

**A BILL**

**FOR**

**A BILL FOR A LAW TO ENACT PLATEAU STATE VIOLENCE  
AGAINST PERSONS PROHIBITION BILL AND FOR OTHER  
MATTERS CONNECTED, 2020.**

Arrangement of Clauses.

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**A BILL FOR A LAW TO ENACT PLATEAU STATE VIOLENCE  
AGAINST PERSONS PROHIBITION BILL AND FOR OTHER  
MATTERS CONNECTED, 2020.**

ENACTED by the Plateau State House of Assembly as follows-

**PART I CLAUSE PRELIMINARY**

Citation and 1. This Bill may be cited as Plateau State violence against persons  
Commencement prohibition Bill and shall come into operation on the \_\_\_\_\_  
day of \_\_\_\_\_ 2020

Interpretation 2. In this Bill-

**"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 Bill;

**"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 Bill for compensation or award;

**"Commissioner"** means Commissioner responsible for the Ministry of Women Affairs, Plateau State;

**"Court"** means High Court; Magistrate Court and Gender 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;

**"House of Assembly"** means Plateau State House of Assembly;

**"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, granddaughter/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, pushing, kicking, use of any object 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 Clause 39 of this Bill in relation to and for the purpose of this Bill;

**"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 Bill 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 Bill 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',

**"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; and includes cyber stalking through internet and phone;

**"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 Bill 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 Bill, unless the context otherwise requires 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.

Definition of rape 3.

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

- (a) he or she intentionally penetrates the vagina, anus or mouth of another person or with any other part of his body or anything else.

Inflicting physical 4.  
injury on a person

- (b) The other person 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 actor the use of any substance or addictive capable of taking away the will of such person or in the case of a married person by impersonating his/her spouse/partner.
- (2) A person convicted of an offence under sub clause 1 of this Clause is liable to imprisonment for life expect:
  - (a) Where the offender is less than 14years of age, the offender is liable in accordance with the provisions of Section 224 of the Child Rights Law of Plateau State, 2005.
  - (b) In all other cases, where the offender aids, abets conceals another person to commit the offenses, he is liable to a minimum of 12years imprisonment without fine.
- (3) Where the act described under this sub clause is committed by a group of persons, the offence shall be known as gang rape and on conviction the persons shall be liable jointly and severally to imprisonment for a minimum of 20 years without an option of fine.
- (4) The court shall also award appropriate compensation to the victim as it may deem fit in the circumstance.
  - (I) (i) Any person who wilfully causes or inflicts physical injury on another person by means of any weapon, substance or object commits an offence and is liable on conviction to imprisonment not less than five years or a fine not less thanN500,000 or to both such fine and imprisonment;
  - (ii) Any person who attempts to commit the act of violence provided for in Sub-Clause (i) of this Clause is guilty of an offence and is liable on conviction to imprisonment for term not less than three years or

a fine not less than N200,000.00 or to both such fine and imprisonment;

(iii) Any person who incites, aids, abets, or counsels another person to commit the act of violence provided for in Clause(i) of this Clause is guilty of an offence, and is liable on conviction to imprisonment for a term not less than three years or to a fine not less than N200,000.00 or to both such fine and imprisonment;

(iv) Any person who receives or assists another who to his knowledge is guilty of the offence provided for in Clause(i) of this Clause, is an accessory after the fact and is guilty of an offence and liable on conviction to imprisonment for a term not less than three years or to a fine not less than N200,000.00 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.

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 6. person in fear of physical injury (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 less than two years or to a fine not less than N200,000.00 or to both such fine and imprisonment.

(2) Any person who attempts to commit the offence as provided for in Sub-Clause(1) of this Clause is guilty of an offence and is liable to imprisonment for a term not less than one year or to a fine not less than N100,000 or to both such fine and imprisonment.

(3) Any person who aids, abets, or counsels another person to commit the offence provided for in Sub-Clause(1) of this Clause is guilty of an offence and is liable on conviction to imprisonment for a

term not less than one year or to fine not less than N200, 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 Sub-Clause(1) of this Clause is an accessory after the fact and is liable on conviction to imprisonment for a term not less than one year or to fine not less than N200, 000.00 or to both such fine and imprisonment.

Offensive Conduct 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 less than three years or to fine not less than N500,000.00 or to both such fine and imprisonment.

(2) Any person who attempts to commit the offence provided for in Sub-Clause(1) of this Clause is guilty of an offence and is liable on conviction to imprisonment for a term not less than one year or to fine not less than N300,000.00 or to both such fine and imprisonment.

(3) Any person who incites, aids, abets, or counsels another person to commit the offence as provided for in Sub-Clause (1) of this Clause is guilty of the offence and is liable on conviction to imprisonment for a term not less than one year or to fine not less than N300,000.00 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-Clause(1) of this Clause is an accessory after the fact and is therefore liable to imprisonment for a term not less than three years or to fine not less than N500,000.00 or to both such fine and imprisonment.

Harmful  
Traditional  
practices

8.

A. Female Circumcision or genital mutilation

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

(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 less than four years or to fine not less than N200,000 or to both such fine and imprisonment.

(3) Any person who attempts to commit the offence provided for in Sub-Clause(2) of this Clause is guilty of an offence and is liable on conviction to imprisonment for a term not less than two years or to fine not less than N100,000 or to both such fine and imprisonment.

(4) Any person who incites, aids, abets, or counsels another person to commit the offence provided for in Sub-Clause(2) of this Clause is guilty of the offence and is liable on conviction to imprisonment for a term not less than two years or to fine not less than N100,000.00 or to both such fine and imprisonment.

## B. Widowhood Practices

(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 less than two years or to fine not less than N500,000.00 or to both such fine and imprisonment.

(2) Any person who attempts to commit the act of violence provided for in Sub-Clause(1) of this Clause is guilty of an offence and is liable on conviction to imprisonment for a term not less than one year or to fine not less than N200,000.00 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-Clause(1) of this Clause is guilty of an offence and is liable on conviction to imprisonment for a term not less than one year or to fine not less than N200,000.00 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-Clause(1) of this Clause is an accessory after the fact and is therefore liable to imprisonment for a term not less than six months or to fine not less than N100,000.00 or to both such fine and imprisonment.
Frustrating Investigation.	9.	Any person who, with intent to defraud or conceal an offence or frustrate the investigation and prosecution of offenders under this Bill or under any other enactment:
		(a) destroys, alters, mutilates, or falsify any book or document, 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 less than three years or to fine not less than N500,000.00 or to both such fine and imprisonment.
Wilfully making false statement.	10.	Any person who wilfully makes false statement, whether oral or documentary, in any Judicial proceedings under this Bill or with the aim of initiating investigation or criminal proceedings under this Bill against another person is guilty of an offence under this Bill and liable on conviction to a fine of N200,000 or a term of imprisonment not less than 12months.
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 less than two years or to fine not less than N300,000.00 or to both such fine and imprisonment.
		(2) Any person who attempts to commit the offence provided for in Sub-Clause(1) of this Clause is guilty of an offence and is liable on conviction to imprisonment for a term not less than one year or to fine not less than N200,000.00 or to both such fine and imprisonment.

(3) Any person who incites, aids, abets, or counsels another person to commit the offence as provided for in Sub-Clause(1) of this Clause and shall include relatives/in-laws, ejection of widows or persons with disability is guilty of an offence and is liable on conviction to imprisonment for a term not less than one year or to fine not less than N200,000.00 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-Clause(1) of this Clause is an accessory after the fact and is therefore liable to imprisonment for a term not less than one year or to fine not less than N200,000.00 or to both such fine and imprisonment.

Depriving a person 12. of his/her liberty

(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 less than two years or to fine not less than N500,000.00 or to both such fine and imprisonment.

(2) Any person who attempts to commit the offence provided for inSub-Clause (1) of this Clause is guilty of an offence and is liable on conviction to imprisonment for a term not less than one year or to fine not less than N200,000.00 or to both such fine and imprisonment.

(3) Any person who incites, aids, abets, or counsels another person to commit the offence asprovided for in Sub-Clause(1) of this Clause is guilty of an offence and is liable on convictionto imprisonment for a term not less than two years or to fine not less than N300,000.00 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 inSub-Clause (1) of this Clause is an accessory after the fact and is therefore liable to imprisonment for a term not less than two years or to fine not less than 200,000or 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 less than two years or to fine not less than N300,000.00 or to both such fine and imprisonment.

(2) Any person who attempts to commit the offence provided for in Sub-Clause (1) of this Clause is guilty of an offence and is liable on conviction to imprisonment for a term not less than one year or to fine not less than N200,000.00 or to both such fine and imprisonment.

(3) Any person who incites, aids, abets, or counsels another person to commit the offence as provided for in Sub-Clause (1) of this Clause is guilty of an offence and is liable on conviction to imprisonment for a term not less than one year or to fine not less than N200,000.00 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-Clause(1) of this Clause is an accessory after the fact and is therefore liable to imprisonment for a term not less than one year or to fine not less than N200,000.00 or to both such fine and imprisonment.

Forced financial dependence or economic abuse. 14.

(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 less than two years or to fine not less than N500,000.00 or to both such fine and imprisonment.

(2) Any person who attempts to commit the offence provided for in Sub-Clause (1) of this Clause is guilty of an offence and is liable on conviction to imprisonment for a term not less than one year or to fine not less than N200,000.00 or to both such fine and imprisonment.

Forced isolation 15. from family and friends.

(3) Any person who incites, aids, abets, or counsels another person to commit the offence as provided for in Sub-Clause (1) of this Clause is guilty of an offence and is liable on conviction to imprisonment for a term not less than one year or to fine not less than N200,000.00 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-Clause(1) of this Clause above is an accessory after the fact and is therefore liable to imprisonment for a term not less than one year or to fine not less than N200,000 or to both such fine and imprisonment.

(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 less than six months or to fine not less than N100,000.00 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-Clause(1) of this Clause is guilty of an offence and is liable on conviction to imprisonment for a term not less than three months or to fine not less than N100,000or to both such fine and imprisonment.

(3) Any person who incites, aids, abets, or counsels another person to commit the offence as provided for in Sub-Clause (1) of this Clause is guilty of an offence and is liable on conviction to imprisonment for a term not less than three months or to fine not less than N100,000or 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-Clause(1) of this Clause is an accessory after the fact and is therefore liable to

Emotional, verbal 16.  
and psychological  
abuse.

imprisonment for a term not less than three months or to fine not less than N100,000 or to both such fine and imprisonment.

(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 less than one year or to fine not less than N200,000.00 or to both such fine and imprisonment.

(2) Any person who attempts to commit the act of violence provided for in Sub-Clause(1) of this Clause is guilty of an offence and is liable on conviction to imprisonment for a term not less than six months or to fine not less than N100,000 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-Clause(1) of this Clause is guilty of an offence and is liable on conviction to imprisonment for a term not less than six months or to fine not less than N100,000 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-Clause(1) of this Clause is an accessory after the fact and is therefore liable to imprisonment for a term not less than six months or to fine not less than N100,000 or to both such fine and imprisonment.

Abandonment of 17.  
spouse, children  
and other  
dependent without  
sustenance.

(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 less than three years or to fine not less than N500,000.00 or to both such fine and imprisonment.

(2) Any person who attempts to commit the act of violence provided for in Sub-Clause(1) of this Clause is guilty of an offence and is liable on conviction to imprisonment for a term not exceeding two years or to fine not less than N200,000.00 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-Clause(1) of this Clause is guilty of an offence and is liable on conviction to imprisonment for a term not less than two years or to fine not less than N200,000.00 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-Clause(1) of this Clause is an accessory after the fact and is therefore liable to imprisonment for a term not less than two years or to fine not less than N200,000 or to both such fine and imprisonment.

**Stalking**

18. (1) Any person who stalks another commits an offence and is liable on conviction to imprisonment for a term not less than two years or to fine not less than N500,000.00 or to both such fine and imprisonment.

(2) Any person who attempts to commit the act of violence provided for in Sub-Clause (1) of Clause is guilty of an offence and is liable on conviction to imprisonment for a term not less than one year or to fine not less than N200,000.00 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-Clause (1) of this Clause is guilty of an offence and is liable on conviction to imprisonment for a term not less than one year or to fine not less than N200,000.00 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-Clause(1) of this Clause is an accessory after the fact and is therefore liable to imprisonment for a term not less than one year or to fine not less than N100,000or to both such fine and imprisonment.

**Intimidation of a person.**

19. (1) Any person who intimidates another commits an offence and is liable on conviction to imprisonment for a term not less

than one year or to fine not less than N200,000.00 or to both such fine and imprisonment.

(2) Any person who attempts to commit the act of violence provided for in Sub-Clause (1) of this Clause is guilty of an offence and is liable on conviction to imprisonment for a term not less than six months or to fine not less than N100,000.00 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-Clause (1) of this Clause is guilty of an offence and is liable on conviction to imprisonment for a term not less than six months or to fine not less than N100, 000 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-Clause (1) of this Clause is an accessory after the fact and is therefore liable to imprisonment for a term not less than six months or to fine not less than N100,000 or to both such fine and imprisonment.

Spousal/Partner battery 20. (1) any person who batters his or her Spouse or Partner commits an offense and is liable on conviction to imprisonment for a term not less than three years or to fine not exceeding N200,000 or to both such fine and imprisonment.

(2) Any person who attempts to commit the act of violence provided for in Sub-Clause (1) of this Clause is guilty of an offence and is liable on conviction to imprisonment for a term not exceeding one year or to fine not less than N200,000.00 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-Clause (1) of

this Clause is guilty of an offence and is liable on conviction to imprisonment for a term not less than one year or to fine not less than N200,000 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-Clause (1) of this Clause is an accessory after the fact and is therefore liable to imprisonment for a term not less than one year or to fine not less than N200, 000 or to both such fine and imprisonment.

Substance attack 21. (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.

(2) Any person who attempts to commit the act of violence described in Sub-Clause(1) of this Clause is guilty of an offence and is liable on conviction to imprisonment for a term not less than twenty-five years without an option of fine.

(3) Any person who incites aids, abets, or counsels another person to commit the act of violence as provided for in Sub-Clause (1) of this Clause is guilty of an offence and is liable on conviction to imprisonment for a term not less than twenty-five years without an option of fine.

(4) Any person who receives or assists another who to his/her knowledge committed the offence provided for in Sub-Clause (1) of this Clause is an accessory after the fact and is therefore liable to imprisonment for a term not less than twenty-five years without the option of fine.

Administering a substance with intent 22. (1) A 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 intent activity with that person.

(2) A person guilty of an offence under this Clause is, in addition to any other offence under this Bill liable on conviction to imprisonment for a term not less than 10 years or a fine of N500,000 or to both such fine and imprisonment.

Incest 23. Any person who knowingly and wilfully have carnal knowledge of another within the Prohibited Degrees of Consanguinity and Affinity contained in the Schedule to this Bill with or without consent. Provided that the consent was not obtained by fraud or threat; and where the two parties' consent both shall be guilty of this offence and shall be liable on conviction to a term not less than five years without an option of fine.

Indecent exposure 24. (1) 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 exposure it may be tempted or induced to commit an offence under this Bill, commits an offence termed indecent exposure.

(2) Any person who intentionally exposes his or her genital organs, or a substantial part thereof, and induces another to either massage, or touch with the intention of deriving sexual pleasure from such acts commits an offence under this Clause.

(4) A person guilty of an offence under this Clause is liable to upon conviction to imprisonment for a term of not less than one year or to a fine not less than N500, 000 or to both such fine and imprisonment.

Political Violence 25. (1) Any person who commits political violence as defined in the provisions of this Bill relating to political violence commits an offence.

(2) Any person who attempts to commit the act of violence provided for in Sub-Clause (1) of this Clause is guilty of an offence and is liable on conviction to imprisonment for a term not less than two years or to fine not less than N500,000 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-Clause (1) of this Clause is guilty of an offence and is liable on conviction to imprisonment for a term not less than two years or to fine not less than N500,000 or to both such fine and imprisonment.

Accessory after the fact to political violence.

(4) Any person who receives or assists another who to his/her knowledge committed the offence provided for in Sub-Clause(1) of this Clause is an accessory after the fact and is therefore liable to imprisonment for a term not less than two years or to fine not less than N500,000.00 or to both such fine and imprisonment.

Violence by state 26.  
actors

(1) Any state actor who commits political violence commits an offence and is liable on conviction to imprisonment for a term not less than seven years or to fine not less than N1, 000,000 or to both such fine and imprisonment.

(2) Any person who attempts to commit the act of violence provided for in Sub-Clause (1) of this Clause is guilty of an offence and is liable on conviction to imprisonment for a term not less than two years or to fine not less than N500,000.00 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-Clause(1) of this Clause is guilty of an offence and is liable on conviction to imprisonment for a term not less than two years or to fine not less than N500,000 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-Clause(1) of this Clause is an accessory after the fact and is therefore liable to imprisonment for a term not less than two years or to fine not less than N500,000 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.

## **PART 2**

### **JURISDICTION OF THE COURT**

#### **A. JURISDICTION OF THE COURT.**

Magistrate Court and the High Court of a state or any other court of concurrent jurisdiction so empowered by an Act of Parliament shall have the jurisdiction to hear and grant any application brought under this Bill.

#### **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.

27. The Court and any other Court established in this Bill shall have jurisdiction to hear and grant any application under this Bill.

28 (1) Pursuant to Clause 27 of this Bill, there shall be established a specialized Court known as “The Gender Court” in at least each of the three Senatorial zones of the State for the purpose of hearing cases of Gender Based Violence brought pursuant to the provisions of this Bill.

(2) An application for a protection order shall be made before the Gender Court, following a complaint of violence by the complainant and such order if granted shall be effective throughout the State and no time limit or prescription shall apply in relation to a person seeking to apply for such protection order.

Application for 29. protection order.

- (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 Bill including the right to lodge a criminal complaint against the respondent if a criminal offence has been committed under this Bill.
- (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.

Consideration of 30. application and issuing of interim protection order.

- (1) The court must as soon as is reasonably possible consider an application submitted to it in terms of Clause 27 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 Sub-Clause (1) of this Clause, 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 Clause 32 (1) and the record of any evidence taken in terms of Sub-Clause (1) of this Clause 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 Sub-Clause (2) of this Clause, 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 Clause 32 (1) and the record of any evidence taken in terms of Sub-Clause (1) of this Clause 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 Sub-Clause (2) of this Clause, 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.

Issuing of 31.  
protection order.

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

(1) If the respondent does not appear on a return date contemplated in Clause 30 (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 Clause 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 Sub-Clause(2) of this Clause, 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

Court's powers in 32.  
respect of  
protection order.

- (b) a certified copy of such order, and the original warrant of arrest contemplated in Clause 32 (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 Clause 32 (1) (a) to the police station of the complainant's choice.
- (7) Subject to the provisions of Clause 33 (2), a protection order issued in terms of this Clause 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.
- (1) The court may, by means of a protection order referred to in Clause 28 or 29, prohibit the respondent from-
  - (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 deemed fit in the interest of the complainant;
- (e) approve a mediation channel upon submission by the complainant.

(3) In ordering a prohibition contemplated in Sub-Clause I (c) of this Clause, 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 Clause, 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 Law, 2005 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.

Police powers 33.

(1) A police officer at the scene of an incident of violence or as soon thereafter as Police powers 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 Bill;
- (e) explaining to the victim that he/she has the right to lodge a criminal complaint in addition to any remedy provided under this Bill;
- (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 I; and
- (b) any person against whom a complaint has been made for having committed any of the offences under Part I.

(3) A police officer in carrying out his or her duties under this Bill 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 Bill;
- (b) to remove or supervise the removal of any dangerous weapon used in order to commit an act of violence as contemplated in this Bill.
- (c) to perform any other act considered necessary in order to ensure the safety and well-being of the complainant.

Warrant of arrest 34.

upon issuing of protection order.

(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 Clause 30.

(2) The warrant referred to in Sub-Clause (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 sub-Clause(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 Clause 30 (1) (a); and

	<p>(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.</p> <p>(d) The police officer shall forthwith forward a duplicate original of a notice referred to in paragraph</p> <p>(c) to the Registrar of the court concerned, and the mere production in the court of such a duplicate original shall be <i>prima facie</i> proof that the original thereof was handed to the respondent specified therein.</p>
	<p>(5) In considering whether or not the complainant may suffer imminent harm, as contemplated in Sub-Clause(4) (b), the police officer shall take into account-</p> <p>(a) the risk to the safety, health or well-being of the complainant;</p> <p>(b) the seriousness of the conduct comprising an alleged breach of the protection order; and</p> <p>(c) the length of time since the alleged breach occurred.</p>
	<p>(6) Whenever a warrant of arrest is handed to a police officer in terms of Sub-Clause (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.</p>
Variation or 35. setting aside of protection order.	<p>(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 Clause 32 in the prescribed manner.</p> <p>(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.</p> <p>(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 Sub-Clause(1) of this Clause.</p>
Discharge	<p>36. Where a protection order has been made, any of the following persons may apply to have it discharged:</p>

- (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 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 Clause 30
  - (i) the commissioner,
  - (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 37.  
to protection  
orders.

- (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 less than N300,000 or to imprisonment for a term not less than 6 months or both such fine and imprisonment.
- (2) The provisions of Sub-Clause(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 Clause, wilfully makes a false statement in a material respect shall be liable upon conviction to a fine of not less than N200,000 or at the discretion of the court, to imprisonment for a term not less than 6 months.

Application and forms of protection order.

Rights of victims

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

(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 Clause 1 of this Bill, is entitled to the following rights: -

*Right to Assistance.*

(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.

(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 Bill, shall to the extent of the inconsistencies be null and void.

*Right to Protection against Expulsion.*

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

(c) Any head of institution who violates the provisions of this Sub-Clause is guilty of an offence under this Bill and shall be liable on conviction to imprisonment for six months or a fine of N200,000 or to both such fine and imprisonment.

*Attendance of Proceedings.*

(iii) (1) (a) No person may be present during any proceedings in terms of this Bill 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 Clause 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 Sub-Clause 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 Bill shall not be published provided that no direction in terms of this Sub-Clause 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 Sub-Clause is guilty of an offence and is liable upon conviction to imprisonment for

a term not less than one year or to fine not exceeding N200,000 or to both such fine and imprisonment.

### **PART 3**

Registration and 40.  
powers of service  
providers.

### **SERVICE PROVIDERS**

(1) Subject to such rules as may be made, any voluntary association registered under the Companies and Allied Matters Act in force or other relevant laws in force with the objective of protecting the rights and interests of victims of violence by any lawful means including providing legal aid, medical, financial or other assistance shall register itself with the State government as a Service Provider for the purpose of this Bill.

(2) The Plateau State Ministry of Women Affairs-

- (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-Clause (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 violent act took place.

(c) ensure that the aggrieved person is provided shelter in a shelter home, if he/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 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 Bill, for anything which is in good faith done or intended to be done in the exercise of powers or discharge of functions under this Bill towards the prevention of the commission of violence.

Protection orders 41.

(1) The appropriate government Ministry shall appoint such number of protection officers in each Local government as it may consider necessary, to assist the court in the discharge of its duties under this Bill to co-ordinate the activities of the police and the accredited service providers in his local government to ensure that the victims/survivors of violence:

- (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 Bill; 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 Bill.

(2) The protection officer may, upon the failure of the respondent to make payment ordered by the court under this Bill, 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 42.  
prevention of  
domestic violence.

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

Dangerous sexual 43.  
offenders.

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

- (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.

## PART 4

Regulatory body 44.

### REGULATORY BODY

The Plateau State Ministry of Women Affairs is hereby mandated to administer the provisions of this Bill and may collaborate with the following stakeholders:

- (a) Plateau State Ministry of Justice;
- (b) National Human Rights Commission, Plateau State;
- (c) Federation of Female Lawyers Plateau State; and
- (d) Faith based organizations.

### Establishment of Gender-Based Violence Management Committee.

45. (1) There is established by this Bill, a Gender-Based Violence Management Committee.

- (a) The Management Committee shall consist of:
  - (i) The Chairperson who shall be nominated by the Governor;
  - (ii) The Vice Chairperson who shall be nominated by the committee from amongst the members of the committee;
  - (iii) One representative of the Chief Judge of the State not below the level of Deputy Registrar;
  - (iv) One representative of the Attorney General specifically the Director, Public Prosecutions;
  - (v) The Executive Secretary, Office of the Public Defender;
  - (vi) One Nominee from the State House of Assembly Committee on Women Affairs and Social Development
  - (vii) One representative from the Ministry of Information not below the rank of a Deputy Director,
  - (viii) One representative from the Ministry of Health not below the rank of a Chief Medical Officer or Chief Nursing Officer;
  - (ix) One representative from the Ministry of Education not below the rank of a Deputy Director;
  - (x) One representative from the Police Service not below the rank of Assistant Superintendent;
  - (xi) The Director of Social Welfare in the Ministry of Women Affairs and Social Development.
  - (xii) The Director of Women Affairs and Social Development
  - (xiii) Two representatives of relevant civil society organizations and with a focus on related issues;

- (xiv) Two persons nominated by the Governor.
- (b) The Permanent Secretary of the Ministry or a representative of the Permanent Secretary shall be Secretary to the Committee,
- (c) The members of the Management Committee other than the Commissioner, the Permanent Secretary and the Directors in the Ministry of Women Affairs, and Social Development, shall be nominated by the institutions concerned.

#### **Functions of the Management Committee.**

**46.** The Management Committee shall:

- (a) 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;
- (b) Advise the Commissioner on Policy matters under this Bill;
- (c) Propose and promote strategies to prevent and combat gender- based violence;
- (d) Liaise with government agencies and organizations to promote the rehabilitation and re-integration of victims of Gender-Based violence;
- (e) Prepare guidelines for disbursement from the Fund;
- (f) Manage the Fund;
- (g) Conduct research on national, international and regional development into standards for dealing with matters of Gender- Based violence; and
- (h) Deal with any matter concerned with Gender-Based violence.

#### **Meetings of the Management Committee.**

**47.** The Management Committee shall meet at least once every three months. The quorum at a meeting of the Management Committee shall be eight(8) members.

- (a) The Chairperson or her representative shall convene the meetings of the Management Committee. In the absence of the Chairperson, the Vice Chairperson or a member of the Management Committee elected by the members present among the members shall preside in the absence of the Vice chairperson.

- (b) Matters before the Management Committee shall be decided by a majority of the members present by voting and in the event of equality of votes, the person presiding shall have a casting vote.
- (c) The Management Committee may co-opt a person to attend its meeting but the co-opted person may not vote on a matter for decision by the Management Committee.
- (d) Subject to the provisions of this section, the Management Committee may determine the procedure for its meeting.

**Allowances.**

**48.** Members of the Management Committee shall be paid allowances approved by the Chairman of the Committee in consultation with the Commissioner for Women Affairs and Social Development.

**Secretariat of the Management Committee.**

**49.** (1) The Management Committee shall have a secretariat.

(2) The Secretariat of the Management Committee shall be located at the Ministry of Women Affairs and Social Development, which shall provide the facilities and personnel for the performance of the functions of the Management Committee.

**Provision for Counselling and Support Services.**

**50.** (1) There shall be counselling and support services to victims of Gender-Based violence in strategic places such as police stations, Hospitals and other locations that could be easily accessed by the victims.

(2) Therefore, a police officer, a medical officer, and/or a social worker shall inform the victim of his or her rights and any services including support and counselling services which may be available.

(3) A victim of Gender-Based violence who is assisted by the police to obtain medical treatment is entitled to free medical treatment from the State.

(4) In case of emergency or a life-threatening situation, a victim of Gender-Based violence may receive free medical treatment pending a complaint to the police and the issuance of a report.

**Establishment of a Sexual Assault Response Centre.**

**51.** (1) There shall be established for the state a Sexual Assault Response Centre hereinafter referred to as the 'Centre' located at the Plateau State General Hospital Complex comprising of the following units:

- (a) Medical unit
- (b) Legal unit
- (c) Psychosocial/Counselling unit
- (d) Law enforcement unit

(2) The Centre shall be funded by the state in partnership with a non-governmental organisation dealing with gender related matters hereinafter referred to as the 'partner'.

(3) There shall be an agreement between the state government and the partner as to the day to day running and composition of the various units of the Centre.

**Regulations.**

**52.** The Attorney-General and Commissioner for Justice on the advice of the Commissioner for Women Affairs and Social Development, may make regulations to:

- (a) Provide forms necessary for the purpose of this Bill;
- (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 counselling of victims and perpetrators of Gender- Based Violence;
- (d) Provide for education and counselling in domestic relationships;
- (e) Prescribe 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; and
- (i) Provide for effective implementation of this Bill.

**Monitoring and Evaluation of the Implementation of Gender-Based Violence Bill.**

**53.** Continuous monitoring and evaluation of the implementation of this Bill shall be conducted to ensure the fulfillment of legal obligations, allow for compilation of best practices and to identify gaps in the Bill.

**Establishment of Fund.**

**54.** There is established by this Law a Gender-Based Violence Support Fund

**Objectives of the Fund.**

**55.** The proceeds of the Fund shall be applied:

- (a) towards the basic materials support of victims of Gender-Based violence;
- (b) for caring for affected dependants of Gender-Based violence;
- (c) for any matter connected with the rescue, rehabilitation and re- integration of Victim of Gender-based violence;
- (d) towards the construction of shelters for victims of Gender-Based violence in different local government areas;
- (e) for training and capacity building of persons connected with the provision of shelter, rehabilitation and re-integration.

**Sources of Money for the Fund.**

**56.** The monies for the Fund shall include:

- (a) Voluntary contributions to the Fund from individuals, organizations and the private sector,
- (b) Monies approved by the State House of Assembly for payment into the Fund, and

(c) Monies from any other source approved by the government.

**Management of the Fund.**

**57.** (1) The Fund shall be managed by the Committee established to oversee the affairs of Gender-Based Violence Support Fund.

(2) Monies for the Fund shall be paid into a bank account opened for the purpose by the Committee as approved.

**Accounts, Audit and Financial year.**

**58.** (a) The Committee shall keep books of account for the Fund and proper records in relation to them, in the form approved by the State Auditor- General.

(b) The Committee shall submit the accounts of the Fund for auditing as appropriate.

(c) The financial year of the Fund shall be the same as the financial year of the Government.

**Annual Report of the Fund.**

**59.** (1) The Commissioner for Women Affairs and Social Development shall within one month after receipt of the audit report, submit an annual report to the House of Assembly, covering the activities and operations of the Fund for the year to which the report relates.

(2) The annual report shall include:

- (a) The audited accounts of the Fund and the Auditor-General's report on the account of the Fund, and
- (b) Other information that the Commissioner may consider necessary.

**PART 4**

**CONSEQUENTIAL AMMENDMENT**

General savings 60.

and repeal.

**General Savings.**

(1) Any offence committed or proceedings instituted before the commencement of this Law under the provisions of the –

- (a) Criminal Code; Cap. 89 LFN 1963
- (b) Penal Code
- (c) Administration of Criminal Justice Law of Plateau State, 2018
- (d) 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) Any provision of this Bill shall supersede any other provision on similar offences in the Criminal Code, Penal Code and Administration of Criminal Justice Law of Plateau State.

**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

E.F.....  
..... Respondent

I, A.B..... of.....

hereby make oath and state as

follows:

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,

.....  
DEPONDENT

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, 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.....

.....  
*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

### **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*

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 *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;  
(d) entering a specified part of such a shared household;  
(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;

" (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;  
G) 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