

**VIOLENCE AGAINST PERSONS
(PROHIBITION)
LAW, 2021**

GOVERNMENT OF BAYELSA STATE OF NIGERIA

VIOLENCE AGAINST PERSONS (PROHIBITION) LAW, 2021

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GOVERNMENT OF BAYELSA STATE OF NIGERIA

VIOLENCE AGAINST PERSONS (PROHIBITION) LAW, 2021

A Law to eliminate violence in private and public life, to provide maximum protection and effective remedies for victims and punishment of offenders in the State and for Related Matters.

[

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Commencement

ENACTED by the House of Assembly of Bayelsa State of Nigeria and by the authority of same as follows:

Enactment

PART 1

OFFENCES

1. (1) A person(s) who penetrates the vagina, anus or mouth of another person with any other part of his or her body or anything else without consent or the consent is obtained by means of:

Rape

- (a) force; or
- (b) threat; or
- (c) intimidation of any kind; or
- (d) fear of harm; or
- (e) false and fraudulent representation as to the nature of the act; or
- (f) the use of any substance or addictive capable of taking away the will of such person; or
- (g) impersonating his or her spouse in the case of a married person,

commits an offence and shall be liable to a term of imprisonment for life.

- (2) The imprisonment term shall be a maximum of 14 years if the offender is less than 14 years of age.
- (3) The offenders shall be liable individually to a maximum of 20 years imprisonment without an option of fine in the case of rape by a group of persons that are less than 14 years of age.
- (4) The Court may also award appropriate compensation to the victim as may be necessary in the circumstance.
- (5) The Court shall maintain a Register for convicted sexual offenders and accessible to the public.

2. (1) A person(s) who willfully causes or inflicts physical injury on another person(s) by weapon, substance, object, or by any other means commits an offence and is liable on conviction to a term of imprisonment not less than 2 years and not exceeding 7 years or to a fine not less than ₦300,000.00 or both.
- (2) A person(s) who attempts to cause or inflict injury on another person(s) under Subsection (1) commits an offence and is liable on conviction to a term of imprisonment not exceeding 1 year or to a fine not exceeding ₦100,000.00 or both.
- (3) A person(s) who incites, aids, abets, counsels or procures another person(s) to cause or inflict injury on another person(s) under Subsection (1) commits an offence and is liable on conviction to a term of imprisonment not less than 2 years and not exceeding 5 years or to a fine not exceeding ₦300,000.00 or both.
- (4) A person(s) who knowingly receives or assists another person(s) that has committed the offence under Subsection (1) is an accessory after the fact and is liable on conviction to a term of imprisonment not exceeding 2 years or to a fine not exceeding ₦200,000.00 or both.
- (5) The Court may also award appropriate compensation to the victim as it may deem fit in the circumstance.

*Inflicting
Physical
Injury on a
Person*

3. A person(s) who forces another to engage in any act that is injurious to the physical or psychological well-being of the person(s) commits the offence of coercion and is liable on conviction to a term of imprisonment of three (3) years.

Coercion

- (1) A person(s) who willfully places a person(s) in fear of physical or psychological injury commits an offence and is liable on conviction to a term of imprisonment not exceeding 2 years or to a fine not exceeding ₦100,000.00 or both.
- (2) A person(s) who attempts to commit the offence under Subsection (1) commits an offence and is liable on conviction to a term of imprisonment not exceeding 1 year or to a fine not exceeding ₦50,000.00 or both.
- (3) A person(s) who incites, aids, abets, counsels or procures another person(s) to commit the offence under Subsection (1), commits an offence and is liable on conviction to a term of imprisonment not exceeding 2 years or to a fine not exceeding ₦100,000.00 or both.

*Placing a
Person in Fear
of Physical or
Psychological
Injury*

- (4) A person(s) who knowingly receives or assists another person(s) that has committed the offence under Subsection (1) is an accessory after the fact and is liable on conviction to a term of imprisonment not exceeding 1 year or to a fine not exceeding ₦50,000.00 or both.

3. (1) A person(s) who compels another by force, threat, or any other illegal means to engage in any conduct or act that is injurious to the victim's physical or psychological well-being commits an offence and is liable on conviction to a term of imprisonment for 7 years without an option of a fine.

*Offensive
Conduct*

- (2) A person(s) who attempts to commit the offence under Subsection (1) commits an offence and is liable on conviction to a term of imprisonment for 3 years without an option of a fine.

- (3) A person(s) who incites, aids, abets, counsels or procures another person to commit the offence under Subsection (1), commits an offence and is liable on conviction to a term of imprisonment for 7 years without an option of a fine.

- (4) A person(s) who knowingly receives or assists another person(s) that has committed the offence under Subsection (1) is an accessory after the fact and is liable on conviction to a term of imprisonment for 2 years without an option of a fine.

5. (1) A person(s) who assaults, harasses or intimidates another person(s) sexually to the injury of the person's physical or psychological well-being commits an offence and is liable on conviction to a term of imprisonment for 14 years without an option of a fine.

*Offensive
Sexual
Conduct*

- (2) A person(s) who attempts to commit the offence under Subsection (1) commits an offence and is liable on conviction to a term of imprisonment for 7 years without an option of a fine.

- (3) A person(s) who incites, aids, abets, counsels or procures another person(s) to commit the offence under Subsection (1), commits an offence and is liable on conviction to a term of imprisonment for 14 years without an option of a fine.

- (4) A person(s) who knowingly receives or assists another person(s) that has committed the offence under Subsection (1) is an accessory after the fact and is liable on conviction to a term of imprisonment for 7 years without an option of a fine.

7. (1) The circumcision or genital mutilation of the girl child or woman is prohibited. *Prohibition of Female Circumcision or Genital Mutilation*
- (2) A person(s) who knowingly separates or surgically alters the healthy functioning of the genital tissue of a female, circumcises, excises or infibulates the whole or any part of the labia majora or minora or clitoris of a female shall be guilty of the offence of female genital mutilation and is liable on conviction to a term of imprisonment not exceeding 2 years or to a fine not exceeding ₦200,000.00 or both.
- (3) A person(s) who attempts to commit the offence under Subsection (2), commits an offence and is liable on conviction to a term of imprisonment not exceeding 1 year or to a fine not exceeding ₦100,000.00 or both.
- (4) A person(s) who incites, aids, abets, counsels or procures another to commit the offence under Subsection (2) commits an offence and is liable on conviction to a term of imprisonment not exceeding 2 years or to a fine not exceeding ₦200,000.00 or both.
- (5) A person(s) who willingly submits herself for the performance of female genital mutilation as under Subsection (2) commits an offence and is liable on conviction to a term of imprisonment not exceeding two (2) years or to a fine not exceeding ₦200,000.00 or both.
- (6) A person(s) who knowingly receives or assists another person(s) that has committed an offence under Subsection 2 is an accessory after the fact and is liable on conviction to a term of imprisonment of two (2) years or to a fine of ₦200,000.00 or both.
8. (1) A person(s) who intentionally damages or destroys the property of another person(s) commits an offence and is liable on conviction to a term of imprisonment not exceeding 2 years or a fine not exceeding ₦300,000.00 or both. *Damage to Property with Intent to Cause Distress*
- (2) A person(s) who attempts to commit the offence under Subsection (1) commits an offence and is liable on conviction to a term of imprisonment not exceeding 1 year or to a fine not exceeding ₦200,000.00 or both.
- (3) A person(s) who incites, aids, abets, counsels or procures another person(s) to commit the offence under Subsection (1) commits an offence and is liable on conviction to a term of imprisonment not exceeding 1 year or to a fine not exceeding ₦200,000.00 or both.

(4) A person(s) who knowingly receives or assists another person(s) that has committed the offence under Subsection (1) is an accessory after the fact and is liable on conviction to a term of imprisonment not exceeding one (1) year or to a fine not exceeding ₦200,000.00 or both.

(5) The Court may also award appropriate compensation to the victim as may be necessary in the circumstance.

9. (1) A person(s) who dishonestly deprives another person(s) of his or her economic or financial entitlement commits an offence and is liable on conviction to a term of imprisonment not less than 3 years without an option of a fine.

*Deprivation of
Economic or
Financial
Resource*

(2) A person(s) who attempts to commit the offence under this Section commits an offence and is liable on conviction to a term of imprisonment not exceeding 1 year or to a fine not exceeding ₦200,000.00 or both.

(3) A person(s) who incites, aids, abets, counsels or procures another person(s) to commit the offence under this Section commits an offence and is liable on conviction to a term of imprisonment not less than 3 years without an option of a fine.

(4) A person(s) who knowingly receives or assists another person(s) that has committed the offence under Subsection (1) is an accessory after the fact and is liable on conviction to a term of imprisonment not exceeding 1 year or to a fine not exceeding ₦100,000.00 or both.

(5) The Court may also award appropriate compensation to the victim as may be necessary in the circumstance.

10. (1) A person(s) who forcefully isolates or separates another from family commits an offence and is liable on conviction to a term of imprisonment not less than 2 years or to a fine not exceeding ₦200,000.00 or both.

*Forced
Isolation or
Separation
from Family*

(2) A person(s) who attempts to commit the offence under Subsection (1) commits an offence and is liable on conviction to a term of imprisonment not exceeding 6 months or to a fine not exceeding ₦100,000.00 or both.

(3) A person(s) who incites, aids, abets, or counsels another person(s) to commit the offence under Subsection (1) commits an

offence and is liable on conviction to a term of imprisonment not less than 2 years and a fine not exceeding ₦200,000.00 or both.

- (4) A person(s) who knowingly receives or assists another person(s) that has committed the offence under Subsection (1) is an accessory after the fact and is liable on conviction to a term of imprisonment not exceeding 1 year or to a fine not exceeding ₦200,000.00 or both.
- (5) Isolation for the purpose of preventing the spread of a contagious disease is exempted.
- (6) The Court may also award appropriate compensation to the victim as may be necessary in the circumstance.

*Uncivilized
Widowhood
Practices*

- (1) A person(s) who subjects a widow or widower to uncivilized practices in negation of the widow or the widower's fundamental human rights commits an offence and is liable on conviction to a term of imprisonment not exceeding 5 years or a fine not exceeding ₦500,000.00 or both.
- (2) A person(s) who attempts to commit the offence under Subsection (1) commits an offence and is liable on conviction to a term of imprisonment not exceeding 2 years or to a fine not exceeding ₦200,000.00 or both.
- (3) A person(s) who incites, aids, abets, counsels, or procures another person(s) to commit the offence under Subsection (1) commits an offence and is liable on conviction to a term of imprisonment not exceeding 3 years or to a fine not exceeding ₦500,000.00 or both.
- (4) A person(s) who knowingly receives or assists another that has committed the offence under Subsection (1) is an accessory after the fact and is liable on conviction to a term of imprisonment not exceeding 3 year or to a fine not exceeding ₦200,000.00 or both.
- (5) The Court shall also award appropriate compensation to the victim as may be necessary in the circumstance.

*Abandonment
Without Means
of Sustenance*

- 12. (1) A person(s) who abandons a spouse, children or other dependants without food, cloth, home, and money for sustenance of life commits an offence and is liable on conviction to a term of imprisonment not exceeding 3 years or a fine not exceeding ₦500,000.00 or both.

- (2) A person(s) who attempts to commit the offence under Subsection (1) of this Section commits an offence and is liable on conviction to a term of imprisonment not exceeding 1 year or to a fine not exceeding ₦200,000.00 or both.
- (3) A person(s) who incites, aids, abets, counsels or procures another person(s) to commit the offence under Subsection (1) commits an offence and is liable on conviction to a term of imprisonment not exceeding 3 years or to a fine not exceeding ₦500,000.00 or both.
- (4) A person(s) who knowingly receives or assists another person(s) that has committed the offence under Subsection (1) is an accessory after the fact and is liable on conviction to a term of imprisonment not exceeding 2 years or to a fine not exceeding ₦300,000.00 or both.
- (5) The Court may also award appropriate compensation to the victim as may be necessary in the circumstance.

Stalking

- (1) A person(s) who illegally watch, loiter, follow, wait, and pursue another person(s) commits an offence and is liable on conviction to a term of imprisonment not exceeding 2 years or a fine not exceeding ₦300,000.00 or both.
- (2) A person(s) who incites, aids, abets, counsels, or procures another person(s) to commit the offence under Subsection (1) commits an offence and is liable on conviction to a term of imprisonment not exceeding 2 years or to a fine not exceeding ₦300,000.00 or both.
- (3) A person(s) who knowingly receives or assists another person(s) that has committed the offence under Subsection (1) is an accessory after the fact and is liable on conviction to a term of imprisonment not exceeding 1 year or to a fine not exceeding ₦200,000.00 or both.

Intimidation

14. (1) A person(s) who threatens or frightens another person(s) commits an offence and is liable on conviction to a term of imprisonment not exceeding 1 year or a fine not exceeding ₦200,000.00 or both.
- (2) A person(s) who incites, aids, abets, counsels or procures another person(s) to commit the offence under Subsection (1) commits an offence and is liable on conviction to a term of imprisonment not exceeding 1 year or to a fine not exceeding ₦200,000.00 or both.

- (3) A person(s) who knowingly receives or assists another person(s) who has committed the offence under Subsection (1) is an accessory after the fact and is liable on conviction to a term of imprisonment not exceeding 1 year or to a fine not exceeding ₦200,000.00 or both.

15. (1) A person(s) who slaps, beats, hits, whips or injures his or her spouse by any means commits an offence and is liable on conviction to a term of imprisonment not exceeding 3 years or a fine not exceeding ₦500,000.00 or both.

Spousal battery

- (2) A person(s) who attempts to commit the offence under Subsection (1) is liable on conviction to a term of imprisonment not exceeding 1 year or to a fine not exceeding ₦100,000.00 or both.

- (3) A person(s) who incites, aids, abets, counsels or procures another person(s) to commit the offence under Subsection (1) commits an offence and is liable on conviction to a term of imprisonment not exceeding 3 years or to a fine not exceeding ₦500,000.00 or both.

- (4) A person(s) who knowingly receives or assists another person(s) that has committed the offence under Subsection (1) is an accessory after the fact and is liable on conviction to a term of imprisonment not exceeding 2 years or to a fine not exceeding ₦300,000.00 or both.

16. (1) A person(s) who denies another person(s) of the right of inheritance or succession right on the basis of sex or circumstance of birth commits an offence and is liable on conviction to a term of imprisonment not exceeding 4 years or a fine not exceeding ₦500,000.00 or both.

*Denial of
Inheritance or
Succession
Right*

- (2) A person(s) who attempts to commit the offence under Subsection (1) commits an offence and is liable on conviction to a term of imprisonment not exceeding 2 years or to a fine not exceeding ₦300,000.00 or both.

- (3) A person(s) who incites, aids, abets, counsels or procures another person(s) to deny another person of inheritance or succession right commits an offence and is liable on conviction to a term of imprisonment not exceeding 4 years or to a fine not exceeding ₦500,000.00 or both.

- (4) A person(s) who knowingly receives or assists another who has committed an offence under Subsection (1) is an accessory after

the fact and is liable on conviction to a term of imprisonment not exceeding 3 years or to a fine not exceeding ₦400,000.00 or both.

*Prohibition of
Child Marriage*

(1) A person(s) who

(a) marries a child; or

(b) to whom a child is betrothed; or

(c) betroths a child; or

(d) who promotes the marriage of a child,

commits the offence of child marriage and is liable on conviction

to a term of imprisonment for 5 years or to a fine of ₦500,000.00 or both.

(2) A person(s) who attempts to commit the offence under Subsection (1) commits an offence and is liable on conviction to a term of imprisonment not exceeding 2 years or a fine of ₦300,000.00 or both.

(3) A person(s) who incites, aids, abets, counsels or procures another person(s) to engage in child marriage commits an offence and is liable on conviction to a term of imprisonment for 5 years or a fine of ₦500,000.00 or both.

(4) A person(s) who knowingly receives or assists another person(s) that has committed an offence under Subsection (1) is an accessory after the fact and is liable on conviction to a term of imprisonment not exceeding 1 year or to a fine not exceeding ₦100,000.00 or both.

18. (1) A person(s) who employs or engages the services of a child in his or her night club, hotel, motel, chalet, inn, guest house, bar, and others commits an offence and is liable on conviction to a term of imprisonment for 3 years or to a fine of ₦500,000.00 or both.

*Prohibition of
Children in
Nightclubs,
Hotels, Bars
etc.*

(2) A person(s) who attempts to commit the offence under Subsection (1) commits an offence and is liable on conviction to a term of imprisonment not exceeding 2 years or a fine of ₦200,000.00 or both.

(3) A person(s) who incites, aids, abets, counsels or procures another to commit the offence under Subsection (1) commits an offence and is liable on conviction to a term of imprisonment for 3 years or a fine of ₦500,000.00 or both.

- (4) A person(s) who knowingly receives or assist another person(s) that has committed the offence under Subsection (1) is an accessory after the fact and is liable on conviction to a term of imprisonment not exceeding 1 year or a fine not exceeding ₦200,000.00 or both.

- (1) A person(s) who uses chemical, biological or any other harmful substance on self or another person(s) commits an offence and is liable on conviction to life imprisonment without an option of a fine.

*Attack with
Harmful
Substance*

- (2) A person(s) who attempts to commit the offence under Subsection (1) commits an offence and is liable on conviction to a term of imprisonment not exceeding 25 years without an option of a fine.

- (3) A person(s) who incites, aids, abets, counsels or procures another person(s) to commit the offence under Subsection (1) commits an offence and is liable on conviction to imprisonment for life without an option of a fine.

- (4) A person(s) who knowingly receives or assists another person(s) who has committed the offence under Subsection (1) is an accessory after the fact and is liable on conviction to a term of imprisonment not exceeding 25 years without the option of a fine.

- (1) A person(s) who intentionally

(a) administers a substance to another person(s); or

(b) causes a substance to be administered to food or drink to be taken by another person(s),

*Administering a
Substance with
Intent*

with the intention of stupefying or overpowering that person for sexual purposes commits an offence and is liable on conviction to a term of imprisonment for 5 years without an option of a fine.

- (3) A person(s) who incites, aids, abets, counsels or procures another person(s) to commit the offence under Subsection (1) commits an offence and is liable on conviction to a term of imprisonment for 5 years without an option of a fine.

- (4) A person(s) who knowingly receives or assists another person(s) that has committed the offence under Subsection (1) is an accessory after the fact and is liable on conviction to a term of imprisonment for 3 years without an option of a fine.

11. (1) A person(s) who disrupts any electoral process by any violent means defined in this Law before, during, and after election commits an offence and is liable on conviction to a term of imprisonment not exceeding 5 years or a fine not exceeding (₦500,000.00) or both.
- (2) A person(s) who attempts to commit the offence under Subsection (1) commits an offence and is liable on conviction to a term of imprisonment not exceeding 2 years or to a fine not exceeding ₦300,000.00 or both.
- (3) A person(s) who incites, aids, abets, counsels or procures another person(s) to commit the offence under Subsection (1) commits an offence and is liable on conviction to a term of imprisonment not exceeding 5 years or to a fine not exceeding ₦500,000.00 or both.
- (4) A person(s) who knowingly receives or assists another person(s) who has committed the offence under Subsection (1) is an accessory after the fact and is liable on conviction to a term of imprisonment not exceeding 2 years or to a fine not exceeding ₦300,000.00 or both.
- (5) The Court may also award appropriate compensation to the victim who suffers from any injury or loss of property.

12. (1) A person(s) acting on behalf of a governmental body, structure or organised institutions or agencies who are referred to as State actors under this Law are prohibited from committing the offence of political violence under Section 21.
- (2) A State actor who commits the offence under Section 21 is liable on conviction to a term of imprisonment not exceeding 5 years or a fine of ₦1,000,000.00 or both.
- (3) A State Actor who attempts to commit the offence under Section 21 commits an offence and is liable on conviction to a term of imprisonment for 3 year or to a fine of ₦700,000.00 or both.
- (4) A person(s) who incites, aids, abets, counsels or procures a State actor to commit the offence under Section 21 commits an offence and is liable on conviction to a term of imprisonment for 5 years or to a fine of ₦500,000.00 or both.
- (5) A person(s) who knowingly receives or assists a State actor that has committed the offence under Section 21 is an accessory after

the fact and is liable on conviction to a term of imprisonment for 2 years or to a fine of ₦200,000.00 or both.

- (6) The State is vicariously liable for the offence of political violence committed by its agents.
- (7) The Court may award appropriate compensation commensurate with the extent of damage as may be necessary in the circumstance..

23. (1) A person(s) who knowingly and willfully have carnal knowledge of another within the prohibited degrees of consanguinity and affinity as contained in the Matrimonial Causes Act 1970 with or without consent, commits incest and is liable on conviction to a minimum term of:

Incest

(a) imprisonment for 14 years without an option of a fine;

(b) imprisonment for 5 years to both parties without an option of a fine where the two parties consent to commit incest provided the consent was not obtained by fraud or threat.

- (2) A person(s) who attempts to commit the offence under Subsection (1) commits an offence and is liable on conviction to a term of imprisonment not exceeding 1 year or to a fine not exceeding ₦200,000.00 or both.

- (3) A person(s) who incites, aids, abets, counsels or procures another person(s) to commit the offence under Subsection (1) of this Section commits an offence and is liable on conviction to a term of imprisonment for 14 years or without an option of a fine.

- (4) A person(s) who knowingly receives or assists another person(s) that has committed the offence under Subsection (1) is an accessory after the fact and is liable on conviction to a term of imprisonment not exceeding 1 year or to a fine not exceeding ₦100,000.00 or both.

24. (1) No person(s) shall publish in any manner any information which might directly or indirectly reveal the identity of any party to proceedings under this Law.

*Prohibition of
Publication of
Certain
Information*

- (2) The Court, if it is satisfied that it is in the interest of justice, may direct that any further information relating to proceedings held under this Law shall not be published provided that no direction under this Subsection applies in respect of the publication of a bona fide law report which does not mention the name or reveal

the identities of the parties to the proceedings or of a witness at such proceedings.

- (3) A person(s) who contravenes the provisions of Subsection (1) commits an offence and is liable on conviction to a term of imprisonment not exceeding 1 year or to a fine not exceeding ₦200,000.00 or both.

A person(s) who intentionally conceal an offence or frustrate the investigation or prosecution of offenders under this Law by:

*Frustrating
Investigation*

- (a) destroying, altering, mutilating, or falsifying any book or document, dress or clothing or related material which could serve as evidence or exhibits,
- (b) omitting or is privy to omitting any material particularly from any such document, visual or audio book, dress, or clothing,
- (c) offering or receiving any money or favour as settlement for any sexual offence under this Law before judgment is delivered;
- (d) any person(s) who attempts to offer, offers or receives any money or favour as settlement for any sexual offence under this Law, commits a felony and is liable on conviction to a term of imprisonment not less than 3 years or to a fine of ₦500,000.00 or both.

A person(s) who willfully makes false statement, whether oral or documentary, in any judicial proceeding under this Law with the aim of initiating investigation against another person(s) commits an offence and is liable on conviction to a fine of ₦200,000.00 or to a term of imprisonment not exceeding 1 year.

*Willfully
Making False
Statement*

PART II

JURISDICTION OF THE COURT

Depending on the penalty for the offence, both the High Court and the Magistrate Court of Bayelsa State are vested with the jurisdiction to entertain any suit under this Law.

Jurisdiction

- (1) An application for a Protection Order may be made before the High Court or Magistrate Court following a complaint of violence by the complainant and the Order, if granted, shall be effective throughout the State and no time limit shall apply in relation to a person(s) seeking to apply for the Protection Order.

*Application for
Protection
Order*

- (2) Any complainant may, in the prescribed manner, apply to the Court for a Protection Order.
- (3) If the complainant is not represented by Counsel, the Police Officer with whom a complaint of violence has been lodged must inform the complainant of all the remedies he or she may be entitled to under this Law.
- (4) Despite the provisions of any other Law to the contrary, the application may be brought on behalf of the complainant by a Police Officer, a Protection Officer, an accredited Service Provider, a Counselor, Health Service Provider, Social Worker, Social Welfare Officer, frontline Civil Society Officer or Teacher (duly registered as a Service Provider) under Section 41 of this Law who has interest in the well-being of the complainant.
- (5) The application for Protection Order under this Law may be brought with or without a written consent of the complainant.
- (6) Written consent of the complainant is not needed in circumstances where the complainant is:
 - (a) a minor;
 - (b) mentally retarded;
 - (c) unconscious; or
 - (d) a person(s) who the Court is satisfied is unable to provide the required consent.
 - (e) Uneducated or unlettered.
- (7) Despite the provisions of any other Law to the contrary, a minor, or any person(s) on his or her behalf, may apply to the Court for a Protection Order without the assistance of a parent, guardian or any other person(s).
- (8) The application for Protection Order shall be accompanied with supporting Affidavit by person(s) who have knowledge of the matter concerned and filed in Court.
- (9) Protection Order shall include:
 - (a) Domestic Violence Order (DVO);
 - (b) Child Protection Order (CPO);
 - (c) Protection Order (PO).

29. (1) The Court shall consider an application submitted to it under Section 28 (2) within 24 hours in the absence of any reasonable excuse; and may consider additional oral, documentary or affidavit evidence which shall form part of the record of proceedings.
- (2) The Court may upon satisfaction that the evidence on the face of it shows that the respondent has committed, or is committing or is likely to commit the offence of domestic violence or any other form of violence, issue an interim Protection Order against the respondent in the prescribed manner despite the fact that the respondent has not been given notice of the proceedings contemplated in Subsection (1).
- (3) The interim Protection Order referred to in Subsection (2) shall be served on the respondent calling him or her to show cause on the return date specified in the Order why a Protection Order should not be issued.
- (4) A copy of the application referred to in Section 29 and the record of any evidence taken under Subsection (1) shall be served on the respondent together with the interim Protection Order.
- (5) If the Court does not issue an interim Protection Order under Subsection (2), 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.
- (6) The return dates referred to in Subsections (3) and (5) shall not be less than 5 days after service has been effected upon the respondent.

30. (1) If the respondent does not appear on the return date contemplated in Subsections (3) or (5) and the Court is satisfied that:
- (a) proper service has been effected on the respondent; and
- (b) the application contains evidence which on the face of it shows that the respondent has committed, or is committing or is likely to 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 consider:
 - (a) any evidence previously received under Subsection (1); and
 - (b) 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(s) 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), issue a Protection Order in the prescribed form if it finds, on a balance of probabilities, that the respondent has committed, is committing or is likely to commit an act of domestic violence.
- (5) Upon the issuing of a Protection Order, the Registrar of the Court shall, 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 33 (1) (a), to be served on the complainant.
- (6) The Registrar of the Court shall forward certified copies of any Protection Order and the warrant of arrest contemplated in Section 33 (1) (a) to the Police Station of the complainant's choice.
- (7) Subject to the provisions of this Law, a Protection Order issued under 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.

11. (1) The Court may, by means of a Protection Order referred to in Sections 29 and 30 prohibit the respondent from:
- (a) committing any act of domestic violence or any other violence mentioned in Part 1;
 - (b) enlisting the help of another person to commit any violent act;
 - (c) entering a shared household if it will best serve the interest of the complainant;
 - (d) entering a specified part of the 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 or encumbering the shared household.
 - (i) renouncing his or her 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 condition which it thinks 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 shall accompany the complainant to a specified place to assist with arrangements regarding the collection of personal property;
 - (c) directing the respondent or the State to secure alternative interim accommodation for the complainant;
 - (d) for a temporal relocation to any safe place as may be necessary in the interest of the complainant; or

- (e) approving a mediation channel upon submission by the complainant.
- (3) In ordering a prohibition under Subsection 1 (c), 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 direction 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) The Court may in the best interests of any child:
 - (a) refuse the respondent from having contact with the 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 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 complaint.
- (8) The Court may in the interest of justice direct the application of other relevant Laws where a matter in a Protection Order can be better dealt with under that Law to enable the party concerned seek appropriate relief.
- (9) The relevant laws referred to in Subsection (8) include:
 - (a) Matrimonial Causes Act, Cap. M7 Laws of Federation, 2004;
 - (b) Bayelsa State Child Right Law 2016;
 - (c) Criminal Code Laws of Bayelsa State;
 - (d) Bayelsa State Female Genital Mutilation (Prohibition) Law, 2002;

(e) Bayelsa State Widows and Widowers Protection Law, 2015.

(1) A Police Officer at the scene of an incident of violence or to whom a report of violence has been made soon after the violence occurred shall have the duty of:

*Powers of
Police*

- (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 or her rights to protection against violence and remedies available under this Law;
- (e) explaining to the victim that he or she has the right to lodge a criminal complaint in addition to any remedy under this Law; and
- (f) accompanying the victim to victim's residence to collect personal belongings.

(2) A Police Officer may, without an order from the Court or a warrant of arrest, arrest any person whom:

- (a) he or she suspects upon reasonable grounds to have committed any of the offences under Part 1; and
- (b) 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 Law shall have the power to:

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

- (a) specifies the name, the residential address and the occupation or status of the respondent;
- (b) 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 of domestic or any other form of violence.
- (c) 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 of the certificate to the respondent

(7) The Police Officer shall forward a duplicate original of a notice referred to in Subsection (6) to the Registrar of the Court concerned, and the mere production in the Court of the duplicate original shall be a proof that the original was handed to the respondent specified therein.

(8) In considering whether or not the complainant may suffer imminent harm contemplated in Subsection (5), the Police Officer shall take into account the:

- (a) risk to the safety, health or well-being of the complainant;
- (b) seriousness of the conduct comprising an alleged breach of the Protection Order; and
- (c) length of time since the alleged breach occurred.

(9) Whenever a warrant of arrest is handed to a Police Officer under 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.

34. (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 30 in the prescribed manner.

(2) If the Court is satisfied that a good cause has been shown for the variation or setting aside of the Protection Order, it may issue an Order to this effect.

*Variation or
Setting
Aside of
Protection
Order*

(3) The Court shall not grant the application referred to in Subsection (2) to the complainant unless it is satisfied that the application is made voluntarily.

(4) 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).

5. Where a Protection Order has been made, any of the following persons may apply to have it discharged: *Discharge*

(a) If the application for the Order was made by a Commissioner in respect of any dependent person, by-

(i) the commissioner;

(ii) the person(s) who brought the application; or

(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 28:

(i) the Commissioner;

(ii) the person(s) who was the applicant for the Order; or

(iii) the respondent to that application

(c) In any other case:

(i) the person(s) who was the applicant for the Order, or

(ii) the person(s) 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 circumstance.

35. (1) A respondent who contravenes 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 commits an offence and is liable, on summary conviction, to a fine not exceeding ₦300,000.00 or to a term of imprisonment not exceeding 6 months (or) both.

*Offences
Relating to
Protection
Order*

(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) A person(s) who, in an affidavit referred to in this Section, willfully makes a false statement in a material respect commits an offence and is liable on conviction to a fine not exceeding ₦200,000.00 or, at the discretion of the Court, to a term of imprisonment not exceeding 6 months.

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

*Application and
Forms of
Protection
Order Schedule*

8. (1) In addition to the rights guaranteed under Chapter IV of the Constitution of the Federal Republic of Nigeria, 1999 (as amended) or any other international human rights instrument to which Nigeria is a party, every victim of violence, as defined in this Law, is entitled to:

*Rights of
Victims*

(a) Receive the necessary material, comprehensive medical, psychological, social and legal assistance through governmental agencies or non-governmental agencies providing such assistance;

(b) Be informed of availability of legal, health and social services and other relevant assistance and be readily afforded access to them;

(c) Rehabilitation programmes 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.

(2) Any rule and or regulation made by any institution or organization prohibiting or restraining the reporting of offences or complain which is inconsistent with the provisions of this Law, shall to the extent of the inconsistencies be null and void.

(3) No complainant of any offence under this Law shall be, disengaged, suspended or punished in any form whatsoever by virtue of the action of compliance with the provisions of this Law.

- (4) Any head of institution who violates the provisions of Subsection (3) of this Section is guilty of an offence and is liable on conviction to a term of imprisonment for one (1) year or a fine of ₦200,000.00 or both.
- (5) The Court may in the exercise of its inherent jurisdiction hear proceedings in camera in appropriate cases with:
- (a) Officers of the Court;
 - (b) the parties to the proceedings;
 - (c) any person(s) bringing an application on behalf of the complainant under Section 28 (3);
 - (d) any legal practitioner representing any party to the proceedings;
 - (e) accredited Service Providers;
 - (f) witnesses;
 - (g) not more than three (3) persons for the purpose of providing support to the complainant;
 - (h) not more than three (3) persons for the purpose of providing support to the respondent; and
 - (i) 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(s) from attending any party of the proceedings.
- (6) Nothing in this Section limits any other power of the Court to hear proceeding in camera or to exclude any person from attending such proceedings.

PART III

SERVICE PROVIDER

39. (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 interest of victims of violence by any lawful means including the provision of legal aid, medical, financial or other assistance shall

*Registration
and Power of
Service
Provider*

register itself with the State Government as a Service Provider for the purposes of this Law.

- (2) The State Ministry of Justice 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 guideline for the operation of the accredited Service Providers.
- (3) A Service Provider registered under Subsection (1) shall have the power to –
 - (a) record the violent incidence report in the prescribed form if the aggrieved person so desires and forward a copy to the Magistrate 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; and
 - (c) ensure that the aggrieved person is provided shelter in a shelter home, if he or 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 violent act took place.
 - (d) apply for a Domestic Violence Order, Child Protection Order, or Protection Order – on behalf of an aggrieved party or minor.
- (4) No legal proceeding shall lie against any Service Provider who is acting in good faith towards the prevention of the commission of domestic or other form of violence.

40. (1) There shall be a Coordinating Team for Implementation of this Law hereinafter referred to as the Gender Response Initiative Team Bayelsa State, (GRIT), which shall be comprised of representatives of:

- (a) Ministry of Women, Children Affairs and Social Development,

*Coordinating
Team for
Implementation*

- (b) Ministry of Justice,
- (c) Ministry of Health,
- (d) Police,
- (e) Ministry of Labour, Employment and Empowerment,
- (f) The Child Protection Bureau,
- (g) Relevant NGOs/CSOs, and
- (h) One representative from persons with disability.

- (2) The Governor shall appoint a Chairman, which shall be the head of the team. The Chairman shall be assisted by a Coordinator, Deputy Coordinator and a Secretary, which shall also be appointed by the Chairman.
- (3) The Gender Response Initiative Team is vested with the enforcement of this Law for the prevention of violence, which includes Gender Based Violence.
- (4) The Team shall submit annual report to the State Government on the implementation of this Law

41. (1) The State Ministry of Justice in conjunction with the State Ministry of Women, Children Affairs and Social Development shall map and engage relevant community-based organizations or persons as Protection Officers as may be necessary to assist the Court in the discharge of its duties under this Law.
- (2) The Ministry of Justice, the Ministry of Women, Children Affairs and Social Development and the Gender Response Initiative Team (GRIT) of Bayelsa State shall coordinate the activities of the Police and the accredited Service Providers in each Local Government Council to ensure that the victims or survivors of violence:
- (a) have easy access to accredited Service Providers;
 - (b) have 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) are able to collect their belongings or properties from a shared household or residence if the complainant so requires;
 - (d) are able to access the Court for Orders under this Law; or

*Protection
Officer*

(e) have 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 Law.

(3) The Protection Officer may upon the failure of the respondent to make payment ordered by the Court under this Law, 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.

42. (1) There is established for the Coordinating Team for Implementation a Fund (in this Law referred to as the "Special Victim Fund") *Establishment of Fund*

(2) There shall be paid and credited to the Fund established for the Coordinating Team for Implementation:

(a) One Hundred Million Naira appropriated from the State Budget for the fiscal year; or

(b) Gifts and donations from philanthropic persons or organizations and Civil Society Groups.

(3) The Coordinating Team for Implementation shall apply the fund towards the promotion of its objectives including the payment of compensation to victims as may be directed by the Courts in dispensing justice in suits under this Law.

43. The Coordinating Team for Implementation shall:

(1) Make recommendations for the State Plan of Actions against Gender-based violence, monitor and report on the progress of the State Plan of Action through the Commissioner;

(2) Advise the Commissioner on Policy matters under this Law;

(3) Propose and promote strategies to prevent and combat gender-based violence;

*Functions of the
Coordinating
Team for
Implementation*

- (4) Liaise with government agencies and organizations, to promote the rehabilitation and re-integration of victims of Gender-Based violence;
- (5) Prepare guidelines for disbursement from the fund;
- (6) Manage the fund;
- (7) Conduct research on national, international and regional development into standards for dealing with matters of Gender-Based violence;
- (8) Deal with any matter concerned with Gender-Based violence;
- (9) Provide free legal services; and
- (10) Coordinate the Sexual Assault Referral Centre.

44. A Court may declare a person(s) who has been convicted of a sexual offence a dangerous sexual offender if such person(s) has:

*Dangerous
Sexual
Offenders*

- (a) more than one conviction for a sexual offence;
- (b) been convicted of a sexual offence which was accompanied with a felony; or
- (c) been convicted of a sexual offence against a child.
- (d) Such a person(s) shall be included in a sexual offenders register, which shall be in the custody of the Gender Response Initiative Team (GRIT), Bayelsa State.

45. The Coordinating Team for Implementation shall meet at least once every three months. The quorum at a meeting of the Coordinating Team shall be eight (8) members:

*Meeting of the
Coordinating
Team for
Implementation*

- (1) The Chairman or her representative which shall be the Coordinator or Deputy Coordinator shall convene the meetings of the Coordinating Team;
- (2) Matters before the Coordinating Team shall be decided by a majority of the members present by voting and in the event of equality of vote, the person(s) presiding shall have a casting vote;
- (3) The Coordinating Team may co-opt a person(s) to attend its meeting but the co-opted person(s) may not vote on a matter for decision by the Coordinating Team;

- (4) Subject to the provisions of this Section, the Coordinating Team may determine the procedure for its meeting;

PART IV

REGULATORY BODY

46. (1) The State Ministry of Justice is authorized to administer the provisions of this Law *Regulatory Body*
- (2) The Ministry of Justice shall in consultation with other stakeholders set up a multi-disciplinary team (referred to in this Law as the "Victim Support Unit").
- (3) The Victim Support Unit shall be composed of the following:
- (a) Representative from
 - (i) Ministry of Women, Children Affairs and Social Development,
 - (ii) Ministry of Labour, Employment and Empowerment,
 - (iii) Child Protection Bureau, and
 - (iv) the State Bureau of Statistics.
 - (b) Social Workers
 - (c) Clinical Physiologists, Psychiatrists or other mental health personnel
 - (d) Lawyers, (FIDA, and groups at the forefront of human rights defense)
 - (e) Medical Officers
 - (f) Frontline Staff from registered CSOs promoting human rights and have been at the forefront advocating for the adoption of Violence against Persons (Prohibition) Law.
- (4) The State Ministry of Justice in conjunction with the Ministry of Women, Children Affairs and Social Development is authorized to administer the provisions of this Law.
- (5) There shall be established for the State Gender-Based Violence Referral Centre hereinafter referred to as the "Gender-Based Violence Referral Centre" which shall provide the following services:
- (a) Screening and preventive treatments for HIV and sexually transmitted infections,
 - (b) Collection and processing of forensic evidence;
 - (c) Support for going through the legal process;

- (d) Providing a medico-legal report;
 - (e) Treatment and care of child victims of sexual abuse;
 - (f) Collection and management of relevant data;
 - (g) Counseling and psycho-social support;
 - (h) Information, support and counseling for parents, family members and partners;
 - (i) Education and information for community or professional groups.
- (6) The State Gender-Based Referral Centre shall be composed of the following:
- (a) Medical team;
 - (b) Counseling team;
 - (c) Legal team;
 - (d) Security team;
 - (e) Statistics team; and
 - (f) Community outreach team
- (7) The Centre shall be funded by the Special Victims Fund.
- (8) The Attorney-General and Commissioner for Justice in conjunction with the Commissioner for Women, Children Affairs and Social Development, may make regulations to:
- (a) Provide forms necessary for the purpose of this Law;
 - (b) Prescribe the training of the Police and Court officials on Gender-Based Violence in consultation with the relevant institutions;
 - (c) Provide for education and counseling of victims and perpetrators of Gender-Based Violence;
 - (d) Provide for education and counseling in domestic relationships;

- (e) Prescribed shelter for victims in consultation with the relevant institutions;
- (f) Provide for enhancement of social welfare services for the victims;
- (g) Provide the modalities for the provision of free medical treatment for the victims;
- (h) Provide financial assistance to victims of Gender-Based Violence in case of imprisonment of a spouse.
- (i) Provide for effective implementation of this Law.

47. Members of the Coordinating Team (Gender Response Initiative Team) *Allowances* for implementation shall be paid allowances approved by the Chairman of the Team in consultation with the Commissioner for Women, Children Affairs and Social Development.

PART V

CONSEQUENTIAL AMENDMENT

48. (1) Any offence committed or proceedings instituted before the commencement of this Law under the provisions of: *General Savings*
- (a) Criminal Code Law, CAP.C14; Laws of Bayelsa State;
 - (b) Administration of Criminal Justice Law of Bayelsa State, 2019;
 - (c) Bayelsa State Widows and Widowers Protection Law, 2015;
 - (d) Female Genital Mutilation (Prohibition) Law, 2002;
 - (e) Bayelsa State Child Right Law 2016; or
 - (f) any other Law or regulation relating to any act of violence defined by this Law,

shall as the case may require, be enforced or continue to be enforced by the provisions of this Law.

- (2) The provisions of this Law shall supersede the provisions of the Laws mentioned in Subsection (1) on similar offences.

PART V
INTERPRETATION

49. In this Law:

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, nongovernmental, faith based, voluntary and charitable association or institutions that are registered with the appropriate government ministry under the provisions of this Law and that provide shelter, home, counseling, legal, financial, medical or other assistance to victims of domestic violence.

"Bar" means a place where a person(s) can buy and drink alcoholic and other drinks, listen to music and dance. It is often open until late in the night and it includes beer parlour, restaurant, eateries and others like.

"Chalet" means a small house or building where people pay to have sexual intercourse.

"Child" means a person who is below the age of 18 years.

"Child Protection Bureau" in relation to Section 40 of this Law means the Child Protection Bureau office situated in the Bayelsa State Government House, in the Banquet office Bayelsa State.

"Circumcision of 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 –

- (a) a proceeding for the making, variation or discharge of a Protection Order, safety or interim Protection Order;
- (b) proceeding by way of appeal or case stated which are relating to proceeding to which paragraph (a) applies;
- (c) proceeding under this Law for compensation or award.

"Court" means the High Court of the State;

"Coercion" means the act of making somebody to do something that he does not want to do using force or by threatening to use force;

"Damage to property" means the willful 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 or machine directed toward a person with the intention of inflicting bodily harm on such person and includes a gun, knife, stick, whip or other household appliance capable of inflicting bodily harm on a person;

"Dependant" means a person(s) who relies on another, especially a family member, for financial support. A person(s) who depends on or needs something for aid, support, favour, etc; a child, spouse, parent, domestic servant or certain other relative to whom one contributes all or a major amount of necessary financial support.

"Domestic relationship" means a relationship between any person(s) and a perpetrator of violence constituted in any of the following ways-

- (a) they are or were married to each other and this is including marriages according to any law, custom or religion;
- (b) 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;
- (c) 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;
- (d) they are family members related by consanguinity, affinity or adoption;
- (e) they are or were in an engagement, dating or customary relationship including actual or perceived romantic, intimate or sexual relationship of any duration; or
- (f) they share or recently shared the same residence.

"Domestic violence" means any act perpetrated on any person(s) in a domestic relationship where such act causes harm or may cause imminent harm to the safety, health or well-being of any person;

"Economic abuse" means-

- (a) forced financial dependence;
- (b) denial of inheritance or succession rights;
- (c) the unreasonable deprivation of economic or financial resources to which any person(s) is entitled or which any person(s) requires out of necessity, including
 - (i) household necessities;
 - (ii) mortgage bond repayments; or

- (iii) payment of rent in respect of a shared residence; or
- (d) the unreasonable disposal or destruction of household effects or other property in which any person(s) has an interest.

"Emergency Monetary Relief" means compensation for monetary losses suffered by any person(s) 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 relate to obtaining and serving the Protection Order.

"Emotional, verbal and psychological abuse" means a pattern of degrading or humiliating conduct towards any person(s) including:

- (a) repeated insults;
- (b) ridicule or name calling;
- (c) repeated threats to cause emotional pain;
- (d) 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" includes preventing a person(s) from leaving the home or from having contact with family, or the outside community;

"Forcefully" means a strong and assertive manner, vigorously, using considerable physical strength or violence or emphatic spoken words to coerce a person(s) to accept your will and against that of the person.

"Genital organ" means any of the organs of reproduction or generation, including, in the female, the vulva, clitoris, ovaries, uterine tubes, uterus and vagina, and in the male, the penis, scrotum, testes, epididymides, deferent ducts, seminal vesicles, prostate and bulbourethral glands.

"GRIT" means Gender Response Initiative Team

"Harassment" means engaging in a pattern of conduct that induces fear of harm or impairs the dignity of a person(s) including:

- (a) stalking;
- (b) repeatedly making telephone calls or inducing another person(s) to make telephone calls to a person(s), whether or not conversation ensues; and

- (c) repeatedly sending, delivering or causing delivery of information such as letters, telegrams, packages, facsimiles, electronic mail, text messages or other objects to any person(s).

"Harmful traditional practices" means all traditional behavior, attitudes or practices, which negatively affect the fundamental rights of women, men or any person(s) and includes, harmful widowhood practices, denial of inheritance or succession rights, female genital mutilation or female circumcision, child marriage, forced marriage and forced isolation from family and friends;

"Hotel" means an establishment where people pay for lodging, and where meals, drinks and other such services are made available to the public. It also include motels, inns, brothels, guest houses and the like.

"Incest" means an indecent act or sexual activity which causes penetration into the mouth, vagina or anus of a person(s) who is to his or her knowledge within the prohibited degrees of consanguinity and affinity contained in the Matrimonial Causes Act 1970;

"Indecent exposure" means the intentional exposure of the genital organs, or a substantial part thereof, or any other part of the body including the breast, buttocks and upper thigh with the intention of causing distress to the other party;

"Intimidation" means the uttering or conveying of a threat or causing any person(s) to receive a threat without lawful reason and with intent to compel or induce such person or persons of a particular nature, class or kind or persons in general to do or to abstain from doing an act or to assume or to abandon a particular standpoint;

"Minor" means a person(s) who is under the age of full legal responsibility or competence.

"Nightclub" means a place of entertainment open late at night and offering music, dance, drinks and sometimes food.

"Physical abuse" means acts or threatened acts of physical aggression towards any person(s) such as slapping, hitting, kicking and beating;

"Political violence" means any act or attempted act of violence perpetrated (before, during and after elections), and includes any of the following acts:

- (a) thuggery;
- (b) mugging;

- use of force to disrupt meetings; or
- (d) the use of dangerous weapons that may cause bodily harm or injury.
- (e) intimidation
- (f) hate speech
- (g) kidnapping
- (h) discrimination of persons at any stage of political process based on gender, physical disability, marital status, religious affiliations.

"Protection officer" means an officer appointed under Section 41 of this Law;

"Protection Order" means an official legal document, signed by a Judge that restrains an individual or state actor from further abusive and sexual behavior towards a victim;

"Sexual abuse" means any conduct which violates humiliate or degrades the sexual integrity of any person(s);

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

"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 and 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 conditions for passing examination, securing employment, business patronage, obtaining any favour in any form;
- (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; or

SCHEDULE

Section 37

Affidavit, Application and Forms of Protection Order

FORM 1

In theCourt.

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. the Guardian to A.B. the Complainant, hereby applies that A.B 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 theCourt.

In theDivision/District

Suit No.....

Between

A.B.....Complainant.

And

C.D.....Respondent

E.F.....Respondent

I, 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 atCourt Registry

Thisday of

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 theCourt.

In the Division/District

Suit No.....

Between

A.B.....Complainant.

And

C.D..... Respondent.

And

E.F..... Guardian.

CONSENT TO APPLICATION FOR PROTECTION ORDER

I, A.B.....Complainant in this case hereby
consents to the application by EF, for the issuance of a Protection Order on
my behalf.

Dated this day of

E.F

.....
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

E.F..... Guardian/Police Officer, etc.

To: CD.....Respondent.

AND WHEREAS there is a 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.

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

E.F..... 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 a 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 share household: Provided that the Court may impose this prohibition only if it appears to be in the best interest 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;

Preventing the complainant from entering or remaining in the shared household or a specified part of the shared household;

Alienating or disposing the shared household encumbering same;

Renouncing his rights in the shared household except in favour of the complainant;

(j) Committing any other act as specified in the Protection Order; or

(k) As the Court deems fit.

Given under my hand this day of

.....
Judge/Magistrate

This printed impression has been carefully compared by me with the Bill which has passed the Bayelsa State House of Assembly and found by me to be a true and correctly printed copy of the said Bill.



MR. ADOGU, TENEDIA KENT
Ag. Clerk of the House

Assented the 10th day of MARCH, 2021.



SENATOR DOUYE DIRI
Governor of Bayelsa State