy guideline recognises that while social distancing guidance will no longer apply in some circumstances, there are some individual settings where the risks of an outbreak and rapid spread may be more acute. This include settings with enclosed or confined communities, such as prisons and places of detention (PPDs), which are understandably more vulnerable to these risks. The document states that while social distancing should no longer be applied as default, it may be appropriate to retain depending on the risks; and may also be appropriate to reapply it if assessments suggest doing so. For avoidance of doubt, the document defines PPDs to include prisons, immigration removal centres, young offender institutions, children and young people's secure estate, secure training centres and secure children's homes. The recommendations are overarching and are also relevant to Prison Escort and Custodial Services (PECS) staff, particularly the environmental cleaning recommendations and advice to staff. Controlling the spread of infection and managing outbreaks in PPDs would rely on coordinating healthcare, custodial staff, Justice team(s) and other stakeholders at both the local and national levels.

5.2.4 Custody Services in a COVID-19 Environment (April 2021)

This document borders on police response to COVID-19 pandemic. It highlights strategic approach that divert people from custody and minimise the time that detainees spend there; manage custody services during the pandemic, looking in particular for a deliberate approach to help to manage detainees' risks, care for detainees, meet detainees' legal rights; and provide a safe custody environment for detainees, staff and visitors. In particular, emphasis is placed on the need for virtual remand hearing. The recommendations deal extensively with what should be done in situations where a detainee or staff exhibits symptoms, tests positive to COVID-19 and how to end protective isolation for a detainee who test negative to COVID-19, amongst others.

5.2.5 Guidance on Coronavirus (COVID-19): Victim and Witness Services (July 2021)

This document provides practical information relating to accessing information on victim and witness support. It addresses relevant themes, which include, victim support, support for victim violence and domestic abuse, women's aid, witness services and trials, amongst others.

5.2.6 COVID-19 Summary of Published Guidance and Support for Vulnerable Groups (July 2021)

This guidance document summarises the main guidance produced by both government and other stakeholders such as voluntary, community and third sector organisations, to help vulnerable individuals, groups and communities to protect themselves and others from COVID-19, and to manage the impact by shielding and social distancing. It is an 'easy access'

document for those who support vulnerable people, groups and communities.

5.3 South Africa

5.3.1 Directions for Court Operations During COVID-19 (2020)

The directions postponed all criminal trials enrolled during the lockdown". However, courts could try cases during the period, where it is in the interest of justice to do so. Persons in detention awaiting trial were not to be brought to court except for "first appearance, bail applications and matters for which special arrangement have been made with the judicial officers involved in the matters." In other cases, where the accused is in detention, trials must be postponed using audio visual remand centres in correctional facilities.

5.3.2 Directions for Court Operations During COVID-19 (2020)

Under these directions, persons who have been arrested on allegation of committing petty offences are to be released with warning to appear in court at an appointed future date. These directions were enforceable only for the period of the lockdown. However, they contribute to determining changes in the criminal justice administration of South Africa.

5.3.3 South Africa Disaster Management Act: Regulations: Alert Level 3 during Coronavirus COVID-19 Lockdown

By this Regulations, the country is adjusted to alert level 3 from 26 July 2021. This regulation deal with a number of issues such as movement of persons, schools, ECDs and institutions of higher learning, mandatory protocols when in public place, funerals, gatherings, evictions and demolitions, rental housing, places and premises closed to public, initiation, controlled

visits, borders, public transport, movement of persons, liquor and operation of economic sector. The regulations confine people to their residences between 10pm and 4am. Exceptions are issued permits by relevant cabinet member or where a person has to attend to security or health emergency, arriving on a flight or travel from/to the airport that necessitates traveling at that hour of night. All public places such as cinemas, theatres, casinos, restaurants and bars, etc. must close at 9pm local time. Failure to comply with the restrictions constitutes offence, which attract fine or a maximum of 6 months' imprisonment or both on conviction.

Schools, early childhood centres and tertiary institutions were to reopen on 26 July 2021. The Guidelines also allow the cabinet minister responsible for basic education to make further directions or proclaim additional measures to minimise risks at schools. Additional measures should target preventing and combating the spread of COVID-19 during schools reopening or closing. The cabinet minister in charge of tertiary education is to determine the dates on which institutions of higher learning will be reopened and any other matter related to the management of the institution, to address, prevent and combat the spread of COVID-19 in the affected institutions. Schools must comply with all safety rules while they are open. Banks, work places and places of worship must also comply with safety protocols. The regulations also address partial re-opening of borders and the protocols to be observed, restricting international travels to few airports, such as Cape Town Airport, and OR Tambo Airport, among others.

5.3.4 Disaster Management Act, 2002: Amendment of Regulations Issued in Terms of Section 27(2), 25 July 2021

The regulations amended regulations of 27 June 2021 relating to the same section 27(2) of Disaster Management Act, 2002. Like several other regulations, the regulations were made to

reinforce compliance to COVID-19 protocols, including attendance at funerals and cremations. The regulations specifically disallow night vigils and "after-tears" gathering following funerals and cremations.

Regulation 37 titled 'Eviction and demolition of places of residence' contains sub regulations dealing with eviction of people from their home or land, and court's suspension of orders for eviction or demolition. Under sub regulation (1), a person may not be evicted or have his or her home demolished during the period of national disaster unless by an order granted by a court of competent jurisdiction. However, under sub regulation (2), courts could suspend or stay an order for eviction or demolition until after the national disaster (coronavirus pandemic). The court may not grant order of eviction or demolition if it is of the opinion that it is equitable or just to do so. This is in addition to other relevant considerations such as (a) the need to have access to a place of residence and basic services to protect their health and the health of others; and (b) to avoid unnecessary movement and gathering with others (overriding public interest).

5.3.5 Directions in Terms of Regulation 4(2) of the Regulations made under the Disaster Management Act, 2002 (Act No. 57 of 2002): Gazette No. 44133 of 3 February 2021.

These government directives apply specifically to directives issued by Heads of Court. They are to be read together with Directives that the Chief Justice and Heads of Court may issue from time to time as empowered under the Superior Courts Act, 2013 (Act No. 10 of 2013).

The directives address issues relating to restriction of services and access to court rooms, court house or justice service points. It stipulates that, in addition to observing COVID-19 protocols such as wearing of face masks, social and physical distancing, access to court should be given only to those with material interest in the matter, i.e., litigants, accused

persons, lawyers, witnesses, support givers, family members and persons accompanying children, victims of domestic violence or sexual offences and persons with disabilities as well as members of the media.

The number of persons admitted into a courtroom should be in consideration of the "floor space" to ensure compliance with the requirement of social distancing measures. The directives also regulate criminal justice administration, stipulating that where audio-visual link exists, this should rather be used for postponement of cases, bail hearing and applications, etc. so as to prevent unreasonable delay and, at the same time save cost. Other issues addressed by the directives include, disputes resolution, safety measures in the court during national disaster such as disinfection of courtrooms and premises.

5.3.6 Directions on Measures to Address, Prevent and Combat the Spread of COVID-19 in all Correctional Centres and Remand Detention Facilities in the Republic of South Africa: Gazette No. 44883 of 21 July 2021

The Directives address safety and general measures in correctional facilities throughout the duration of "national disaster". The measures include screening of new inmates, who shall be quarantined in accordance with COVID-19 guidelines and subjected to regulatory assessments before they are detained with the general inmate population. Under the Directives, correctional officials are to be screened daily and referral of inmates to health facilities is only permitted where it complies with Departmental guidelines. Other areas of coverage include bail reviews, bail payments, and referral of remand detainees to court for consideration of their length of detention. There are also restrictions relating to placement, movement and release of inmates, parolees and probationers. The Directives, among other things, withdraws earlier

Directions published under "Government Notice No. 54, in Government Gazette No. 44111 of 28 January 2021".

5.3.7 Directions on a National Framework and Criteria for the Management of the 2021 Academic Year in Public and Private Higher Education Institutions: Issued in Terms of the Disaster Management Act, 2002 (Act No. 57 of 2002) - Gazette No. 44342 of 29 March 2021

The Directives were issued in recognition of the fact that COVID-19 pandemic responses led to closure of campuses and learning centres and moved to emergency remote teaching, learning and assessment; hence the need to direct higher institutions to reopen and return to campuses and learning centres. The document is in furtherance of gazetted Regulation No. 1017, No. R 92 of 13 February 2021 that address "exclusions relating to education services as set out in the directions issued by the Cabinet members responsible for education".

The Directives are made in recognition of the fact that coronavirus will remain for some time; it will continue to affect daily lives and workplaces; and will pass through different intensity waves until the vaccination programme has been fully implemented. Therefore, the directives are issued as a national framework to assist institutions with the management of activities for the academic year and should be read together with the Regulations. The Directives address issues such as institutional plans, social solidarity, campus health and safety, student accommodation and residences, psychosocial assistance for staff and students, graduation ceremonies and other events, international students and international gravel; and PSET vaccination (Pharmaceutical, Sciences and Experimental Therapeutics).

5.4 Ghana

5.4.1 Guidelines for School Re-opening During COVID-19- Ghana Education Services, January 2021

The purpose of the guidelines is to achieve safety for learners, teaching and non-teaching staff at school; and adopt the following principles: (a) the stay at home-all sick (including those who feel sick) learners, teaching and non-teaching staff to stay at, (b) enhanced hygiene protocols with schools enforcing hand washing, use of sanitisers, regular disinfection of school premises, (c) enforcement of on-medical protocols-schools to enforce the use of face masks, social and physical distancing, etc. Under the guidelines, in-school religious activities may continue, subject to observance of COVID-19 safety protocols; and schools are not to be made accessible to external groups until further notice. Furthermore, school premises should not be used by outside groups for events and activities, such as church services, funerals, weddings, and event receptions. Visits to schools should be subject to arrangements with school authorities; and in compliance with COVID-19 safety protocols.

5.4.2 Ghana COVID-19Emergency Preparedness and Response Project and Additional Financing (ESMF) (COVID-19 Environmental SME)

The purpose of the ESMF is to establish a mechanism to determine and estimate the potential environmental and social impacts, support decision-making; and provide guidelines for implementation process associated with the project activities. The 168-page document recognises the likelihood of interventions (lock downs and protracted closure of schools) to escalate the risk of Gender Based Violence including Intimate

Partner Violence or Sexual Harassment. Therefore, a number of mitigating measures are considered including, air quality control, occupational health and safety, labour management, conflicts and crime prevention, gender and vulnerable groups protection, stakeholder engagement and grievance redress mechanisms.

The ESMP (a) provides institutional arrangements for implementing and monitoring the mitigating measures-generally highlighting approaches to be adopted by "multiple stakeholders and implementing agencies", and (b) recognises that engaging multiple agencies as project implementers is likely to elicit complaints, misunderstandings, conflicts and disputes. Therefore, it establishes a grievance mechanism to service direct and indirect beneficiaries, service providers and other stakeholders who have concerns. The main thrust of the ESMP is to provide modalities for ensuring that the project is systematically implemented in a manner that does not expose implementers to risks of contracting and spreading COVID-19 and prescribes strict compliance with COVID-19 protocols and guidelines issued by the Ministry of Health.

5.5 United States of America

5.5.1 Memorandum for Department of Justice Employees: Office of the Deputy Attorney General, US Department of Justice, 26 January 2021

The subject of the Memorandum is protecting the federal workforce in the Department of Justice (DOJ). They embody additional guidance regarding COVID-19. The Memorandum was issued following, President Biden's Executive Order 1 setting forth a policy to halt the spread of COVID-19 by relying on the best available data and science-based public health measures. This Order requires departments and agencies to comply with the Centre for Disease Control and Prevention (CDC) guidelines regarding wearing of masks, maintaining

physical distance, and other recommended public health measures. The Order was issued as part of DOJ's effort to curb the spread of COVID-19, take measures to limit the possibility of close contacts to protect employees, principals, and larger community.

As a result, federal employees and contractors as well as all persons in federal buildings or on federal lands must comply with CDC guidelines-wearing mask (recommended and accepted type and mode), keeping physical distance (approximately 6 feet from others), conduct meetings virtually (where possible), washing of hands, telework where operationally feasible, and limiting onsite work to situations of necessity, amongst others. Examples of situations of necessity include law enforcement functions essential to public health and safety, accessing classified material, or performing critical on-site support functions. The whole essence of the document is to ensure the safety of employees in the justice department and communities.

5.5.2 Bureau of Prisons Modified Operations: Federal Bureau of Prisons, updated: 25 November 2020 (<https://www.bop.gov/coronavirus/COVID19_status.jsp> accessed 28 August 2021)

Issues in the Guidelines are addressed under a number of themes. Some of them are:

1. Social Visiting- this subtheme suspends social visitation of family and friends to prison inmates. To help inmates maintain relationships with family and friends therefore, each of them is given 500 or 300 minutes of free telephone calls monthly to communicate. Institutions could however, make plans and undertake some modifications based on resources available to them, such as physical space, etc., albeit under close monitoring by the Bureau of Prisons (BOP). Modifications

include limiting or postponing visitation, providing visitation by appointment, or other adjustments as appropriate. Only non-contact visits are allowed as social distancing between inmates and visitors must be strictly enforced, either via the use of plexiglass, or similar barriers, or physical distancing.

2. Legal Access- Legal calls and video conferencing with lawyers is an option. This is in consideration of the fact that as courts begin to conduct more criminal and civil proceedings, inmates will need increased access to counsel and legal materials. Telephone calls and/or video conferencing with outside counsel is accommodated to the extent possible. In-person legal visit consistent with standing guidance, in-person legal visits are also accommodated upon request, based on local resources, followed by preventative protocols (e.g. face coverings required).

Other themes addressed include modified operations, which limits movement of inmates to prevent congregate gathering, programming, and intakes. Intakes stipulate that all new intakes to an institution, including voluntary surrenders, inter-prison transfers must undergo varied COVID-19 tests. Inmates who arrive symptomatic and or test positive are to be placed in medical isolation while those who arrive asymptomatic but test negative for COVID-19 must go into isolation.

5.5.3 *Centres for Disease Control and Prevention: Guidance for Institutions of Higher Education (Updated 23 July 2021, available at* **<https://www.cdc.gov/coronavirus/2019-ncov/community/colleges-universities/considerations.html> accessed 30 August 2021)**

Some key points of the guidance are:

a. Institutions for higher education (IHE) administrators can prevent the spread of COVID-19 among students, faculty, and staff during the COVID-19 pandemic,
b. IHE administrators can help protect students, faculty, and staff and slow the spread of COVID-19, by encouraging vaccinations and using CDC's Guidance for IHEs,
c. IHEs can help increase vaccine uptake among students, faculty, and staff by providing information about COVID-19 vaccination, promoting vaccine trust and confidence, and establishing supportive policies and practices that make getting vaccinated as easy and convenient as possible,
d. Where all students, faculty, and staff are fully vaccinated prior to the start of the semester, IHEs can return to full capacity in-person learning, without requiring or recommending masking or physical distancing for people who are fully vaccinated in accordance with CDC's Interim Public Health Recommendations for Fully Vaccinated People,
e. IHEs should have a mixed population of both people who are fully vaccinated and people who are not fully vaccinated on campus. This requires decision making to protect the people who are not fully vaccinated.

More importantly the guidance supplements and does not replace any federal, state, tribal, local, or territorial health and safety laws, rules, and regulations with which IHEs must comply.

5.6 Uganda

5.6.1 Revised Contingency Measures by the Judiciary to Prevent and Mitigate the Spread

of COVID-19 (CJ/C.7): Issued from the Chambers of the Chief Justice, Supreme Court of Uganda, 3 August 2021

The guidelines improve on earlier guidelines of 19 March 2020 and modified severally through a number of Guidelines issued in March, May, June and July 2020; and on 29 January and 21 June 2021. The current guidelines are issued to step up court operations to 20% attendance. To achieve this, the guidelines direct all courts and departments to adopt modalities for reducing staff physical presence at work place to 20%. Only critical staff whose responsibilities include attending to court and office business on daily basis should attend work physically. Registrars, magistrates and heads of departments to create rosters for each court/department to enable staff stagger office attendance. Furthermore, all staff must comply fully with COVID-19 protocols while at work. The guidelines address issues relating to court administration under five subthemes- stepping up court operations to 20% staff attendance; hearing of civil and criminal cases; hearing of election petitions and application; participation of the media; and modification of the guidelines. A common feature in the guidelines is emphasis on compliance with COVID-19 protocols and the need to resort to remote work and virtual court hearing where possible. The guidelines are in addition to other guidelines, which are still in force.

5.6.2 Circular No. 11: Additional Operating Procedures for the Office of Public Prosecutions during the Coronavirus Pandemic: 21 June 2021

Following the new Presidential Directives issued on 18th June 2021, and the Ministry of Health Guidelines on COVID-19, the Office of Public Prosecutions (ODPP) issued this circular to regulate operations of the ODPP. It directs that the headquarters, regional offices and stations should maintain a

10% presence of staff at all times. Staff who work in the regional offices are to remain at their stations and management shall apply for the issuance of travel permits for some of the staff operating in areas such as the Greater Kampala Metropolitan areas and Mukono, who will be constituting the 10% operating within the area. In the case of staff that are locked down in Kampala but need to travel to their respective district offices, management shall apply and get special permission for them to travel. Offices where staff have tested positive for coronavirus are to resume only after disinfecting the offices.

In terms of administrative measures, staff at the court with video link shall continue to operate if the court decides to proceed while regional officers are to use the period to review committed files and other prosecutors shall among other duties prepare committals. Furthermore, complainants are only allowed to file written complaints at the registries and will follow up either on phone or after a 32-day period. All COVID-protocols must be complied with. Suspects in capital cases, serious or other offences that are "likely to disrupt social harmony" should be processed for court and immediately produced in court for plea not later than 48 hours while suspects in minor offences should be processed within 48 hours.

5.6.3 Administrative Instruction No. 4/2020 Coronavirus Disease (COVID-19) Control Measures for Penal Institutions

This document was prepared in contemplation of the catastrophic nature of coronavirus infections in the prisons considering the prime conditions that prevail. These instructions, which were issued in consideration of the directives from H.E. the President of the Republic of Uganda, WHO and the Ministry of Health guidelines, direct penal institutions, particularly prisons to do the following:

(a) institute Regional COVID-19 Preparedness and Response Task Forces,
(b) establish a COVID-19 Preparedness and Response Task Force at every station,
(c) ensure availability and use of soap and water for frequent hand washing at all entry points including in the barracks,
(d) suspend all prison visitations and restrict movement of prisoners as well as staff and their relatives outside the barracks,
(e) all prison admissions must be isolated on arrival at the prison until COVID-19 symptom screening has been conducted within 24 hours of arrival at the prison,
(f) establish a quarantine space for isolation of cases which meet the case definition for COVID– 19 and report immediately to appropriate authority; and
(g) ensure a high level of hygiene among prisoners, staff and staff quarters.
More importantly, all penal institutions must comply strictly with Presidential directives as communicated from time to time.

5.7 Belize

5.7.1 Belize Constitution (Emergency Powers) Regulations, 2020. Statutory Instrument No. 165 of 2020 (Gazetted 10th November, 2020)

The regulations were made by the Governor-General (GG) in exercise of the powers conferred upon him by section 18(9) of the Belize Constitution, Chapter 4 of the Substantive Laws of Belize, Revised Edition 2011. The section empowers the GG to declare a state of emergency. The purpose of the regulations is to impose a 9pm-5am curfew as a containment measure against COVID-19 in order to prevent, control, contain and suppress the spread of the coronavirus disease in Belize and to expand the meaning of "security forces", i.e. any member of the Coast Guard, Belize Police Department, or Belize Defence

Force". Except for some designated persons regarded as "frontline workers", any other person seen on the streets during the curfew hours is deemed to have committed an offence and is liable on summary conviction to a fine of five thousand dollars ($5,000.00) or to imprisonment for two (2) years. Any person convicted of a second or subsequent offence under the regulations is liable to imprisonment for a period of two years. Security forces are mandated to enforce the regulations and are allowed to apply force where necessary to ensure compliance not only with the regulations but also with any order, rules, instruction or condition lawfully made, given or imposed by any officer or other person under the authority of this regulation.

5.7.2 Public Health (Prevention of the Spread of Infectious Disease) (COVID-19) (Amendment) (No. 6) Regulations, 2021 (Gazetted 21st August, 2021)

The regulations are made by the Minister pursuant to section 82A of the Public Health Act, Chapter 40 of the Substantive Laws of Belize, Revised Edition 2011which empowers him to do so. The regulations are made to control the activities of "frontline workers" defined under the regulations to include – (a) health care workers, (b) officers and staff of the Belize Police Department, (c) officers and staff of Coast Guard, (d) officers and staff of the Belize Defence Force, (e) teachers, (f) tourism workers, (g) officers and staff of the Customs and Excise Department, (h) officers and staff of the Immigration Department, (i) the Judiciary and staff of the Judiciary, (j) public transport operators, (k) officers and staff of the Transport Department; (l) officers of public utility services; (m) officers and staff of the Department of Civil Aviation, (n) employees of security companies, (o) employees of the Belize Post Office; and (p) any person that works or is employed at any port. The regulations are made for "the purposes of

preventing, controlling, containing and supressing the spread of infectious disease COVID-19" and require that everyone should be immunized against the virus.

5.7.3 Public Health (Prevention of the Spread of Infectious Disease) (COVID-19) (Amendment) (No. 7) Regulations, 2021

The principal Regulations are amended to insert the phrase "(1) For the purposes of preventing, controlling, containing and suppressing the spread of the infectious disease COVID-19 and maintaining peace and public order, during the period September 1, 2021 to September 30, 2021. Here, a curfew is imposed from Sunday to Saturday, during the hours of 9:00 p.m. until 4:00 a.m. of the following morning." This is in response to the increase in the number of coronaviruses cases registered in the country each day as the third wave continue to ravage the world.

5.8 India

5.8.1 Guidelines for Court Functioning Through Video Conferencing during COVID-19 Pandemic

The guidelines were issued as part of measures adopted to enable the Supreme Court of India and High Courts to reduce the physical presence of lawyers, litigants, court staff, para legal personnel and representatives of the electronic and print media in courts across the country and to ensure the continued dispensation of justice. Essence of the guidelines is to scale down conventional operations within the precincts of courts. The guidelines were not adopted to undermine access to justice. Rather, they were introduced in recognition of the fundamental nature of access to justice in preserving the rule of law in a democracy envisaged by the Constitution of India. It is also in recognition of the need to address the challenges

occasioned by the outbreak of COVID-19 while preserving the constitutional commitment to ensuring the delivery of and access to justice to those who seek it.

As a result, the guidelines prescribed the use of modern technology to enable courts to enhance the quality and effectiveness of the administration of justice. This is encouraged as technology is found to have facilitated advances in speed, accessibility and connectivity, which enable the dispensation of justice to take place in diverse settings and situations without compromising the core legal principles of adjudication. The Indian judiciary therefore, incorporated Information and Communication Technology systems through the e-Courts Integrated Mission Mode Project (e-Courts Project) as part of the National eGovernance Plan (NeGP). Other measures under the guidelines include measures taken by courts to reduce the physical presence of all stakeholders within court premises and to secure the functioning of courts in consonance with social distancing guidelines and best public health practices, among others. Every individual and institution are expected to cooperate in the implementation of measures designed to reduce the transmission of the virus.

5.8.2 UGC Guidelines for Re-Opening the Universities and Colleges Post Lockdown Due to COVID-19 Pandemic, 5th November 2020

The guidelines contain a gamut of measures to be adopted to keep universities and colleges safe from the spread of the virus. Some generic preventive measures include public health measures which must be followed by all faculty members, employees, students and visitors at all times. They include: physical distancing of at least 6 feet to be followed as far as feasible, mandatory use of face covers/masks, frequent hand washing with soap (for at least 40-60 seconds) even when hands are not visibly dirty, use of alcohol-based hand

sanitisers, self-monitoring of health by all and reporting any illness to health authorities, respiratory etiquettes to be strictly followed. The strict practice of covering one's mouth and nose while coughing/sneezing with a tissue/handkerchief/flexed elbow and disposing of used tissues properly, as well as the installation of *Aarogya Setu App* wherever possible is also addressed in the Guidelines.

Before re-opening campuses, the UGC Guidelines provide that the Central or concerned State Government must have declared the area safe for reopening of educational institutions. The directions, instructions, guidelines and orders issued by the Central and State Government concerned regarding safety and health in view of COVID-19 must be fully obeyed by higher education institutions. This directive notwithstanding, they can develop stricter provisions and guidelines, if they feel it is necessary to do so. The universities and colleges are also directed to make adequate arrangements to safeguard the safety and health of students, faculty and staff. The UGC Guidelines further direct relevant authorities to have a plan for international students by introducing or adopting virtual teaching or online lectures to enable students who cannot travel due to travel restrictions and visa issues to join the programme.

As a safety concern, institutions are also to train their staff and students to assist and undertake the work related to safety and health to prevent an outbreak of the pandemic in their campuses. Non-resident students should be allowed in campuses only after thermal scanning, sanitisation of their hands, wearing of face masks and gloves. To avoid the risk of transmission, students, faculty and staff are advised to be regularly screened and symptomatic ones be advised to get clinically assessed before allowing them entry into the campus. Also, there should be Isolation facilities for symptomatic persons and quarantine facilities for those who have been in contact with the positively tested persons. In lieu of such facilities, a tie-up may be made in advance with some Government hospital or approved premises or as advised by

the local authorities so that, in case of emergency, prompt action may be taken. Proper arrangement of safety, health, food, water etc. should be ensured for those in all the campuses.

5.9 Liberia

5.9.1 Revised COVID-19 National Guidelines by the Ministry of Health-June 2021

These revised guidelines were issued in response to increasing cases of the coronavirus disease in Liberia. The guidelines were made pursuant to Chapter 14 of the Public Health Law of Liberia and states as follows:

a) Passengers who travel from India, Pakistan and Bangladesh within the last 14 days will not be allowed into Liberia,
b) Every person must compulsorily wear mask at all times in public, observe social and physical distance, wash hands with soap or alcohol-based sanitisers and all who test positive for coronavirus and their contacts must comply with health authorities and related health rules such as keeping phone lines open, self-quarantine, submitting to quarantine or observation measures and adhere to medical advice,
c) Public offices to reduce staff by 50% while others work virtually,
d) All institutions of learning and places of worship are to remain open subject to strict adherence to all health protocols already stated above,
e) Large gatherings of more than 20 people are not allowed,
f) The Ministry of Justice is to collaborate with the Ministry of Internal Affairs to enforce the Guidelines as violators are to be sanctioned in accordance with provisions of section 24 (6) of the Public Health Law.

These guidelines apply generally and contain a wide range of other restrictions relating to banks, restaurants and cook shops, public transport, supermarkets, sporting events and all ports of entry.

5.10 Hungary

5.10.1 Act XII of 2020 on the Containment of Coronavirus

This legislation stipulates that the President and the Secretary-General of the Constitutional Court shall provide for the continuous operation of the Constitutional Court during the period of state of danger and shall to this end take the measures necessary in terms of operation, case management and preparation of decisions. To remain fully in operation, based on a decision by the President of the Constitutional Court, the plenary sessions of the Constitutional Court and sittings of the panels may be held using electronic communication means until the end of the period of state of danger, i.e., post COVID-19 era.

5.11 Namibia[*]

5.11.1 Namibia Constitution: Directions Relating to Judicial Proceedings during the COVID-19 State of Emergency (Government Notice 90 of 2020: Government Gazette No. 7160)

The amended directions, which are still in force were assented to on 31 March 2020 and amended on 29 April 2020. The Directions are made by the Chief Justice pursuant to the

[*] Nb: Namibia COVID-19 consolidated and updated legislation and their current status can be found at <https://namiblii.org/index.php/legislation/COVID19> accessed 1 September 2021.

powers vested in him under regulation 13(1) of the State of Emergency COVID-19 Regulations published under Proclamation No. 9 of 2020. The directions apply to the courts for the duration of the period of lockdown; and regulate both civil and criminal proceedings in the courts.

In relation to criminal matters, dates for cases scheduled during the period of the lockdown should be postponed to a date specified in the Annexure, which the Chief Justice may amend from time to time. To be effective, applicable order dealing with the status of the accused must correspond to that date. The directions preclude all accused persons from attending court proceedings during the period of lockdown. Few exceptions are accused persons brought to court as first appearance in the Magistrate's Court; accused persons bringing bail application; accused person who is the appellant in an appeal against the refusal of bail. Similarly, witnesses subpoenaed or warned to be in court during the period are to attend.

The directions allow the Supreme Court Registry to open between the hours of 9-11.30 am (local time) on weekdays, excluding public holidays, to receive court processes only. The Registry of other courts- High Court, Labour Court, Admiralty Court and the Electoral Court is to remain open to litigants, practitioners and the public on weekdays, excluding public holidays, between the hours of 9-11.30 am to do the following: render service to litigants in person on the e-Justice case management and document filing system. This service is limited to urgent applications brought to the courts. Other matters that can be attended to by these courts during the period are: appeals against the refusal of bail; receiving and processing of documents filed in an urgent application brought before the Electoral Court, the Admiralty; Court; any bail applications; appeals against the refusal of bail; receiving money in respect of bail payments; and directions relating to judicial proceedings during the COVID-19 state of emergency in Namibia by Laws. The directions direct courts to promote

remote work by staff and strict compliance to all applicable guidelines.

5.11.2 Namibian Constitution: Directive relating to Visiting Hours of Inmates, Delivery of food items to inmates and issuing of permits to offenders and persons accompanying offenders during period of lockdown (Government Notice 105 of 2020: Government Gazette No. 7184 on 21 April 2020)

These directions are made pursuant to regulation 14(1) and (3) of the State of Emergency - COVID-19 Regulations, and published under Proclamation No. 9 of 28 March 2020, with the authorisation of the President and the approval of the Attorney-General. They received assent on 17 April 2020 and commenced on 21 April 2020. The Directive define relative terms such as correctional facility, Correctional Service Act, Regulations, Correctional Officer, Inmate, permit and Offender, etc. so as to set context for the application of the Directive. The directions suspended visiting hours for inmates at correctional facilities but where a visit occurs, they enjoin a correctional officer or an officer of Namibian Police Force to ensure that there is no direct physical contact with the inmate being visited. Correctional or Police officers can also exercise discretion in allowing telephonic communication between a visitor and the inmate as may be reasonable and in accordance with applicable internal rules of the Correctional Service or Namibian Police Force. Other restrictions include allowing inmates to be provided with food items by visitors if they are on special diet or there is shortage of food in the cell or lock-up centre. This is however subject to compliance with internal rules regulating receipt of food items for inmates. Likewise, inmates/offenders and persons accompanying them-correctional or police officer can travel to or from other zones

upon issuance of permit indicating the full names of the offender, reason for the travel, and the zone where the offender is either travelling or from. The permit must also be duly signed by an authorised officer; and bear the official date stamp of the correctional facility from which the offender is released.

5.11.3 Ministry of Labour, Industrial Relations and Employment Creation: Namibia COVID-19 Safety and Health Guidelines 2021

The purpose of the Guidelines is to promote integration of COVID-19 prevention and management into the broader workplace. The main thrust is to ensure that there is workplace safety and effective health management in every sector of the country, including the justice and education sectors. The guidelines also outline preventative measures that employers need to establish to curtail the spread of the virus at work place or environment. Some of the policies and procedures captured in the guidelines for employers include the development and implementation of a written Occupational Safety and Health (OSH) Policy that integrates COVID-19 and contain a declaration of management's commitment to curtail the degree of risk of exposure to occupational hazards, which includes the risk of transmission of the coronavirus disease at work. Others include the development of emergency response and contingency measures and plan to take care of emergency situations as well as the development of flexible attendance and sick leave plans that encourage staff to stay at home when they are ill or when they care for sick family members. Employers are also guided on how to plan and organise the work environment and classify workers' exposure to COVID-19 for purposes of protecting them against the risk of transmitting and contracting the virus.

5.11.4 Public Health COVID-19 General Regulations, Government Notice 91 of 2021 (Published in Government Gazette No. 7522 on 30 April 2021)

The regulations received assent on commenced on 30 April 2021 and commenced on 1 May 2021. They were amended on 9 July 2021 and are still in force. The regulations define terms such as authorised person, confirmed case, contact tracing correctional officer, COVID-19"), COVID-19 response centre, COVID-19 vaccine critical services, designated quarantine facility, essential goods, head of the institution, health care worker, health facility, hospital, amongst others.

They apply to the whole country, and stipulate a number of restrictive measures. For example, it is mandatory for everyone to wear masks in public when in public place, except for children under the age of 5 years. Categories of facemasks allowed are cloth and see-through face shield, which must be worn in addition to facemask. Police are empowered to order a person without facemask at a public place to wear one or leave the place, and makes it an offence for anyone to refuse to comply. Refusal to comply constitutes an offence, which attracts penalty upon conviction. The regulations also contain items on gatherings, prohibiting gatherings of over 50 persons. Exception to this rule relate to (a) gathering of members of a household in their residence, (2) people at place of work, (c) gathering of government institution at national, regional or local level or the Cabinet or the Parliament for purposes of its normal operations; (d) court or tribunal proceedings;(e) education and training centres/ institutions; and (f) where a group of persons independently or coincidentally find themselves at a specific place. Other restrictions relate to curfews, which have already been relaxed.

5.11.5 Public Health COVID-19 General Regulations, Government Notice 91 of 2021

(Published in Government Gazette No. 7522 on 30 April 2021) Measures Relating to Education*:*

The measures under this subhead apply generally to learning, education and training in the whole of Namibia during the pendency of the regulations. It includes learning and schooling at all levels- pre-primary, primary and secondary as well as tertiary institutions. Under the regulations, the following strategies are to be followed:

(a) pre-primary and educational institutions providing basic education on the level of the first to the twelfth grade, may resume face to face teaching as from 4 August 2021;

(b) schools and educational institutions providing basic education on the level of the seventh to the twelfth grades may resume face to face teaching on a full-time basis;

(c) providers of early childhood development learning, schools and educational institutions providing learning or education on the level of pre-primary, lower primary and upper primary grades up to the sixth grade may resume face to face learning, but are required to operate on a shift basis;

(d) tertiary institutions, including vocational education and training institutions may continue with online learning and teaching, but teaching, learning and assessment for programmes requiring practical exposure may be conducted through face-to-face learning and teaching; and

(e) health related higher education training institutions with students engaging in clinical practice may continue with face-to-face training activities.

Where face-to-face teaching is done, all COVID-19 protocols- face masks, hand washing, social distancing, etc. must be strictly complied with. The regulations also cover themes on use of liquor, entry into Namibia, resumption of businesses, operations and activities, quarantines and COVID-19 testing, safety at workplace, safety at sporting events; and public transport among others.

6 Conclusion

There is no doubt that the impact of COVID-19 was devastating on every sector of all countries affected by the COVID-19 in the same way it did in Nigeria. However, COVID-19 brought about considerable documentary efforts and innovative ways of ensuring service delivery as evidenced in the number of documents summarised in this work. It forced authorities to reflect on existing structures, their strength and weaknesses for purposes of finding sustainable solutions for repositioning economies post COVID-19. Documents summarised, as it pertains to Nigeria showed that contrary to the belief (at the time) that governors of states were working at cross-purposes with the federal government, they were indeed working in sync with the federal government.