

Administrative and criminal sanctions in the context of anti-Covid measures : a long-lasting effect?

# EUROCRIM

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Research project on the repression of Covid Offences  
conducted at the University of Saint-Louis (Brussels)

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- Procedure whereby the public prosecutor invites the offender to pay a sum of money. The amount is fixed by the public prosecutor, may not exceed the maximum fine provided for by law, and must be proportionate to the offence
- Payment by the offender definitively ends the prosecution

➤ Alternative to prosecution

# HISTORY AND SCOPE

- Introduced in Belgium in 1935 for “minor offences”
- Amendments implemented more flexible conditions
  - Managerial approach to justice
- It can be applied to all offences punishable by up to 20 years of imprisonment, provided that these offences do not involve serious physical harm for victims
- Very broad scope of application *but* not widely used

# Covid-19 pandemic

➤ Wide use of criminal transaction (fine of 250 euros for individuals)

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➤ *Immediate* criminal transaction

“If technically possible, the police will propose an immediate transaction (by electronic means or by the immediate handing over of a transfer form (never by handing over cash)”

# General figures

- **240,598 cases of suspects involved in "Covid" offences had been opened**
  - **Comparison** : 624,899 cases were opened in 2020 (all offences considered)
- **77.496 of which were transactions, more than 50%**
  - **Comparison** : 8% (48,190) of the cases closed by the public prosecutor's offices in 2020

# Trends

- Digitalisation and Automatisation of records
  - Computerization of the procedure
- Public prosecutor's office: « in the short term, this project will free up a certain amount of capacity within the public prosecutor's offices for other essential tasks and will make it possible to apply the transaction more efficiently, so as to be able to act more quickly and effectively against criminal offences".

# Aftermath of the crisis

- Directive of criminal policy of 2021

Extension of *immediate criminal transaction* to other offences considered as minor such as drug possession offences, simple theft, shoplifting, carrying of prohibited weapons

# Final observations

- Risks of power abuse, discrimination and misjudicial errors
  - What about procedural rights?
  - Minor Offences?

Fair Trials, Efficiency over justice: insight into trial waiver systems in Europe, december 2021,  
<https://www.fairtrials.org/articles/publications/efficiency-over-justice/>