

AN APPRAISAL OF PUNISHMENTS AND THE LAW IN
NIGERIA: TOWARDS A MORE EFFECTIVE
ADMINISTRATION OF SANCTIONS

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ABSTRACT

The type of punishment and on whom it is sanctioned against has become an important aspect of Nigeria criminal jurisprudence. The role of sanctions as correctional tools for breach of criminal legislation is not peculiar to Nigeria alone but to all countries in the world. This underscores the need for punishments that would achieve the best results. This work examined the legal framework for punishment in Nigeria and the punishments stated therein. The doctrinal research methodology was used. The research found that there is heavy reliance on the use of custodial punishment occasioned largely by the inadequacy of institutional framework for the utilization of non-custodial punishments. There are some pitfalls inhibiting effective sanction administration in Nigeria. It recommended that proper institutional framework be put in place for the utilization of non-custodial sanctions and statutory provision made for more realistic and humane non-custodial punishments geared towards rehabilitation of the offender.

Keywords: Disability, Discrimination, Children, Compulsory Free Education, Nigeria

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1. INTRODUCTION

It is presumed that all punishments imposed on an offender are backed up by a goal the Judge intends to achieve. In Nigeria, it appears there has been more focus on retribution, incapacitation and deterrence goals of punishment and few institutional frameworks for reformation and restorative goals of punishment. Legislations concentrate more on imprisonment, a custodial sanction and fine with little consideration for non-custodial punishments. The outbreak of COVID- 19 pandemic in 2020 strengthened the argument for increased utilization of non- custodial punishments as the Nigerian Government had to engage in prison decongestion to avoid community spread of the virus.³

It can be agreed that legislature responsible for enacting laws are swayed by the notion that stricter punishments have deterrent effects on the society but strict punishments do not necessarily translate to an extinction of the crime. Despite the call for more humane punishments, inhumane punishments are still applicable in Nigeria. If punishments awarded by Courts are to be meaningful and serve any useful purpose, they have to be geared to such individual needs in accordance with a rational sentencing policy.⁴

2. THEORIES OF PUNISHMENT

- a. **Retribution Theory-** This theory presupposes that an individual deserves the penalty because of the crime committed by the individual. Likewise, a person's punishment must not be above what he deserves.⁵
- b. **Incapacitation Theory-** This theory seeks to protect members of society from offenders who might harm them; if not prevented from doing so by placing the offender in a situation where he cannot be of harm to the society.

³ N Oragwu *et al*, 'The Increasing Prevalence of Infectious Diseases and Call for Use of Non- Custodial Sentencing' <https://www.momndaq.com/nigeria/reporting-and-compliance/958296/the-increasing-prevalence-of-infectious-diseases-and-a-call-for-use-of-non-custodial-sentencing> Accessed on 28 May 2021

⁴ M Akram, 'Individualization of Sentencing: A Nigerian Experience' (1988) 30 (2) *Journal of the Indian Law Institute*, 196.

⁵ AB Danbazau, *Criminology and Criminal Justice* (2ndEdn, Ibadan: Spectrum Books Limited, 2007) p. 300.

- c. **Deterrence Theory-** According to this theory, a person should be punished only when doing so is in society's best interest and the severity of the punishment should be based on its deterrent rule, not on severity of the crime.
- d. **Restoration Theory-** The theory of restoration takes a victim oriented approach.⁶ This theory believes that such victim involvement in the process helps to repair the harm caused by crime and facilitates community reconciliation.⁷
- e. **Rehabilitation Theory-** The aim of this theory is primarily to make an offender a better person. Here, the offenders are provided an opportunity to receive education or treatment that will eliminate criminal tendencies in them so that the offender becomes a better member of the society.⁸

3. LEGAL FRAMEWORK FOR PUNISHMENT IN NIGERIA

a. Constitution of the Federal Republic of Nigerian 1999 (as amended)⁹

The Constitution mandates the National Assembly and State Houses of Assembly to make laws¹⁰ and the powers to impose sanctions are vested in the judiciary.¹¹ The death penalty is recognized by the constitution.¹² Although the Constitution provides for right to personal liberty,¹³ it permits that such right can be denied in execution of the sentence of order of a Court where the Court finds a person guilty of an offence.¹⁴

b. Child's Rights Act (CRA)¹⁵

The Act was enacted to protect the rights of children whose best interest shall be paramount.¹⁶ The Act states that no child shall be subjected to torture, inhuman or degrading treatment or punishment.¹⁷ The Court is given power to make order for forfeiture.¹⁸ The Family

⁶ JA Agaba, *Practical Approach to Criminal Litigation* (1stEdn, Abuja: Panaf Press, 2011) p. 845.

⁷*ibid*

⁸UD Idem & NE Udofia, 'Sentencing and the Administration of Criminal Justice in Nigeria' (2018) 4 *Donnish Journal of Law and Conflict Resolution*, 4.

⁹ Constitution of the Federal Republic of Nigeria 1999 (as amended), Cap C23 LFN 2004, s. 1(1)

¹⁰*Ibid*, s. 4 (2) and s. 7 (2)

¹¹*ibid*, s. 6 (6)

¹²*Ibid*, s. 33 (1)

¹³*Ibid*, s. 35

¹⁴*Ibid*, s. 35(1) (a)

¹⁵ Cap C 50 LFN, 2004

¹⁶ Child's Rights Act, Cap C50 LFN, 2004, s. 1

¹⁷*ibid*, s. 11 (b)

¹⁸*ibid*, s. 35

Court is established for the purpose of hearing and determining matters relating to children¹⁹ and is also given unlimited jurisdiction in respect of child offenders.²⁰ The CRA²¹ gives the Court powers to order parent or guardian to pay fine, damages, compensation or cost, with or without any other measure. This provision creates criminal vicarious liability which is unjust. A child shall not be imprisoned, subjected to corporal punishment or subjected the death penalty or have the death penalty recorded against him.²²

c. Criminal Code Act (CCA)²³

The Act reiterates the Constitutional requirement that a person can only be tried and punished for an offence which is provided by law.²⁴ It classifies offences into felonies, misdemeanors and simple offences. The punishments provided for in the CCA includes death, imprisonment, canning, fine and forfeiture.²⁵ Persons under the age of 12 years are exempted from criminal responsibilities, unless it can be proved that he had the capacity to know that he ought not to do the act or make the omission.²⁶ Persons below 17 years and pregnant women are exempted from death penalty.

d. Administration of Criminal Justice Act (ACJA)²⁷

The Act applies to criminal trials for offences created by an Act of the National Assembly and other offences punishable in the FCT, Abuja.²⁸ The objectives of ACJA are commendable²⁹ as it is a departure from emphasis on punishment to serve as deterrent. The Act makes provision for victim compensation by the defendant or any other person or the state.³⁰ Section 423 of the ACJA gives the head of Federal Court power to jointly review the amount of fines, compensation or other sums of money prescribed under the Act from time to time.

¹⁹*ibid*,s.149

²⁰*ibid*,s. 151 (1) (b)

²¹*ibid*, s. 220

²²*ibid*, s. 221

²³ Cap C 39, LFN 2004

²⁴Criminal Code Act, Cap C39, LFN 2004, s. 11

²⁵*ibid*, s. 17

²⁶*ibid*,s. 30

²⁷ Cap A3, LFN 2004

²⁸Administration of Criminal Justice Act, 2015,s. 2

²⁹*ibid*, s. 1

³⁰*ibid*, s.314

e. Penal Code Act³¹

The Penal Code Act prohibits punishments under native law³² because customary law is unwritten and punishment under customary law would be a violation of the Constitution.³³ A child under 7 years of age is precluded from criminal liability and a child above 7 years but below 12 years is exempted from criminal liability except it is shown that the child had attained sufficient maturity of understanding to know the consequences of his act.³⁴ Punishments listed under the Penal Code include death, forfeiture of property, imprisonment, detention in a reformatory, canning³⁵ and Haddi lashing which is applicable to Muslim.³⁶ Compensation may be paid to the victim in addition or as substitution for any other punishment.³⁷

f. The Kaduna State Penal Code Law

The Kaduna State Penal Code Amendment Law³⁸ amended section 258 of the Kaduna State Penal Code Law. Under the new section 258 (1) of the Code, anybody who commits rape of a child below the age of 14 years shall be punished with surgical castration and death. Section 258 (2) of the Code provides that surgical castration and death is the punishment where a person has sexual intercourse with a male child below the age of 14 years. Where the victim is above 14 years, the Court shall upon conviction sentence the accused with punishment of surgical castration and life imprisonment. Where a female adult is convicted for the offence of rape of a child, the Court shall punish the accused with bilateral salpingectomy and death.³⁹ The word 'and' in the Code suggest that both punishments are to be issued together.⁴⁰

g. Nigerian Correctional Service Act⁴¹

The Act divides correctional Service into custodial and non- custodial service.⁴² One of the objectives of the Act is to provide enabling platform for implementation of non-custodial measures⁴³ enabling

³¹Cap P3, LFN 2004

³²Penal Code Act , Cap P3, LFN 2004, s. 2

³³Constitution of the Federal Republic of Nigeria 1999 (as amended),Cap C23 LFN 2004,s. 36 (12)

³⁴Penal Code Act, Cap P3, LFN 2004, s. 50

³⁵*ibid*, s. 60

³⁶*ibid*, s. 68 (2)

³⁷*ibid*, s. 78

³⁸ A law to amend the Kaduna State Penal Code Law No. 5 of 2017

³⁹ Kaduna State Penal Code (Amendment) Law, 2020 s. 258 (3)

⁴⁰TJ Amende & NO Umejiaku, ' Search for the Most Appropriate Punishment for the Offence of Rape in Nigeria' (2021) 6 *African Journal of International Law and Jurisprudence*, 38

⁴¹ Nigerian Correctional Service Act, 2019.

⁴²*ibid*, s. 1.

⁴³*ibid*, s. 2 (1) (b).

platform for restorative measures including victim- offender mediation; family group conferencing; community mediation; and any other mediation activity involving victims, offenders and where applicable, community representatives.⁴⁴

The Non- Custodial Service is responsible for the administration of non- custodial measures⁴⁵ and is mandated to provide opportunities for educational training, vocational training as well as training farming techniques.⁴⁶ The Act provides how the proceeds from productive activities of prisoner's should be utilized⁴⁷ but does not consider it as a vital source for compensation of victims of crime. The Act re-emphasized the importance of rehabilitation of the offender, restoration of the offender with the victim and community and reintegration of the offender into the society.

h. Children and Young Persons Act

The Act was enacted to make provision for the welfare of the Young person and treatment of young offenders and for the establishment of juvenile Courts. The Act gives the Court a wide range of disposition measures aimed at furthering the main objective of juvenile justice namely the welfare of the child rather than the punishment. The Courts are prohibited from using the word 'convict' and 'sentence' in relation to a child and a young person dealt with by the juvenile Court.⁴⁸

i. Zamfara State Shari'ah Penal Code⁴⁹

The punishments imposed by the Sharia Courts are listed in the Code.⁵⁰ The punishment of imprisonment shall not be passed on a person who is under the age of 15 years.⁵¹ Similarly, where person under the age of 18 years is found guilty under the law, the court may instead of passing the punishment prescribed under the code, the offender may be confined in a reformatory home for a period not exceeding 1 year.⁵²

⁴⁴*ibid*, s. 43 (1).

⁴⁵*ibid*, s. 37.

⁴⁶*ibid*, s. 14.

⁴⁷*ibid*, s. 14 (3).

⁴⁸ Children and Young Persons Act, 1958, s. 16

⁴⁹Zamfara State Shari'ah Penal Code, 2000

⁵⁰*ibid*, s. 93 (1)

⁵¹*ibid*, s. 95

⁵²*ibid*, s. 95

4. Types of Judicial Punishments

a. Fine

Fine can be said to be money that a Court of law decides to be paid as punishment for a crime. A fine is often a punishment for minor crimes or a compliment to such crimes.⁵³ If fines are to retain their central place in the sentencing structure, the key reform is to ensure that the amount imposed is related to the offender's ability to pay.⁵⁴ The provisions of the law did not make or state how the Court is to arrive at the convict's ability to pay. Fine is economical, both in money and manpower. It also does minimal social damage to the offender and his family, because it mostly doesn't affect his job, leisure or family ties. Fine is the most commonly applied form of non- custodial sentence in Nigeria.⁵⁵ Fine are used to punish the offender, help compensate the State for the offence, and deter any future criminal acts.⁵⁶

b. Death Penalty

Ever since independence in 1960, Nigeria's Criminal Justice System has adopted the death penalty as a sentencing option for peculiar and severe crimes requiring capital punishment.⁵⁷ The death sentence cannot be passed on a pregnant woman by virtue of the provision of the Child's Rights Act. The ACJA gives a different position that death sentence can be passed on a pregnant woman but its execution suspended until the baby is delivered and weaned. Secondly, the death penalty is not meted on a person below 18 years. It is always a mandatory punishment and leaves the Court with no discretion even where consideration for its deviation is evident. Globally, the picture is hopeful as more than two- thirds of all countries have abolished the death penalty either in law or practice.⁵⁸

c. Imprisonment

Imprisonment may be defined as a form of punishment which consists of depriving an offender of political, social and individual rights in a

⁵³AB Danbazau, *Criminology and Criminal Justice* (2ndedn, Ibadan: Spectrum Books Limited, 2007) p. 329.

⁵⁴*Ibid*, p. 330.

⁵⁵M Akram, Individualization of Sentencing: A Nigerian Experience (1988) 30 (2) *Journal of the Indian Law Institute*, 198.

⁵⁶OH Oshodi, Sentencing: Practice and Procedure under the Administration of Criminal Justice Act and Criminal Justice Laws. <https://nji.gov.ng2019/06> accessed on 23 May 2021

⁵⁷F Anyogu, 'The Disproportionate Effect of the Death Penalty on Women in Nigeria' (2013) *Nnamdi Azikiwe University Journal of International Law and Justice*, 84

⁵⁸SB Sinha, 'To Kill or not to Kill: The Unending Conundrum' (2012) 24 (1) *National Law School of India Review*, 5.

defined space for a given time.⁵⁹ Cormier has argued that the intention behind punishment by incarceration has possibly been the deprivation of rights or privileges. A careful scrutiny of Cormier's argument would entail that offenders can be engaged in productive activities that would be productive to the state and also be of financial gain to the prisoner. Prisons which are meant to be rehabilitative and reformation center has turned out to be a training ground for inmates to further learn how to perpetuate crimes in the society.⁶⁰ Prisons are usually structured to identify the peculiar problem of each inmate and devise means of guiding the individual out of the problem.⁶¹

d. Probation

Probation is a non- custodial measure whereby an offender is rehabilitated, rather than punished by undergoing some compulsory treatment and supervision process aimed at reforming him.⁶² Amkra has observed that although Courts in Nigeria have been given discretion in the matter of grant of probation to offenders in cases where it appears that if released on probation they can go well in the community without further breach of law, it is disheartening that they hardly make use of the measure.⁶³ When there still is some hope for rehabilitation and the judge views the prison system as almost inevitably having a negative impact on an offender, the judge is more likely to turn to probation.⁶⁴

e. Canning

Canning as a punishment is still utilized in Nigeria. Canning as a punishment has been abolished in Lagos as no provision is made for it under the Administration of Criminal Justice Law of Lagos State, 2011.⁶⁵ Most countries have reviewed the constitutionality of canning as a form of punishment.

⁵⁹ BM Cormier, 'Some Rights, Duties and Responsibilities in Penology and Suggested Changes' (1959) 1 *Canadian Journal of Corrections*, 70

⁶⁰ AS Alex et al, 'The Theoretical Exploration of Punishment and Incarceration in Nigeria?' (2015) 1 *Research Journal for Humanities and Cultural Studies*, 6

⁶¹ B Okorie- Attah, Criminal Justice Administration and Panic of Prison Correction in Nigeria (2018) 1(2) *Journal of Law and Judicial System.*, 4

⁶² A O Yekini & M Salisu, 'Probation as a Non- Custodial Measure in Nigeria: Making a Case for Adult Probation Service' (2013) 7 *African Journal of Criminology and Justice Studies*, 104

⁶³ Amkra, *op cit*, p. 197.

⁶⁴ JH Israel, 'sentencing, the Dilemma of Discretion' in *Judicial Discretion*, edited by J. E Smithburn 13-29, Reno, Nev: National Judicial College, 1980, p. 16.

⁶⁵ YDU Hambali, *Practice and Procedure of Criminal Litigation in Nigeria* (Lagos: Feat Print and Publish Limited 2013) p. 673

f. Haddi Lashings

It is a form of punishment applicable in some parts of the Northern States of Nigeria by the Alkali/ Area Courts. Haddi lashing may be imposed under the Penal Code for adultery, defamation, injurious falsehood and drinking of alcohol. It is meant to disgrace the convict rather than to inflict pain on him.⁶⁶ It is merely a symbolic sentence⁶⁷ although the public is permitted to watch. This type of punishment is inhumane and degrading.

g. Deportation

Deportation is defined as a legal expulsion or removal from Nigeria on a non-Nigerian convict.⁶⁸ It may be imposed in addition to any other form of sentence or it may be a sole sentence. It can also be ordered in lieu of imprisonment.⁶⁹ Deportation is not ordered by the Court but recommended by it. Where a convict is ordered to be deported is sentenced to a term of imprisonment, the sentence of imprisonment shall be served before the order of deportation is carried into effect.⁷⁰

h. Forfeiture

Forfeiture has to do with the seizure of property as punishment for a person's criminal behavior. Often time, it is ancillary in nature to another punishment rather than a substantive sentence. It is imposed on a convict usually in respect of offences bothering on property illegally acquired or illegally produced or used for illegal production. It is used in offences relating to bribery, where the property which has changed hands in the course of commission of such offence may be ordered to be forfeited to the state.⁷¹

i. Restitution

Restitution is the payment by an offender who has been convicted of a crime to the victim for the harm caused by the offender's criminal acts. Courts in Nigeria and in some situations are vested with the authority to order convicted offender to pay restitution to victims as part of their sentences. Restitution order mandates the defendant to give up his/her gains to the complainant or victim for his or her loss.

⁶⁶O N Ogbu, Punishment in Islamic Criminal Law as Antithetical to Human Dignity: The Nigerian Experience <https://www.tandonline.com/doi/abs/> accessed 23 May 2021

⁶⁷JA Agaba, *Practical Approach to Criminal Litigation* (1stEdn, Abuja: Panaf Press, 2011) p. 836.

⁶⁸Administration of Criminal Justice Act, s. 439

⁶⁹Agaba, *loc cit*, p. 837.

⁷⁰Administration of Criminal Justice Act, 2015, s. 449

⁷¹Criminal Code s. 19 and Penal Code s. 111

When restitution is intended and the issue has not been heard during trial, the Court ought to involve parties to address it on it.⁷²

The ACJA⁷³ makes provision for restitution. This punishment when effectively utilized can help in achieving victim satisfaction.

j. Community Service

The Court has power to sentence the convict to community service. Persons charged with offences which punishment exceeds 3 years imprisonment are exempted from community service.⁷⁴ The factors the Court is enjoined to consider in giving community service are also provided.⁷⁵ In *A.G. Lagos State v Funke Akindele and anor*,⁷⁶ the defendants were fined and ordered to undergo a 14 days community service and visit 10 important public places within Lagos State to educate the public on the consequences of non-compliance with the restriction order.

k. Parole

Parole⁷⁷ is a temporary release of the offender who agrees to certain conditions before the completion of the duration of his sentence. Parole can be ordered by the Court at the instance of the Comptroller General of Prisons who presents a report, recommending that an offender be released on parole on account of his good behavior and having served at least one third of his prison term of at least 15 years or imprisonment for life. The inadequacy of institutional framework has led to the under-utilization of this punishment.

l. Amputation

This is the punishment for theft under the Shari'ah Penal Code.⁷⁸ Amputation can be described as the severance of the arm or leg of a person. Amputation is a sordid, brutal, crude and most barbaric form of punishment which is manifestly inconsistent with the conscience of any civilized society.⁷⁹ Amputation is a cruel, inhuman and degrading treatment within the meaning of section 34 of the 1999 constitution of Nigeria. Worse still, it is usually disproportionate to the offence for which it is imposed.⁸⁰

⁷² *Saheed Raji v State* (2012) LPELR 7968 (CA)

⁷³ Administration of Criminal Justice Act, 2015, s. 321

⁷⁴ *ibid*, s. 460 (2)

⁷⁵ *ibid*, s. 460 (4)

⁷⁶ Charge no: MIK/A/43/2020 Unreported, delivered by Chief Magistrate Y. O Aje Afunwa sitting at Ogba, Lagos on 6th April, 2020

⁷⁷ *ibid*, s. 468

⁷⁸ Zamfara State Shari'ah Penal Code, 2002, s. 145

⁷⁹ Ogbu, *op cit* p.17

⁸⁰ *ibid*

m. Castration and Bilateral Salpingectomy

Kaduna State is the first and only state in Nigeria to introduce castration and bilateral salpingectomy as punishments. Section 3 of the Kaduna State Penal Code Amendment Law defines castration and bilateral salpingectomy. The punishment does not make any room for rehabilitation of the offender as the punishment accompanies a death penalty where the victim is below 14 years of age.

5. ADVANTAGES OF NON- CUSTODIAL PUNISHMENTS

Some of the advantages of non- custodial sanctions are:

- a. Non- custodial sanctions are suitable for minor offences especially offences which involve minor damage or harm.
- b. It is more productive as non- custodial punishments like community service helps the offender to contribute in one way or another in societal development and improvement.
- c. Non- custodial punishments are more flexible in nature because there are adoptable to unforeseen circumstances like the Covid- 19 pandemic.
- d. It is suitable for first time offenders who ought to be given a second chance rather than been subjected to imprisonment which not only deprives an offender of his liberty, but also the offender's economic productivity.

6. CHALLENGES TO EFFECTIVE ADMINISTRATION OF SANCTIONS IN NIGERIA**a. Reliance on Custodial Punishments for Minor offences**

There is heavy reliance on custodial punishments in Nigeria. This has led to the congestion of prisons and non- rehabilitation of inmates who often come out worse after serving prison terms together with hardened criminals. Prisons are also not well equipped with rehabilitation facilities.

b. Rigidity of Mandatory Punishments.

Mandatory punishments are rigid that it tends to reduce the discretion of the Judge in putting into consideration circumstances that are often specific and unique to the case and to the offender. This there creates a serious problem for individualization of sentences which is usually aimed at taking into consideration the peculiarities of the offender. Tonry has argued that mandatory sentencing tend to circumvent and to produce injustice in individual cases.⁸¹

⁸¹ M Tonry, 'Structuring Sentencing'(1988) *1 (10) Crime and Justice*, 331

c. Lack of Infrastructure for Non- Custodial Punishments.

The infrastructure and facilities for the utilization of non- custodial punishments have not been put in place and has led to continues use of incarceration and fines (although a non- custodial sanction). Non- custodial punishments operate effectively where there is proper record of offenders. Although the ACJA makes provision for the establishment of a Central Criminal Record Registry in all States of the Federation, there are no evidence of its implementation.

d. Inadequate Legal and Institutional Frameworks for Victim Compensation.

There are no institutional framework for the compensation of victims of crime, especially crimes related to sexual assault and heinous crimes. Considering the fact that trials are hardly concluded on time in Nigeria due to the congestion of cases in Court and adjournments, enforcing fine and compensations by civil means after the conclusion of the criminal trial may be difficult for the victim of crime.

e. The non- domestication of the Child's Rights Act by Some States.

Some States in Nigeria are yet to domesticate the Child's Rights Act. In such States, the Child's Rights Act which contains provisions in line with international best practices is not applicable.

f. Provision of Inhumane Punishments

Some punishments like canning, castration, bilateral salpingectomy and haddi lashing provided in Nigeria criminal laws are inhumane. These punishments violate the right to dignity of human person.

g. Problem of Implementation

There has been the problem of implementation provisions of legislations. Omodanisi rightly stated that although the Nigeria Correctional Service Act accords to international best measures, these measures are yet to gain full integration into Nigerian criminal justice system.⁸² This problem extends to other legislations.

7. CONCLUSION AND RECOMMENDATIONS

The punishment an offender is sentenced to goes a long way in determining the future of the offender and that of the society at large. It is pertinent to ensure that punishments are carried out the best way practicably. The work found out there are some pitfalls inhibiting the effectiveness of penal sanctions in Nigeria and recommended thus:

⁸² KM Omodanisi, 'International Best Practices in Custodial Sentences and Nigerian Correctional Service Act' (2020) *11 (2)NAUJILJ*, 116

- a. It is recommended that punishments like castration, bilateral salpingectomy, canning, haddi lashing and other cruel punishments should be removed from Nigerian criminal laws.
- b. There is need to utilize non- custodial punishment. This can be facilitated by adequate provision of facilities to support non-custodial punishments.
- c. An institution should be established to compensate victims of crimes in Nigeria. The funding of the scheme could be derived from productive forms of non- custodial punishments and fines.
- d. There is need to make elaborate provisions regarding juvenile and child offenders and how their age can be determined by the Court by a birth certificate or other reliable documentary means.