

A BILL

For

AN ACT TO ELIMINATE VIOLENCE IN PRIVATE AND PUBLIC LIFE, PROHIBIT ALL FORMS OF VIOLENCE INCLUDING PHYSICAL, SEXUAL, PSYCHOLOGICAL, DOMESTIC, HARMFUL TRADITIONAL PRACTICES; DISCRIMINATION AGAINST PERSONS AND TO PROVIDE MAXIMUM PROTECTION AND EFFECTIVE REMEDIES FOR VICTIMS AND PUNISHMENT OF OFFENDERS.

Long Title

Sponsors: Hon. Binta Masi Garba
Hon.

Commencement

COMMENCEMENT SECTION: Enacted by the National Assembly of the Federal Republic of Nigeria:

Preamble

Preamble

CONCERNED about the endemic nature of violence, which has permeated all spheres and sectors, affecting peaceful co-existence in the society as well as constituting a continuing threat to our democracy and development as a people and a nation;

RECOGNIZING that violence has eaten deep into the fabric of our society and is seriously threatening the family as the basic unit of the society;

CONCERNED that violence affects women, girls and other vulnerable groups disproportionately and has been recognized as the most pervasive form of violation of their human rights;

NOTING that governments and the international community have started to recognize the socio-economic costs of violence and it has been put firmly as a human rights issue;

RECALLING international standards, in particular, the Universal Declaration of Human Rights (UDHR), international Covenant on Civil and Political Rights (ICCPR), Rome Statute of the International Criminal Court and the UN Declaration on Violence Against Women that urged State Parties to condemn violence and promote positive aspects of our custom, tradition or religion that abhors violence; refrain from engaging or condoning any form of violence; exercise due diligence to prevent, investigate and in accordance with national legislation, punish acts of violence, whether those acts are perpetrated in the public or private sphere in peace or conflict situations by the state or private persons;

CONSIDERING also that the Nigerian government has ratified the African Charter on Human and Peoples' Rights and its Protocol on the Rights of Women that entrenched firmly the principle of equality and non discrimination, enjoined governments to take all appropriate and effective measures especially in legislative, administrative, social and economic measures as may be necessary to ensure the prevention, punishment and eradication of all forms of violence against women;

NOTING that peace in the family and society is a prerequisite to sustainable democracy and development and that government has an obligation to implement all international and regional treaties, declarations, resolutions and recommendations aimed at condemning, prohibiting and preventing all acts of violence and bringing perpetrators to justice in accordance with international standards on fair trial, and to provide effective remedies both rehabilitative and re-integrative to victims of violence;

RECOGNIZING that culture is a dynamic value system and the need to promote a positive culture of human rights and zero tolerance to all forms of violence and eliminate negative elements of culture and stereotyping of men and women;

AFFIRMING that the Constitution of the Federal Republic of Nigeria contains a bill of rights that protects all without discrimination and guarantees the right to life, right to personal liberty, dignity of the human person and specifically prohibits torture, inhuman or degrading treatment including forced labour, slavery and servitude;

CONVINCED that the government has the obligation to develop criminal, civil, labour and administrative sanctions in domestic legislation to punish and redress the wrongs caused to persons who are subjected to violence;

BE IT THEREFORE ENACTED by the National Assembly of the Federal Republic of Nigeria as follows:

Everyone has the right to freedom and security of the person, which includes the right to be free from all forms of violence in private or public spheres, in peace and conflict situations.

PART 1

OFFENCES

1. (1) A person commits the offence of rape if

- (a) (i) he intentionally penetrates the vagina, anus or mouth of a woman with his penis or
(ii) he intentionally penetrates the vagina, anus or mouth of a woman with any other part of his body or anything else.
- (b) the woman does not consent to the penetration; or
- (c) the consent is obtained by force or means of threat or intimidation of any kind or by fear of harm or by means of false and fraudulent representation as to the nature of the act or in the case of a married woman by impersonating her husband

(2) A person guilty of an offence under this section is liable to imprisonment for life. However, where the victim is less than 14 years of age, the offender shall be liable to a minimum of 20 years imprisonment and in all other cases to a minimum of 14 years imprisonment

(3) Where the act described under this section is committed by a group of persons on the victim, the offence shall be known as gang rape and on conviction the persons shall be liable to a minimum of 20 years imprisonment.

(4) The court may also award appropriate compensation to the victim as it may deem fit in the circumstance.

Definition of Rape

Punishment for Rape

(5) The foregoing subsection shall not prejudice any civil action that may arise from such act or the standard of proof required in such action. *Does not prejudice civil action*

2. (1) A person commits the offence of indecent assault if:

(a) for whatever reason other than sexual, he intentionally penetrates the vagina, anus or mouth of a woman with any part of his body other than the penis or with anything else; and *Indecent Assault of a Person*

(b) the victim does not consent to the penetration; or

(c) the consent is obtained by force or by means of threat or intimidation of any kind or by fear of harm or by means of false and/or fraudulent representation as to the nature of the act or by deception of any kind whatsoever.

(2) A person convicted of an offence under this section shall be liable to 20 years imprisonment where the victim is under 14 years of age, and 14 years imprisonment in all other cases. *Punishment for Indecent Assault*

(3) The court may also award appropriate compensation to the victim as it may deem fit in the circumstances.

(4) The foregoing subsection shall not prejudice any civil action that may arise from or that may be brought in respect of such act or the standard of proof required in such action. *Does not prejudice civil action*

3. (1) Any person who sexually abuses, assaults, exploits, harasses or intimidates another commits an offence under this Act and is liable upon conviction to a term of imprisonment not exceeding four years or a fine not exceeding N200, 000 or to both such fine and imprisonment. *Sexual Violence*

(2) Any person who attempts to commit the act of violence provided for in subsection (1) of this Section is guilty of an offence and is liable on conviction to imprisonment for a term not exceeding two years or to fine not exceeding N100, 000.00 or to both such fine and imprisonment. *Attempted Sexual Violence*

(3) Any person who incites, aids, abets, or counsels another person to commit the act of violence as provided for in sub section (1) of this Section is guilty of the offence and is liable on conviction to imprisonment for a term not exceeding two years or to fine not exceeding N100, 000.00 or to both such fine and imprisonment. *Aiding Sexual Violence*

(4) Any person who receives or assists another who to his/her knowledge committed the offence provided for in sub section (1) of this Section above is an accessory after the fact and is therefore liable to imprisonment for a term not exceeding two years or to fine not exceeding N100, 000.00 or to both such fine and imprisonment. *Accessory after the fact to Sexual Violence*

4. (1) (i) Any person who wilfully causes or inflicts physical injury on another person by means of a any weapon, substance or object commits an offence and is liable on conviction to imprisonment not exceeding five years or a fine not exceeding N100, 000:00 or to both such fine and imprisonment; *Inflicting Physical Injury on a Person*

(ii) Any person who attempts to commit the act of violence provided for in subsection (i) of this section is guilty of an offence and is liable on conviction to imprisonment for a term not exceeding three years or to a fine not exceeding N20, 000:00 or to both such fine and imprisonment;

Aiding the infliction of physical injury on another

(iii) Any person who incites, aids, abets, or counsels another person to commit the act of violence provided for in subsection (i) of this section is guilty of an offence, and is liable on conviction to imprisonment for a term not exceeding three years or to a fine not exceeding N20, 000:00 or to both such fine and imprisonment;

Accessory after the fact to inflicting physical injury on another

(iv) Any person who receives or assists another who to his knowledge is guilty of the offence provided for in subsection (i) of this section, is an accessory after the fact and is guilty of an offence and liable on conviction to imprisonment for a term not exceeding three years or to a fine not exceeding N20, 000:00 or to both such fine and imprisonment.

(2) The court may also award appropriate compensation to the victim as it may deem fit in the circumstance.

Does not prejudice civil action

(3) The foregoing subsection shall not prejudice any civil action that may arise from such act or the standard of proof required in such action.

Coercion

5. Any person who coerces another to engage in any act to the detriment of that other person's physical or psychological wellbeing commits an offence and upon conviction is liable to three years imprisonment.

Wilfully placing a person in fear of physical injury

6. (1) Any person who wilfully or knowingly places a person in fear of physical injury commits an offence and is liable on conviction to imprisonment for a term not exceeding two years or to a fine not exceeding N20,000:00 or to both such fine and imprisonment.

(2) Any person who attempts to commit the act of violence as provided for in subsection (i) of this Section is guilty of an offence and is liable to imprisonment for a term not exceeding one year or to a fine not exceeding N10, 000 or to both such fine and imprisonment.

(3) Any person who aids, abets, or counsels another person to commit the offence provided for in subsection(1) of this Section is guilty of an offence and is liable on conviction to imprisonment for a term not exceeding one year or to fine not exceeding N20, 000.00 or to both such fine and imprisonment.

(4) Any person who receives or assists another who has committed the offence provided for in subsection (1) of this Section is an accessory after the fact and is liable on conviction to imprisonment for a term not exceeding one year or to fine not exceeding N20, 000.00 or to both such fine and imprisonment.

Threat to engage in conduct detrimental to one's physical or psychological well being

7. (1) Any person who compels another by force or threat to engage in any conduct or act sexual or otherwise, to the detriment of the victim's physical or psychological well being commits an offence and is liable on conviction to imprisonment for a term not exceeding two years or to fine not exceeding N50, 000.00 or to both such fine and imprisonment.

(2) Any person who attempts to commit the act of violence provided for in subsection (1) of this Section is guilty of an offence and is liable on conviction to imprisonment for a term not exceeding one year or to fine not exceeding N30, 000.00 or to both such fine and imprisonment.

(3) Any person who incites, aids, abets, or counsels another person to commit the act of violence as provided for in sub section (1) of this Section is guilty of the offence and is liable on conviction to imprisonment for a term not exceeding one year or to fine not exceeding N30, 000.00 or to both such fine and imprisonment.

Aiding threat to engage in detrimental conduct

(4) Any person who receives or assists another who to his/her knowledge committed the offence provided for in sub section (1) of this Section is an accessory after the fact and is therefore liable to imprisonment for a term not exceeding three years or to fine not exceeding N50, 000.00 or to both such fine and imprisonment.

8.(1) The circumcision or genital mutilation of the girl child or woman is hereby prohibited

Prohibition of female circumcision or genital mutilation

(2) Any person who performs female circumcision or genital mutilation or engages another to carry out such circumcision or mutilation commits an offence and is liable on conviction to imprisonment for a term not exceeding four years or to fine not exceeding N200, 000.00 or to both such fine and imprisonment.

(3) Any person who attempts to commit the act of violence provided for in subsection (2) of this Section is guilty of an offence and is liable on conviction to imprisonment for a term not exceeding two years or to fine not exceeding N100, 000.00 or to both such fine and imprisonment.

Attempted female circumcision

(4) Any person who incites, aids, abets, or counsels another person to commit the act of violence provided for in sub section (2) of this Section is guilty of the offence and is liable on conviction to imprisonment for a term not exceeding two years or to fine not exceeding N100, 000.00 or to both such fine and imprisonment.

Aiding female circumcision

9. Any person who, with intent to defraud or conceal an offence or frustrate the investigation and prosecution of offenders under this Act or under any other enactments:

Frustrating investigation

(a) destroys, alters, mutilates, or falsify any book or documents, dress or clothing which could serve as evidence or exhibits;

(b) omits, or is privy to omitting, any material particular from any such document, book, dress or clothing;

is guilty of felony and liable on conviction to imprisonment for a term not exceeding three years or to fine not exceeding N50, 000.00 or to both such fine and imprisonment.

10. Any person who wilfully makes false statement, whether oral or documentary, in any judicial proceedings under this Act or with the aim of initiating investigation or criminal proceedings under this Act against another person is guilty of an offence under this Act and liable on conviction to a fine of N20, 000 or a term of imprisonment not exceeding 12 months.

Wilfully making false statements

*Forceful
ejection from
home*

11. (1) Any marriage partner who forcefully evicts his/her partner from his/her home or refuses him/her access commits an offence and is liable on conviction to imprisonment for a term not exceeding two years or to fine not exceeding N30, 000.00 or to both such fine and imprisonment.

*Attempted
forceful
ejection*

(2) Any person who attempts to commit the act of violence provided for in sub section (1) of this Section is guilty of an offence and is liable on conviction to imprisonment for a term not exceeding one year or to fine not exceeding N20, 000.00 or to both such fine and imprisonment.

(3) Any person who incites, aids, abets, or counsels another person to commit the act of violence as provided for in sub section (1) of this Section is guilty of an offence and is liable on conviction to imprisonment for a term not exceeding one year or to fine not exceeding N20, 000.00 or to both such fine and imprisonment.

(4) Any person who receives or assists another who to his/her knowledge committed the offence provided for in sub section (1) of this Section is an accessory after the fact and is therefore liable to imprisonment for a term not exceeding one year or to fine not exceeding N20, 000.00 or to both such fine and imprisonment.

*Depriving a
person of his/
her liberty*

12. (1) Any person who deprives another of his/her liberty except pursuant to a court order commits an offence and is liable on conviction to imprisonment for a term not exceeding two years or to fine not exceeding N50, 000.00 or to both such fine and imprisonment.

*Attempted
deprivation*

(2) Any person who attempts to commit the act of violence provided for in sub section (1) of this Section is guilty of an offence and is liable on conviction to imprisonment for a term not exceeding one year or to fine not exceeding N20, 000.00 or to both such fine and imprisonment.

*Aiding
deprivation*

(3) Any person who incites, aids, abets, or counsels another person to commit the act of violence as provided for in sub section (1) of this Section is guilty of an offence and is liable on conviction to imprisonment for a term not exceeding two years or to fine not exceeding N30, 000.00 or to both such fine and imprisonment.

*Accessory
after the fact
to depriva-
tion*

(4) Any person who receives or assists another who to his/her knowledge committed the offence provided for in sub section (1) of this Section is an accessory after the fact and is therefore liable to imprisonment for a term not exceeding one year or to fine not exceeding N10, 000.00 or to both such fine and imprisonment.

*Damage to
property with
intent to cause
distress*

13. (1) Any person who causes mischief or destruction or damage to property of another with intent to cause or knowing that it is likely to cause distress or annoyance to the victim commits an offence and is liable on conviction to imprisonment for a term not exceeding two years or to fine not exceeding N30, 000.00 or to both such fine and imprisonment.

*Attempted
destruction of
property*

(2) Any person who attempts to commit the act of violence provided for in sub section (1) of this Section is guilty of an offence and is liable on conviction to imprisonment for a term not exceeding one year or to fine not exceeding N20, 000.00 or to both such fine and imprisonment.

(3) Any person who incites, aids, abets, or counsels another person to commit the act of violence as provided for in sub section (1) of this Section is guilty of an offence and is liable on conviction to imprisonment for a term not exceeding one year or to fine not exceeding N20, 000.00 or to both such fine and imprisonment.	<i>Accessory after the fact to wilfully damage property of another</i>
(4) Any person who receives or assists another who to his/her knowledge committed the offence provided for in sub section (1) of this Section is an accessory after the fact and is therefore liable to imprisonment for a term not exceeding one year or to fine not exceeding N20, 000.00 or to both such fine and imprisonment.	
14. (1) Any person who causes forced labour of a dependant commits an offence and is liable on conviction to imprisonment for a term not exceeding one year or to fine not exceeding N20, 000.00 or to both such fine and imprisonment.	<i>F o r c e d labour of a dependant</i>
(2) Any person who attempts to commit the act of violence provided for in sub section (1) of this Section is guilty of an offence and is liable on conviction to imprisonment for a term not exceeding six months or to fine not exceeding N10, 000.00 or to both such fine and imprisonment.	<i>Attempted forced labour of dependant</i>
(3) Any person who incites, aids, abets, or counsels another person to commit the act of violence as provided for in sub section (1) of this Section is guilty of an offence and is liable on conviction to imprisonment for a term not exceeding six months or to fine not exceeding N10, 000.00 or to both such fine and imprisonment.	<i>Aiding forced labour of a dependant</i>
(4) Any person who receives or assists another who to his/her knowledge committed the offence provided for in sub section (1) of this Section is an accessory after the fact and is therefore liable to imprisonment for a term not exceeding six months or to fine not exceeding N10, 000.00 or to both such fine and imprisonment.	<i>Accessory after the fact to forced labour of dependant</i>
15. (1) Any person who causes forced financial dependence or economic abuse of another commits an offence and is liable on conviction to imprisonment for a term not exceeding two years or to fine not exceeding N50, 000.00 or to both such fine and imprisonment.	<i>F o r c e d financial dependence or economic abuse</i>
(2) Any person who attempts to commit the act of violence provided for in sub section (1) of this Section is guilty of an offence and is liable on conviction to imprisonment for a term not exceeding one year or to fine not exceeding N20, 000.00 or to both such fine and imprisonment.	<i>Attempted forced financial dependence</i>
(3) Any person who incites, aids, abets, or counsels another person to commit the act of violence as provided for in sub section (1) of this Section is guilty of an offence and is liable on conviction to imprisonment for a term not exceeding one year or to fine not exceeding N20, 000.00 or to both such fine and imprisonment.	<i>Aiding forced financial dependence</i>
(4) Any person who receives or assists another who to his/her knowledge committed the offence provided for in sub section (1) of this Section above is an accessory after the fact and is therefore liable to imprisonment for a term not exceeding six months or to fine not exceeding N10, 000.00 or to both such fine and imprisonment.	<i>Accessory after the fact to forced financial dependence</i>

Forced isolation or separation from family and friends

16. (1) Any person who forcefully isolates or separates another from family and friends commits an offence and is liable on conviction to imprisonment for a term not exceeding six months or to fine not exceeding N10, 000.00 or to both such fine and imprisonment.

Attempted forced isolation or separation

(2) Any person who attempts to commit the act of violence provided for in sub section (1) of this Section is guilty of an offence and is liable on conviction to imprisonment for a term not exceeding three months or to fine not exceeding N10, 000.00 or to both such fine and imprisonment.

Aiding forced isolation or separation

(3) Any person who incites, aids, abets, or counsels another person to commit the act of violence as provided for in sub section (1) of this Section is guilty of an offence and is liable on conviction to imprisonment for a term not exceeding three months or to fine not exceeding N10, 000.00 or to both such fine and imprisonment.

Accessory after the fact to forced isolation or separation

(4) Any person who receives or assists another who to his/her knowledge committed the offence provided for in sub section (1) of this Section is an accessory after the fact and is therefore liable to imprisonment for a term not exceeding three months or to fine not exceeding N10, 000.00 or to both such fine and imprisonment.

Emotional, Verbal and Psychological Abuse

17. (1) Any person who causes emotional, verbal and psychological abuse on another commits an offence and is liable on conviction to imprisonment for a term not exceeding one year or to fine not exceeding N20, 000.00 or to both such fine and imprisonment.

Attempted Emotional/ Verbal/ Psychological Abuse

(2) Any person who attempts to commit the act of violence provided for in sub section (1) of this Section is guilty of an offence and is liable on conviction to imprisonment for a term not exceeding six months or to fine not exceeding N10, 000.00 or to both such fine and imprisonment.

(3) Any person who incites, aids, abets, or counsels another person to commit the act of violence as provided for in sub section (1) of this Section is guilty of an offence and is liable on conviction to imprisonment for a term not exceeding six months or to fine not exceeding N10, 000.00 or to both such fine and imprisonment.

(4) Any person who receives or assists another who to his/her knowledge committed the offence provided for in sub section (1) of this Section is an accessory after the fact and is therefore liable to imprisonment for a term not exceeding six months or to fine not exceeding N10, 000.00 or to both such fine and imprisonment.

Harmful Widowhood Practices

18. (1) Any person who subjects a widow to harmful traditional practices commits an offence and is liable on conviction to imprisonment for a term not exceeding two years or to fine not exceeding N50, 000.00 or to both such fine and imprisonment.

Attempted Harmful Widowhood Practices

(2) Any person who attempts to commit the act of violence provided for in sub section (i) of this Section is guilty of an offence and is liable on conviction to imprisonment for a term not exceeding one year or to fine not exceeding N20, 000.00 or to both such fine and imprisonment.

Aiding Harmful Widowhood Practices

(3) Any person who incites, aids, abets, or counsels another person to commit the act of violence as provided for in sub section (i) of this Section is guilty of an offence and is liable on conviction to imprisonment for a term not exceeding one year or to fine not exceeding N20, 000.00 or to both such fine and imprisonment.

(4) Any person who receives or assists another who to his/her knowledge committed the offence provided for in sub section (i) of this Section is an accessory after the fact and is therefore liable to imprisonment for a term not exceeding six months or to fine not exceeding N10, 000.00 or to both such fine and imprisonment.

19. (1) Any person who abandons a wife/husband, children or other dependent without any means of sustenance commits an offence and is liable on conviction to imprisonment for a term not exceeding three years or to fine not exceeding N50, 000.00 or to both such fine and imprisonment.

*Abandonment
of Spouse,
Children and
o t h e r
D e p e n d e n t
w i t h o u t
s u s t e n a n c e*

(2) Any person who attempts to commit the act of violence provided for in sub section (1) of this Section is guilty of an offence and is liable on conviction to imprisonment for a term not exceeding two years or to fine not exceeding N20, 000.00 or to both such fine and imprisonment.

(3) Any person who incites, aids, abets, or counsels another person to commit the act of violence as provided for in sub section (1) of this Section is guilty of an offence and is liable on conviction to imprisonment for a term not exceeding two years or to fine not exceeding N20, 000.00 or to both such fine and imprisonment.

(4) Any person who receives or assists another who to his/her knowledge committed the offence provided for in sub section (1) of this Section is an accessory after the fact and is therefore liable to imprisonment for a term not exceeding one year or to fine not exceeding N10, 000.00 or to both such fine and imprisonment.

20. (1) Any person who stalks another commits an offence and is liable on conviction to imprisonment for a term not exceeding two years or to fine not exceeding N50, 000.00 or to both such fine and imprisonment.

Stalking

(2) Any person who attempts to commit the act of violence provided for in sub section (1) of Section is guilty of an offence and is liable on conviction to imprisonment for a term not exceeding one year or to fine not exceeding N20, 000.00 or to both such fine and imprisonment.

*Attempted
Stalking*

(3) Any person who incites, aids, abets, or counsels another person to commit the act of violence as provided for in sub section (1) of this Section is guilty of an offence and is liable on conviction to imprisonment for a term not exceeding one year or to fine not exceeding N20, 000.00 or to both such fine and imprisonment.

*A i d i n g
Stalking*

(4) Any person who receives or assists another who to his/her knowledge committed the offence provided for in sub section (1) of this Section is an accessory after the fact and is therefore liable to imprisonment for a term not exceeding one year or to fine not exceeding N10, 000.00 or to both such fine and imprisonment.

*A c c e s s o r y
a f t e r t h e f a c t
t o S t a l k i n g*

21. (1) Any person who intimidates another commits an offence and is liable on conviction to imprisonment for a term not exceeding one year or to fine not exceeding N20, 000.00 or to both such fine and imprisonment.

*I n t i m i d a t i o n
o f a P e r s o n*

(2) Any person who attempts to commit the act of violence provided for in sub section (1) of this Section is guilty of an offence and is liable on conviction to imprisonment for a term not exceeding six months or to fine not exceeding N10, 000.00 or to both such fine and imprisonment.

(3) Any person who incites, aids, abets, or counsels another person to commit the act of violence as provided for in sub section (1) of this Section is guilty of an offence and is liable on conviction to imprisonment for a term not exceeding six months or to fine not exceeding N10, 000.00 or to both such fine and imprisonment.

(4) Any person who receives or assists another who to his/her knowledge committed the offence provided for in sub section (1) of this Section is an accessory after the fact and is therefore liable to imprisonment for a term not exceeding six months or to fine not exceeding N10, 000.00 or to both such fine and imprisonment.

*Spousal/
Partner
battery*

22. (1) Any person who batters his/her spouse commits an offence and is liable on conviction to imprisonment for a term not exceeding three years or to fine not exceeding N100, 000.00 or to both such fine and imprisonment.

*Attempted
Spousal/
Partner
battery*

(2) Any person who attempts to commit the act of violence provided for in sub section (1) of this Section is guilty of an offence and is liable on conviction to imprisonment for a term not exceeding one year or to fine not exceeding N20, 000.00 or to both such fine and imprisonment.

*Aiding
Spousal/
Partner
battery*

(3) Any person who incites, aids, abets, or counsels another person to commit the act of violence as provided for in sub section (1) of this Section is guilty of an offence and is liable on conviction to imprisonment for a term not exceeding one year or to fine not exceeding N20, 000.00 or to both such fine and imprisonment.

*Accessory
after the fact
to Spousal
battery*

(4) Any person who receives or assists another who to his/her knowledge committed the offence provided for in sub section (1) of this Section is an accessory after the fact and is therefore liable to imprisonment for a term not exceeding one year or to fine not exceeding N20, 000.00 or to both such fine and imprisonment.

*Harmful
Traditional
Practices*

23. (1) Any person who carries out harmful traditional practices on another commits an offence and is liable on conviction to imprisonment for a term not exceeding four years or to fine not exceeding N100, 000.00 or to both such fine and imprisonment.

*Attempted
Harmful
Traditional
Practices*

(2) Any person who attempts to commit the act of violence provided for in sub section (1) of this Section is guilty of an offence and is liable on conviction to imprisonment for a term not exceeding two years or to fine not exceeding N50, 000.00 or to both such fine and imprisonment.

*Aiding
Harmful
Traditional
Practices*

(3) Any person who incites, aids, abets, or counsels another person to commit the act of violence as provided for in sub section (1) of this Section is guilty of an offence and is liable on conviction to imprisonment for a term not exceeding two years or to fine not exceeding N50, 000.00 or to both such fine and imprisonment.

*Accessory
after the fact to
Harmful
Traditional
Practices*

(4) Any person who receives or assists another who to his/her knowledge committed the offence provided for in sub section (1) of this Section is an accessory after the fact and is therefore liable to imprisonment for a term not exceeding two year or to fine not exceeding N50, 000.00 or to both such fine and imprisonment.

<p>24. (1) Any person who uses chemical, biological or any other harmful liquid on another commits an offence and is liable on conviction to a term of life imprisonment without an option of fine.</p>	<p><i>Substance Attack</i></p>
<p>(2) Any person who attempts to commit the act of violence described in sub section (1) of this Section is guilty of an offence and is liable on conviction to imprisonment for a term not exceeding twenty-five years without an option of fine.</p>	<p><i>Attempted substance Attack</i></p>
<p>(3) Any person who incites aids, abets, or counsels another person to commit the act of violence as provided for in sub section (1) of this Section is guilty of an offence and is liable on conviction to imprisonment for a term not exceeding twenty-five years without an option of fine.</p>	<p><i>A i d i n g substance Attack</i></p>
<p>(4) Any person who receives or assists another who to his/her knowledge committed the offence provided for in sub section (1) of this Section is an accessory after the fact and is therefore liable to imprisonment for a term not exceeding twenty-five years without the option of fine.</p>	<p><i>Accessory after the fact to substance Attack</i></p>
<p>25. (1) Any person commits an offence if he intentionally administers a substance to, or causes a substance to be administered to or taken by another person with the intention of stupefying or overpowering that person so as to enable any person to engage in a sexual activity with that person.</p>	<p><i>Administering a Substance with intent</i></p>
<p>(2) A person guilty of an offence under this section is, in addition to any other offence under this Act liable on conviction to imprisonment for a term not exceeding 10 years or a fine of N50, 000 or to both such fine and imprisonment</p>	
<p>26. (1) Any person who commits political violence as defined in the provisions of this Act relating to political violence commits an offence and is liable on conviction to imprisonment for a term not exceeding four years or to fine not exceeding N100, 000.00 or to both such fine and imprisonment.</p>	<p><i>Political Violence</i></p>
<p>(2) Any person who attempts to commit the act of violence provided for in sub section (1) of this Section is guilty of an offence and is liable on conviction to imprisonment for a term not exceeding two years or to fine not exceeding N50, 000.00 or to both such fine and imprisonment.</p>	<p><i>Attempted political violence</i></p>
<p>(3) Any person who incites, aids, abets, or counsels another person to commit the act of violence as provided for in sub section (1) of this Section is guilty of an offence and is liable on conviction to imprisonment for a term not exceeding two years or to fine not exceeding N50, 000.00 or to both such fine and imprisonment.</p>	<p><i>A i d i n g political violence</i></p>
<p>(4) Any person who receives or assists another who to his/her knowledge committed the offence provided for in sub section (1) of this Section is an accessory after the fact and is therefore liable to imprisonment for a term not exceeding two years or to fine not exceeding N50, 000.00 or to both such fine and imprisonment.</p>	<p><i>Accessory after the fact to political violence</i></p>

Violence by State Actors

27. (1) Any state actor who commits political violence commits an offence and is liable on conviction to imprisonment for a term not exceeding four years or to fine not exceeding N100, 000.00 or to both such fine and imprisonment.

Attempted violence by State Actors

(2) Any person who attempts to commit the act of violence provided for in sub section (1) of this Section is guilty of an offence and is liable on conviction to imprisonment for a term not exceeding two years or to fine not exceeding N50, 000.00 or to both such fine and imprisonment.

A i d i n g violence by State Actors

(3) Any person who incites, aids, abets, or counsels another person to commit the act of violence as provided for in sub section (1) of this Section is guilty of an offence and is liable on conviction to imprisonment for a term not exceeding two years or to fine not exceeding N50, 000.00 or to both such fine and imprisonment.

Accessory after the fact to violence by State Actors

(4) Any person who receives or assists another who to his/her knowledge committed the offence provided for in sub section (1) of this Section is an accessory after the fact and is therefore liable to imprisonment for a term not exceeding two years or to fine not exceeding N50, 000.00 or to both such fine and imprisonment.

(5) The state shall be liable for the offence committed by its agents and the court shall award appropriate compensation commensurate with the extent and amount of damages.

Incest

28. Any person who wilfully have carnal knowledge of another within the Prohibited Degrees of Consanguinity and Affinity contained in the Second Schedule to this Act, is guilty of an offence and is liable upon conviction to a term not exceeding one year imprisonment or a fine not exceeding N10, 000 or to both such fine and imprisonment.

Indecent exposure

29. Any person who intentionally exposes his or her genital organs, or a substantial part thereof, with the intention of causing distress to the other party, or that another person seeing it may be tempted or induced to commit an offence under this Act, commits an offence termed indecent exposure and shall be liable upon conviction to imprisonment for a term of not less than five years or to a fine not exceeding N20, 000 or to both such fine and imprisonment.

Jurisdiction of the Court

PART 2

JURISDICTION OF THE COURT

A Both the High Court and the Magistrates Court or any other court so empowered by an Act of Parliament shall have the jurisdiction to hear and grant any application brought under this Act.

Protection Order

B PROTECTION ORDER

An application for a protection order may be made before any competent court following a complaint of violence by the complainant. A protection order granted by any High Court or Magistrates Court shall be effective throughout the Federal Republic of Nigeria and no time limit or prescription shall apply in relation to a person seeking to apply for such protection order.

- 30.** (1) Any complainant may in the prescribed manner apply to the court for a protection order.
- (2) If the complainant is not represented by counsel, the police officer with whom a complaint of violence has been lodged shall inform the complainant of the remedies he or she may be entitled to under this Act including the right to lodge a criminal complaint against the respondent if a criminal offence has been committed under this Act.
- (3) Notwithstanding the provisions of any other law, the application may be brought on behalf of the complainant by any other person, including a police officer, a protection officer, an accredited service provider, a counsellor, health service provider, social worker or teacher who has interest in the well being of the complainant:
- (4) Provided that the application must be brought with the written consent of the complainant, except in circumstances where the complainant is –
- (a) a minor;
 - (b) mentally retarded;
 - (c) unconscious; or
 - (d) a person who the court is satisfied is unable to provide the required consent.
- (5) Notwithstanding the provisions of any other law, any minor, or any person on behalf of a minor, may apply to the court for a protection order without the assistance of a parent, guardian or any other person. Supporting affidavit by persons who have knowledge of the matter concerned may accompany the application.
- (6) The application and affidavits shall be filed in court.

31. (1) The court must as soon as is reasonably possible consider an application submitted to it in terms of section 30(6) and may, for that purpose, consider such additional evidence as it deems fit, including oral evidence or evidence by affidavit, which shall form part of the record of the proceedings.

- (2)
- (a) If the court is satisfied that there is prima facie evidence that the respondent is committing, has committed or that there is imminent likelihood that he may commit an act of domestic violence the court shall notwithstanding the fact that the respondent has not been given notice of the proceedings contemplated in subsection (1) of this section, issue an interim protection order against the respondent, in the prescribed manner.
 - (b) An interim protection order must be served on the respondent in the prescribed manner and must call upon the respondent to show cause on the return date, specified in the order why a protection order should not be issued.
 - (c) A copy of the application referred to in section 30(1) and the record of any evidence taken in terms of subsection (1) of this section shall be served on the respondent together with the interim protection order.
 - (d) If the court does not issue an interim protection order in terms of subsection (2) of this section, the court shall direct the registrar of the court to cause certified copies of the application concerned and any supporting affidavit to be served on the respondent in the prescribed manner, together with a prescribed notice calling on the respondent to show cause on the return date specified in the notice why a protection order should not be issued.

- 3 (a) An interim protection order must be served on the respondent in the prescribed manner and must call upon the respondent to show cause on the return date, specified in the order why a protection order should not be issued
(b) A copy of the application referred to in section 30(1) and the record of any evidence taken in terms of subsection (1) of this section shall be served on the respondent together with the interim protection order.

4 If the court does not issue an interim protection order in terms of subsection (2) of this section, the court shall direct the registrar of the court to cause certified copies of the application concerned and any supporting affidavit to be served on the respondent in the prescribed manner, together with a prescribed notice calling on the respondent to show cause on the return date as specified in the notice why a protection order should not be issued.

5 The return dates referred to in subsections (3)(a) and (4) of this section may not be less than 5 days after service has been effected upon the respondent.

*Issuing of
Protection
Order*

32. (1) If the respondent does not appear on a return date contemplated in section 32(3) or (4), and if the court is satisfied that-

- (a) proper service has been effected on the respondent; and
- (b) the application contains prima facie evidence that the respondent has committed, is committing or that there is an imminent likelihood that he may commit an act of domestic violence, the court shall issue a protection order in the prescribed form.

2 If the respondent appears on the return date in order to oppose the issuing of a protection order, the court shall proceed to hear the matter and-

- (a) consider any evidence previously received in terms of section 31(1); and
- (b) consider such further affidavits or oral evidence as it may direct, which shall form part of the record of the proceedings.

3 The court may, on its own accord or on the request of the complainant, if it is of the opinion that it is just or desirable to do so, order that in the examination of witnesses, including the complainant, a respondent who is not represented by a legal practitioner-

- (a) is not entitled to cross-examine directly a person who is in a domestic relationship with the respondent; and
- (b) shall put any question to such a witness by stating the question to the court, and the court is to repeat the question accurately to the witness.

4 The court shall after a hearing as contemplated in subsection (2) of this Section, issue a protection order in the prescribed form if it finds, on a balance of probabilities, that the respondent has committed, is committing or that there is an imminent likelihood that he may commit an act of domestic violence.

5 Upon the issuing of a protection order the registrar of the court shall forthwith in the prescribed manner cause-

- (a) the original of such order to be served on the respondent; and
- (b) a certified copy of such order, and the original warrant of arrest contemplated in section 34(1)(a), to be served on the complainant.

6 The registrar of the court shall forthwith in the prescribed manner forward certified copies of any protection order and of the warrant of arrest contemplated in section 35(1)(a) to the police station of the complainant's choice.

7 Subject to the provisions of section 33(7), a protection order issued in terms of this section remains in force until it is set aside, and the execution of such order shall not be automatically suspended upon the filing of an appeal.

33. (1) The court may, by means of a protection order referred to in section 31 or 32, prohibit the respondent from-

*C o u r t ' s
P o w e r s i n
r e s p e c t o f
P r o t e c t i o n
O r d e r*

- (a) committing any act of domestic violence;
- (b) enlisting the help of another person to commit any such act;
- (c) entering a shared household: Provided that the court may impose this prohibition only if it appears to be in the best interests of the complainant;
- (d) entering a specified part of such a shared household;
- (e) entering the complainant's residence;
- (f) entering the complainant's place of employment;
- (g) preventing the complainant from entering or remaining in the shared household or a specified part of the shared household;
- (h) alienating or disposing the shared household or encumbering same;
- (i) renouncing his rights in the shared household except in favour of the complainant;
or
- (j) committing any other act as specified in the protection order.

(2) The court may impose any additional conditions, which it deems reasonably necessary to protect and provide for the safety, health or well being of the complainant, including an order-

- (a) to seize any arm or dangerous weapon in the possession or under the control of the respondent;
- (b) that a police officer must accompany the complainant to a specified place to assist with arrangements regarding the collection of personal property; or
- (c) directing the respondent to secure alternative accommodation for the complainant
or;
- (d) order a temporal relocation to any safe place as may be deem fit in the interest of the complainant
- (e) approve a mediation channel upon submission by the complainant

(3) In ordering a prohibition contemplated in subsection 1(c) of this section, the court may impose on the respondent obligations as to the discharge of rent or mortgage payments having regard to the financial needs and resources of the complainant and the respondent.

(4) The court may order the respondent to pay emergency monetary relief having regard to the financial needs and resources of the complainant and the respondent, and such order has the effect of a civil judgment of a court.

(5) The court may issue any directions to ensure that the complainant's physical address is not disclosed in any manner, which may endanger the safety, health or well being of the complainant.

(6) If the court is satisfied that it is in the best interests of any child it may-

- (a) refuse the respondent contact with such child; or
- (b) order contact with such child on such conditions as it may consider appropriate.

(7) The court may not refuse to issue a protection order; or to impose any condition or make any order which it is competent to impose or make under this section, merely on the grounds that other legal remedies are available to the complainant.

(8) If the court is of the opinion that any provision of a protection order deals with a matter that should, in the interests of justice, be dealt with further in terms of any other relevant law, including the Matrimonial Causes Act, 1970, Cap M7 Laws of the Federation, 2004, Child Right Act, 2003 the court must order that such a provision shall be in force for such limited period as the court determines, in order to afford the party concerned the opportunity to seek appropriate relief in terms of such law.

*P o l i c e
Powers*

34. (1) A police officer at the scene of an incident of violence or as soon thereafter as reasonably possible or to whom a report of violence has been made shall have the duty of-

- (a) assisting a victim of violence to file a complaint regarding the violence;
- (b) providing or arranging safe transport for the victim to an alternative residence, safe place or shelter where such is required;
- (c) providing or arranging transportation for the victim to the nearest hospital or medical facility for treatment of injuries where such treatment is needed;
- (d) explaining to the victim his/her rights to protection against violence and remedies available in terms of this Act;
- (e) explaining to the victim that he/she has the right to lodge a criminal complaint in addition to any remedy provided under this Act;
- (f) accompanying the victim to victim's residence to collect personal belongings.

(2) Any police officer may, without an order from the Court or a warrant of arrest, arrest

- (a) any person whom he or she suspects upon reasonable grounds to have committed any of the offences under Part 1; and
- (b) any person against whom a complaint has been made for having committed any of the offences under Part 1

(3) A police officer in carrying out his or her duties under this Act shall have the power:

- (a) to remove or supervise the removal of a person excluded from a shared residence where the court has issued such an order under this Act;
- (b) to remove or supervise the removal of any dangerous weapon used in order to commit an act of violence as contemplated in this Act.

(c) to perform any other act considered necessary in order to ensure the safety and well-being of the complainant.

35. (1) Whenever a court issues a protection order, the court shall make an order-

- (a) authorizing the issue of a warrant for the arrest of the respondent, in the prescribed form; and
- (b) suspending the execution of such warrant subject to compliance with any prohibition, condition, obligation or order imposed in terms of section 33.

*Warrant of
arrest upon
issuing of
Protection
Order*

(2) The warrant referred to in subsection (1)(a) remains in force unless the protection order is set aside, or it is cancelled after execution.

(3) The registrar of the court shall issue the complainant with a second or further warrant of arrest, if the complainant files an affidavit in the prescribed form in which it is stated that such warrant is required for her or his protection and that the existing warrant of arrest has been-

- (a) executed and cancelled; or
- (b) lost or destroyed.

(4) (a) A complainant may hand the warrant of arrest together with an affidavit in the prescribed form, wherein it is stated that the respondent has contravened any prohibition, condition, obligation or order contained in a protection order, to any police officer.

(b) If it appears to the police officer concerned that, subject to subsection (5), there are reasonable grounds to suspect that the complainant may suffer imminent harm as a result of the alleged breach of the protection order by the respondent, the police officer shall forthwith arrest the respondent for allegedly committing the offence referred to in Part I.

(c) If the police officer concerned is of the opinion that there are insufficient grounds for arresting the respondent in terms of paragraph (b), he or she shall forthwith hand a written notice to the respondent which—

- (i) specifies the name, the residential address and the occupation or status of the respondent;
- (ii) calls upon the respondent to appear before a court, and on the date and at the time specified in the notice, on a charge of committing the offence referred to in section 33(1); and
- (iii) contains a certificate signed by the police officer concerned to the effect that he or she handed the original notice to the respondent and that he or she explained the import thereof to the respondent.

(d) The police officer shall forthwith forward a duplicate original of a notice referred to in paragraph (c) to the registrar of the court concerned, and the mere production in the court of such a duplicate original shall be prima facie proof that the original thereof was handed to the respondent specified therein.

5 In considering whether or not the complainant may suffer imminent harm, as contemplated in subsection (4)(b), the police officer shall take into account-

- (a) the risk to the safety, health or well being of the complainant;

- (b) the seriousness of the conduct comprising an alleged breach of the protection order; and
- (c) the length of time since the alleged breach occurred.

6 Whenever a warrant of arrest is handed to a police officer in terms of subsection (4) (a), the police officer shall inform the complainant of his or her right to simultaneously lay a criminal charge against the respondent, if applicable, and explain to the complainant how to lay such a charge.

*Variation or
Setting Aside
of Protection
Order*

36. 1 A complainant or a respondent may, upon written notice to the other party and the court concerned, apply for the variation or setting aside of a protection order referred to in section 32 in the prescribed manner.

2 If the court is satisfied that good cause has been shown for the variation or setting aside of the protection order, it may issue an order to this effect, provided that the court shall not grant such an application to the complainant unless it is satisfied that the application is made freely and voluntarily.

3 The registrar of the court shall forward a notice as prescribed to the complainant and the respondent if the protection order is varied or set aside as contemplated in subsection(1) of this section.

Discharge

37. (1) Where a protection order has been made, any of the following persons may apply to have it discharged:

- (a) If the application for the order was made by a commissioner in respect of any dependent person by-
 - (i) the commission,
 - (ii) the person who brought the application;
 - (iii) the respondent to that application;
- (b) If the application for the order was made by a commissioner in any other case by virtue of section 31-
 - (i) the commission,
 - (ii) the person who was the applicant for the order, or
 - (iii) the respondent to that application;
- (c) In any other case—
 - (i) the person who was the applicant for the order, or
 - (ii) the person who was the respondent to the application for the order and the court upon hearing any such application shall make such order, as it considers appropriate in the circumstances.

*Offences
Relating to
Protection
Orders*

38. (1) A respondent who-
contravened an interim protection order or a protection order, or while an interim protection order is in force refuses to permit the applicant or any dependent person to enter and remain in the place to which the order relates or does any act for the purpose of preventing the applicant or such dependent person from so entering or remaining shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding N30, 000.00 or to imprisonment for a term not exceeding 6 months or both such fine and imprisonment.

(2) The provisions of subsection (1) shall be without prejudice to any punishment or sanction as to contempt of court or any other liability, whether civil or criminal that may be incurred by the respondent concerned.
(3) any person who in an affidavit referred to in this section, wilfully makes a false statement in a material respect shall be liable upon conviction to a fine of not exceeding N20, 000.00 or, at the discretion of the court, to imprisonment for a term not exceeding 6 months.

39. The affidavit, application and forms of Protection Order referred to in this Part of the Act shall be in accordance with the First Schedule to this Act.

*Application
and forms of
Protection
Order*

PART 3 PROTECTION OF THE RIGHTS OF VICTIMS/COMPLAINANTS

40. (1) In addition to the rights guaranteed under Chapter IV of the Constitution of the Federal Republic of Nigeria, 1999, or any other international human rights instruments to which Nigeria is a party, every victim of violence as defined in section 1 of this Act, is entitled to the following rights: -

*Rights of
Victims*

- (i) (a) Every victim is entitled to receive the necessary materials, medical, psychological, social and legal assistance through governmental agencies and/or non governmental agencies providing such assistance
- (b) Victims are entitled to be informed of the availability of legal, health and social services and other relevant assistance and be readily afforded access to them;
- (c) Victims are entitled to rehabilitation and re-integration programme of the State to enable victims to acquire, where applicable and necessary, pre-requisite skills in any vocation of the victim's choice and also in necessary formal education or access to micro credit facilities

*Right to
Assistance*

- (ii) (a) any rules and or regulations made by any institution or organization prohibiting or restraining the reporting of offences or complaint with the provisions of this Act, shall to the extent of the inconsistencies be null and void
- (b) no complainant of any offence under this Act shall be expelled, disengaged, suspended or punished in any form whatsoever by virtue of the action of compliance with the provisions of this Act
- (c) any head of institution who violates the provisions of this subsection is guilty of an offence under this act and shall be liable on conviction to imprisonment for six months or a fine of N20, 000 or to both such fine and imprisonment.

*Right to
Protection
Against
Expulsion*

(iii) Every woman shall have a right to health, which shall be understood to mean the enjoyment of the highest level of physical, mental and social well-being, health care services, including those related to family planning in particular rural women shall have the right to have access to adequate health care facilities, including information, counselling and services in family planning
Every woman shall have the right to take decisions about her health needs and requirements. In particular, she shall have the right to determine the processes concerning reproduction in her body
Every woman shall have the right to enjoy reproductive rights including the right to medical abortion in cases of sexual assault, rape, incest and where the continued pregnancy endangers the life or the physical, mental, psychological or emotional health of the mother.

*Reproductive
Health
Right*

Attendance of Proceedings

- (iv) (1) (a) No person may be present during any proceedings in terms of this Act except-
- (i) Officers of the court;
 - (ii) the parties to the proceedings;
 - (iii) any person bringing an application on behalf of the complainant in terms of section 31(3);
 - (iv) any legal practitioner representing any party to the proceedings;
 - (v) accredited service provider;
 - (vi) witnesses;
 - (vii) not more than three persons for the purpose of providing support to the complainant;
 - (viii) not more than three persons for the purpose of providing support to the respondent; and
 - (ix) any other person whom the court permits to be present provided that the court may, if it is satisfied that it is in the interests of justice, exclude any person from attending any part of the proceedings.
- (b) Nothing in this subsection limits any other power of the court to hear proceedings in camera or to exclude any person from attending such proceedings.

Prohibition of Publication of Certain information

- (2) (a) No person shall publish in any manner any information which might, directly or indirectly, reveal the identity of any party to the proceedings.
- (b) The court, if it is satisfied that it is in the interests of justice, may direct that any further information relating to proceedings held in terms of this Act shall not be published provided that no direction in terms of this subsection applies in respect of the publication of a bona fide law report which does not mention the names or reveal the identities of the parties to the proceedings or of any witness at such proceedings.
- (3) any person who contravenes the provisions of this subsection is guilty of an offence and is liable upon conviction to imprisonment for a term not exceeding one year or to fine not exceeding N20, 000.00 or to both such fine and imprisonment

Dissolution of Marriage

PART 4

MATRIMONIAL CAUSES

- 41.** (1) A petition by a woman or man who is party to a marriage for a decree of dissolution of marriage may be presented to the court upon the ground that the marriage has broken down irretrievably
- (2) The court hearing a petition for a decree of dissolution of marriage shall hold the marriage to have broken down irretrievably if but only if, the petitioner satisfies the court that the respondent has behaved in such a way that the petitioner cannot reasonably be expected to live with the respondent
- (3) The court hearing a petition for a decree of dissolution of marriage shall hold that the petitioner has satisfied the court of the fact mentioned in subsection (2) above if the petitioner satisfies the court that since the marriage and within the period of one year immediately preceding the date of the petition the respondent has been violent to the petitioner.
- (4) Custody of the child shall be vested on the mother upon dissolution of marriage unless she is dead, found to be of unsound mind or irresponsible

(5) Fathers to children in custody of their mothers of guardians shall support and maintain such children.

PART 5

SERVICE PROVIDERS

42. (1) Subject to such rules as may be made, any voluntary association registered under the Companies and Allied Matters Act 1990 by the Corporate Affairs Commission or any other law for the time being in force with the objective of protecting the rights and interests of victims of violence by any lawful means including providing of legal aid, medical, financial or other assistance shall register itself with the State Government as a service provider for the purposes of this Act.

Registration
and powers of
service
providers

(2) The appropriate government ministry shall —

- (a) keep a register of all accredited service providers and circulate same to all police stations, protection officers and the courts; and
- (b) draw up guidelines for the operation of the accredited service providers.

(3) A service provider so registered under sub section (1) shall have the power to-

- (a) record the violence incidence report in the prescribed form if the aggrieved person so desires and forward a copy thereof to the Magistrates and the Protection Officer having jurisdiction in the area where the violence took place;
- (b) get the aggrieved person medically examined and forward a copy of the medical report to the Protection Officer and the Police station within the locality of which the violence act took place.
- (c) Ensure that the aggrieved person is provided shelter in a shelter home, if she so requires and forward a report of the lodging of the aggrieved person in the shelter home to the police station within the locality of which the violence act took place.

(4) No suit, prosecution or other legal proceeding shall lie against any service provider who is, or who is deemed to be acting or purporting to act under this Act, for anything which is in good faith done or intended to be done in the exercise of powers or discharge of functions under this Act towards the prevention of the commission of violence.

43. (1) The appropriate government ministry shall appoint such number of protection officers in each Area Council as it may consider necessary, to assist the court in the discharge of its duties under this Act to co-ordinate the activities of the police and the accredited service providers in his Area Council to ensure that the victims/survivors of violence;

*Protection
Officers*

- (a) has easy access to accredited service providers;
- (b) has easy access to transportation to an alternative residence or a safe shelter, the nearest hospital or medical facility for treatment, if the complainant so requires;
- (c) is able to collect her belongings or properties from a shared household or her residence, if the complainant so requires;
- (d) is able to access the court for orders under this Act; or
- (e) has access to every possible assistance in the service of interim protection order on the respondent, and the enforcement of any order that may have been made by the court under this Act.

(3) The protection officer may, upon the failure of the respondent to make payment ordered by the court under this Act, direct an employer or a debtor of the respondent or any bank in which the respondent operates any account, to directly pay to the complainant or deposit with court a portion of the wages or salaries or debt due to or accrued to the credit of respondent or monies in any bank account operated by the respondent, which amount may be adjusted towards the emergency monetary relief payable by the respondent.

*Coordinator
for Prevention
of Domestic
Violence*

44. The body vested with the regulation of this Act shall appoint a person as the coordinator for the prevention of domestic violence who shall submit annual report to the Federal Government on the implementation of this Act a copy of which would be deposited with the national Bureau for Statistics

*Dangerous
Sexual
Offenders*

45. A court may declare a person who has been convicted of a sexual offence a dangerous sexual offender if such person has:-

- (1) (a) more than one conviction for a sexual offence;
- (b) been convicted of a sexual offence which was accompanied;
- (c) been convicted of a sexual offence against a child.

(2) a register for convicted sexual offenders shall be maintained and any person who has reasonable cause to examine it, may examine the register.

PART 6

REGULATORY BODY

*Regulatory/
Implementing
body*

46. (1) There is hereby established a body to be known as the Commission on Violence Against Persons (herein referred to as “the Commission”).

(2) The Commission shall be-

- (a) a body corporate with perpetual succession and a common seal;
- (b) capable of suing and being sued in its corporate name;
- (c) capable of acquiring, holding or disposing of any property, movable or immovable, for the purpose of carrying out its functions.

*Functions of
the
Commission*

47. (1) The Commission shall:-

- (a) monitor and supervise the implementation of the provisions of this Act;
- (b) administer the operations of the Trust Fund;
- (c) provide and manage rape crisis centres for victims;
- (d) register accredited service providers, draw up guidelines for their operations and supervise their activities;
- (e) perform such other functions as may be specified by any law or enactment; and
- (f) recruit staff for the Commission;

(g) undertake such other activities as are necessary or expedient for giving full effect to the provisions of this Act.

(2) The Commission shall also co-ordinate the activities of the police and the accredited service providers to ensure that the victim:-

(a) has easy access to accredited service providers;

(b) has easy access to transportation to an alternative residence or a safe shelter, the nearest hospital or medical facility for treatment, if the victim so requires;

(c) is able to collect her belongings or properties from a shared household or her residence, if the victim so requires;

(d) is able to access the court for order under this Act; or

(e) has access to every possible assistance in the service of interim protection order on the respondent, and the enforcement of any order that may have been made by the court under this Act.

(3) The Commission may, upon the failure of the respondent to make payment ordered by the court under this Act, direct an employer or a debtor of the respondent or any bank in which the respondent operates any account, to directly pay to the victim or deposit with court a portion of the wages or salaries or debt due to or accrued to the credit of respondent or monies in any bank account operated by the respondent, which amount may be adjusted towards the emergency monetary relief payable by the respondent.

(4) The Commission, to facilitate performance of its function may appoint such number of its officers in each Area Council as it may consider necessary, to assist the court in the discharge of its duties under this Act.

48. (1) The Commission shall consist of the following members:

(a) a Chairperson (or chair) who shall be appointed by the President and being a person who by reason of his or her ability, experience, specialized knowledge or professional attainment or outstanding contributions;

*Composition
of the
Commission*

(b) the representative of-

(i) the Inspector-General of Police, not below the rank of an Assistant Commissioner of Police;

(ii) the Ministry of Justice;

(iii) the Ministry of Health; and

(iv) the Nigeria Prisons Service;

(c) two representatives of the Ministry of Women Affairs;

(d) an Officer of the National Human Rights Commission;

(e) an Officer of the Legal Aid Council;

(f) 10 persons from the Legislative Advocacy Coalition on Violence Against Women;

(g) two representatives from religious organizations;

(h) the Director-General, a woman, who shall be the administrative head of the Commission.

(2) The representatives of the ministries shall be public servants not below the cadres of Grade Level 14 officers;

(3) A person appointed as a member of the Commission shall hold office for a term of four years only and shall not be eligible for re-appointment.

(4) A member of the Commission shall cease to hold office if the person:

(i) he or she becomes of unsound mind or is incapable of carrying out his or her duties;

(ii) he or she becomes bankrupt;

(iii) he or she is convicted of a felony or any offence involving dishonesty; or

(iv) he or she is guilty of serious misconduct relating to his or her duties.

(5) Members of the Commission appointed under this section shall be paid such remuneration and allowances as the President, on the recommendation of the Revenue Mobilization Allocation and Fiscal Commission may direct.

(6) Subject to Section 27 of the Interpretation Act, the Commission may make standing orders regulating its proceedings.

Quorum

49. The quorum of the Commission shall be one-third of the members; and the validity of its proceedings shall not be affected by any defect in the appointment of any member or by reason that a person not entitled to do so took part in the proceedings.

*Management
of the
Commission*

50. (1) The Commission shall be empowered to:-

(a) disburse funds;

(b) appoint external auditors;

(c) oversee its own administration;

(d) engage in fund raising for the purpose of carrying out its functions.

*Establishment
of Trust Fund*

51. (1) There is hereby established for the Commission a Trust Fund for victim of Violence Against Persons.

(2) The Trust Fund shall be set up primarily for the purpose of providing aid for the victim of Violence Against Persons through:-

(a) rehabilitation of victim, individually or as a group;

(b) reintegrating the victim into the society;

(c) provision of shelter;

- (d) provision of legal aid;
- (e) programmes on violence against women;
- (f) provision of guidance and counselling;
- (g) payment of medical expenses for victim; and
- (h) support of organizations which give direct assistance to victim of violence against women.

52. (1) Pending the setting up of the Commission, the mandate of National Agency for the Prohibition of Trafficking in Persons and other related matters (NAPTIP) is hereby expanded to administer and manage the provisions of this Act in the interim. *Interim Regulatory Body*

(2) The National Agency for the Prohibition of Trafficking in Persons and other related matters shall administer this Act in the interim in collaboration with relevant stakeholders, including faith based organizations

PART 6 CONSEQUENTIAL AMENDMENT

General Savings and Repeal

53. (1) Any offence committed or proceedings instituted before the commencement of this Act under the provisions of the -

- (a) Criminal Code *CAP. 77 LFN 1990*
- (b) Penal Code *CAP. 89 LNN 1963*
- (c) Criminal Procedure Code

(d) Any other law in regulation relating to any act of violence defined by this Act shall as the case may require be enforced or continue to be enforced by the provisions of this Act.

(2) The Provisions of the Criminal Code, Penal Code and Criminal Procedure Code as it relates to offences provided for in this Act are hereby repealed. *CAP. 77 LFN 1990, CAP. 89 LNN 1963*

PART 7 INTERPRETATION

54. In this Act— *Interpretation*
 “Abandonment of women, children and other persons” means deliberately leaving women, children and other persons under the perpetrator’s care, destitute and without any means of subsistence;

“Accredited service provider” means governmental, non-governmental, faith based, voluntary and charitable associations or institutions providing shelter, homes, counselling, legal, financial, medical or other assistance to victims of domestic violence and are registered with the appropriate government ministry under the provisions of this Act;

“Circumcision of a girl or woman” means cutting off all or part of the external sex organs of a girl or woman other than on medical ground.

“Civil proceedings” means

- i. proceedings for the making, variation or discharge of a protection order, safety order or interim protection order;
- ii. proceedings by way of appeal or case stated which are related to proceedings to which paragraph (i) applies;
- iii. proceedings under this Act for compensation or award;

“Court” means both the Magistrates Court and High Court

“Damage to property” means the wilful destruction or causing of mischief to any property belonging to a person or in, which a person has, a vested interest;

“Dangerous weapon” means any instrument and/or machine directed toward a person with the intention of inflicting bodily harm on such person and includes, but is not limited to, a gun, knife, stick, whip or other household appliance capable of inflicting bodily harm on a person.

“Domestic relationship” means a relationship between any person and a perpetrator of violence constituted in any of the following ways:

- (i) They are or were married to each other, including marriages according to any law, custom or religion;
- (ii) They live or have lived together in a relationship in the nature of marriage, although they are not or were not married to each other;
- (iii) They are the parents of a child or children or are the persons who have or had a parental responsibility for that child or children;
- (iv) They are family members related by consanguinity, affinity or adoption;
- (v) They are or were in an engagement, dating or customary relationship, including actual or perceived romantic, intimate or sexual relationship of any duration; or
- (vi) They share or recently shared the same residence.

“Domestic Violence” means any act perpetrated on any person in a domestic relationship where such act causes harm or may cause imminent harm to the safety, health or well-being of any person and this includes the following acts;

“Economic abuse” means forced financial dependence; denial of inheritance or succession rights, the unreasonable deprivation of economic or financial resources to which any person is entitled or which any person requires out of necessity, including household necessities, mortgage bond repayments or payment of rent in respect of a shared residence; the unreasonable disposal or destruction of household effects or other property in which any person has an interest;

“Emergency monetary relief” means compensation for monetary losses suffered by any person arising from an act of violence and does not in any way constitute a maintenance order, including –

- (a) Loss of earnings;
- (b) Medical and dental expenses;
- (c) Relocation and accommodation expenses;
- (d) Household necessities; or
- (e) Legal fees related to obtaining and serving the protection order.

“Emotional, verbal and psychological abuse” means a pattern of degrading or humiliating conduct towards any person, including repeated insults, ridicule or name calling; repeated threats to cause emotional pain; or the repeated exhibition of obsessive possessiveness, which is of such a nature as to constitute a serious invasion of such person’s privacy, liberty, integrity or security;

“Forced isolation from family and friends” includes but is not limited to preventing a person from leaving the home or from having contact with family, friends or the outside community;

“Harassment” means engaging in a pattern of conduct that induces fear of harm or impairs the dignity of a person including stalking; repeatedly making telephone calls or inducing another person to make telephone calls to a person, whether or not conversation ensues; repeatedly sending, delivering or causing delivery of information such as letters, telegrams, packages, facsimiles, electronic mail, text messages or other objects to any person;

“Harmful traditional practices” means all traditional behaviour, attitudes and/or practices, which negatively affect the fundamental rights of women, girls, or any person and includes harmful widowhood practices, denial of inheritance or succession rights, female genital mutilation or female circumcision, forced marriage and forced isolation from family and friends;

“Perpetrator” means any person who has committed or allegedly committed an act of violence as defined above;

“Incest” means an indecent act or an act which causes penetration with a person who is to his/her knowledge his/her daughter/son, grand daughter/son, sister/brother, mother/father, niece/nephew, aunt/uncle, grandmother/granduncle.

“Indecent exposure” means the intentional exposure of the genital organs, or a substantial part thereof, with the intention of causing distress to the other party

“Intimidation” means the uttering or conveying of a threat or causing any person to receive a threat, which induces fear, anxiety or discomfort;;

“Physical abuse” means acts or threatened acts of physical aggression towards any person such as slapping, hitting kicking and beating;

“Political violence” means any act or attempted act of violence perpetrated in the course of political activities, such as elections, and includes any of the following acts: thuggery, mugging, use of force to disrupt meetings, or the use of dangerous weapons that may cause bodily harm or injury;

“Protection officer” means an officer appointed under section 41 of this Act in relation to and for the purpose of this Act;

“Rape” means a physical invasion of a sexual nature, perpetrated under circumstances, which are coercive. Coercive circumstances may include the use of physical force, threats, intimidation, extortion, abuse of power and other forms of duress, which prey on fear or desperation;

“Sexual abuse” means any conduct, which violates, humiliates or degrades the sexual integrity of any person;

“Sexual assault” means the intentional and unlawful touching, striking or causing of bodily harm to an individual in a sexual manner without his/her consent;

“Sexual exploitation” occurs where a perpetrator, for financial or other reward, favour or compensation invites, persuades, engages or induces the services of a victim, or offers or performs such services to any other person;

“Sexual harassment” means unwanted conduct of a sexual nature or other conduct based on sex or gender which is persistent or serious and demeans, humiliates or creates a hostile or intimidating environment. This may include physical, verbal or non-verbal conduct.

Sexual intimidation means

- (a) any action or circumstances which amount to demand for sexual intercourse with either a male or a female under any guise, as a condition for passing examination, securing employment, business patronage, obtaining any favour in any form whatsoever, as may be defined in this Act or any other enactments;
- (b) the actual demand for sexual intercourse with either a male or female under any guise, as a condition for passing examination, securing employment, business patronage and or obtaining any favour in any form whatsoever, as may be defined in this Act or any other enactments;
- (c) acts of deprivation, withholding, replacing and or short-changing of entitlements, privileges, rights, benefits, examination or test marks/scores, and any other form of disposition capable of coercing any person to submit to sexual intercourse for the purpose of receiving reprieve thereto
- (d) any other action or inaction construed as sexual intimidation/harassment under any other enactments in force in Nigeria.

“Sexual violence” means any act or attempted act that coerces victims by force or threat of force, inducement or undue influence to engage in any conduct or sexual act that abuses, assaults, degrades, exploits, harasses, humiliates, intimidates, or otherwise violates the bodily integrity and dignity of any person which includes, but is not limited to, enforced prostitution or forced pregnancy, rape, sexual assault, sexual exploitation, sexual harassment, sexual intimidation, sexual slavery;

“Sexual violence in conflict situations” means rape, sexual slavery, enforced prostitution, trafficking, forced pregnancy or any other form of sexual violence constituting a serious violation of the sexual autonomy, integrity and dignity of the victim and which amounts to a breach under international human rights and/or humanitarian law;

“Spousal / Partner battery” means the intentional and unlawful use of force or violence upon a person, including the unlawful touching, beating or striking of another person against his/her will with the intention of causing bodily harm to that person.

“Stalking” means repeatedly watching, or loitering outside of or near the building or place where such person resides, works, carries on business, studies or happens to be; or repeatedly following, pursuing or accosting any person in a manner which induces fear or anxiety;

“Substance attack” means the exposure of any person to any form of chemical, biological or any other harmful liquid with the intention to cause grievous bodily harm, which includes but is not limited to acid attack, hot water, hot oil;

“Trafficking” means the supply, recruitment, procurement, capture, removal, transportation, transfer, harbouring, sale, disposal or receiving of a person, within or across the borders of the Federal Republic of Nigeria, for use in sexual acts, including sexual exploitation or pornography of any person.;

“Victim” means any person or persons, who, individually or collectively, have suffered harm, including physical or mental injury, emotional suffering, economic loss or substantial impairment of their fundamental rights, through acts or omissions that are in violation of this Act and/or the criminal laws of the country. Victim also includes the immediate family or dependants of the direct victim and any other person who has suffered harm in intervening to assist victims in distress;

“Violence” in this Act, unless the context otherwise requires violence means any act or attempted act, which causes or may cause any person physical, sexual, psychological, verbal, emotional or economic harm whether this occurs in private or public life, in peace time and in conflict situations;

“Violence in the private sphere” means any act or attempted act perpetrated by a member of the family, relative, neighbour or member of a community, which causes or may cause any person physical, sexual, psychological, verbal, emotional or economic harm;

“Violence in the public sphere” means any act or attempted act perpetrated by the State or non-State actors before, during and after elections, in conflict or war situations, which threatens peace, security and well being of any person or the nation as a whole;

“Violence perpetrated by non-state actors” includes:

- (i) Wrongful arrest and detention;
- (ii) Assault;
- (iii) Use of force without lawful authority;
- (iv) Unlawful entry into the premises;
- (v) Demolition of property without due processes.

“Vulnerable groups” means women, children, persons living under extreme poverty, persons with disability, the sick and the elderly, ethnic and religious minority groups, refugees, internally displaced persons, migrants and persons in detention;

55. This Bill may be cited as Violence Against Persons (Prohibition) Bill, 2010.

Short title

SCHEDULES

FIRST SCHEDULE

AFFIDAVIT, APPLICATION AND FORMS OF PROTECTION ORDER

FORM 1

GENERAL FORM OF APPLICATION FOR PROTECTION ORDER

In the _____ Court

In the _____ Division/District

Suit No _____

Between

A.B _____ Complainant

And

C.D _____ Respondent

APPLICATION FOR PROTECTION ORDER BY THE VICTIM

The Complainant applies that he/she be protected by the Honourable Court by the issuance of a protection order against the Respondent.

Dated this _____ day of _____

Complainant/Complainant's Counsel

FORM 2

GENERAL FORM OF APPLICATION FOR PROTECTION ORDER BY A PERSON OTHER THAN THE VICTIM.

In the _____ Court

In the _____ Division/ District

Suit No _____

Between

A.B _____ Complainant

And

C.D _____ Respondent

And

E.F _____ Guardian/ Social Worker/ Police Officer etc.

APPLICATION FOR PROTECTION ORDER BY A PERSON OTHER THAN THE VICTIM

I, E.F. Guardian to A.B. the Complainant, hereby applies that AB be protected by the Honourable Court by the issuance of a Protection Order against the Respondent.

Dated this _____ day of _____

E.F

Guardian/Police Officer/Social Worker, etc

FORM 3

AFFIDAVIT IN SUPPORT OF APPLICATION FOR PROTECTION ORDER

In the _____ Court

In the _____ Division/ District

Suit No _____

Between

A.B _____ Complainant

And

C.D _____ Respondent

EF _____ Respondent

I, A.B _____ of _____ hereby

make oath and state as follows:

1. That I am the Complainant/ Guardian of the Complainant/ A Police Officer/ A Protection Officer/ An Accredited Service Provider/ A Counsellor/ A Health Service Provider/ Social Worker/ Teacher etc

DEPONENT

Sworn to at _____ Court Registry

This _____ day of _____

BEFORE ME
COMMISSIONER FOR OATHS.

FORM 4

**CONSENT TO APPLICATION FOR PROTECTION ORDER IN RELATION TO A PERSON
NOT BEING A MINOR, MENTALLY RETARDED PERSON, UNCONSCIOUS OR A
PERSON WHO THE COURT IS SATISFIED IS UNABLE TO PROVIDE CONSENT**

In the _____ Court

In the _____ Division/ District

Suit No _____

Between

A.B _____ Complainant

And

C.D _____ Respondent

EF _____ Guardian

CONSENT TO APPLICATION FOR PROTECTION ORDER

I, AB _____ Complainant in this case hereby consent to the application
by EF, for the issuance of a Protection Order on my behalf.

Dated this _____ day of _____

Complainant

FORM 5

GENERAL FORM OF INTERIM PROTECTION ORDER

In the _____ Court

In the _____ Division/ District

Suit No _____

Between

A.B _____ Complainant

And

C.D _____ Respondent

And

EF _____ Guardian/ Police
Officer etc

To: CD _____ Respondent

INTERIM PROTECTION ORDER

WHEREAS the Complainant/ Guardian etc has applied that the Complainant be protected by this Honourable Court against you;

AND WHEREAS there is prima facie evidence that you have committed an act or acts of domestic violence against the Complainant, or that there is imminent likelihood of your committing such violence against the Complainant;

You are hereby commanded to show cause on the _____ day of _____ the return date, why a protection order should not be issued against you.

THIS ORDER shall serve as a protection order for the Complainant until the return date.

Given under my hand this _____ day of _____

Judge/ Magistrate

FORM 6

GENERAL FORM OF PROTECTION ORDER

In the _____ Court

In the _____ Division/ District

Suit No _____

Between

A.B _____ Complainant

And

C.D _____ Respondent

And

EF _____ Guardian/ Police
Officer etc

To: CD – Respondent

PROTECTION ORDER

WHEREAS the Complainant/Guardian, etc has applied that the complainant be protected by this Honourable Court against you;

AND WHEREAS there is prima facie evidence that you have committed an act or acts of domestic violence against the complainant, or that there is imminent likelihood of your committing such violence against the complainant;

You are hereby prohibited from:

(insert whichever is appropriate)

- (a) committing any act of domestic violence;
- (b) enlisting the help of another person to commit any such act;
- (c) entering a shared household: Provided that the court may impose this prohibition only if it appears to be in the best interests of the complainant;
- (d) entering a specified part of such a shared household;
- (e) entering the complainant’s residence;
- (f) entering the complainant’s place of employment;
- (g) preventing the complainant from entering or remaining in the shared household or a specified part of the shared household;
- (h) alienating or disposing the shared household or encumbering same;
- (i) renouncing his rights in the shared household except in favour of the complainant;
- (j) committing any other act as specified in the protection order; and/or
- (k) as the court deems fit.

Given under my hand this _____ day of _____

Judge/ Magistrate

SECOND SCHEDULE

PROHIBITED DEGREES OF CONSANGUINITY AND AFFINITY

Consanguinity

Affinity

Marriage of a man is prohibited if the woman is, or has been his—

Ancestress	Wife's mother
Descendant	Wife's grandmother
Sister	Wife's daughter
Father's sister	Wife's daughter's daughter
Mother's sister	Wife's son's daughter
Brother's daughter	Father's wife
Sister's daughter	Grandfather's wife
	Son's wife
	Son's son's wife
	Daughter's son's wife

Marriage of a woman is prohibited if the man is, or has been, her—

Ancestor	Husband's father
Descendant	Husband's grandfather
Brother	Husband's son
Father's brother	Husband's son's son
Mother's brother	Husband's daughter's son
Brother's son	Mother's husband
Sister's son	Grandmother's husband
	Daughter's husband
	Son's daughter's husband
	Daughter's daughter's husband

For the purposes of this Schedule, it is immaterial whether the relationship is of the whole blood or half-blood, or whether it is traced through, or to any person of illegitimate birth.

