

# **RIVERS STATE**

## **VIOLENCE AGAINST PERSONS (PROHIBITION)**

**LAW**

**NO. 4 OF 2020**

# **RIVERS STATE VIOLENCE AGAINST PERSONS (PROHIBITION) LAW**

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## 2. **Definition of rape**

- (1) A person commits the offence of rape if:
  - (a) the person intentionally penetrates the vagina, anus, mouth or any other part of the body of another person with any part of his body or any object, with the intention of having sexual knowledge, Without the consent of the other person; and
  - (b) consent to sex is obtained by:
    - (i) force;
    - (ii) threat;
    - (iii) intimidation of any kind,
    - (iv) fear of harm;
    - (v) false and fraudulent representation as to the nature of the act;
    - (vi) the use of any substance or additive capable of taking away the will of the person; or
    - (vii) impersonating a spouse, in the case of a married person.
- (2) A person convicted of an offence under subsection (1) is liable to imprisonment for life but where the offender is less than 18 years of age, the offender shall be subject to the Child Justice System and processes under the Child Rights Law.
- (3) Notwithstanding subsection (2), the Court shall award appropriate compensation to a victim as it deems fit in the circumstance.
- (4) The:
  - (a) Nigeria police;
  - (b) Ministry of Justice;
  - (c) Ministry of social welfare and rehabilitation; and
  - (d) any other body assigned by the Governor, shall maintain a register of sexual offenders.
- (5) The public shall have access to the register of convicted sexual offenders.

## 3. **Inflicting physical injury on a person**

- (1) A person who willfully causes or inflicts physical injury on any person by means of any weapon, substance or object, commits an offence and is liable on conviction to imprisonment for a term of 5 years or fine of N500,000.00.
- (2) A Person who attempts to commit the offence in subsection (1) is liable on conviction to imprisonment for a term of 3 years or a fine of N200,000.00.
- (3) A person who incites, aids, abets, or counsels another person to commit the

offence in subsection (1) is liable on conviction to imprisonment for a term of 3 years or a fine not exceeding N200,000.00.

- (4) An accessory after the fact, under this section is liable on conviction to imprisonment for a term of 3 years or a fine not exceeding N200,000.00
- (5) The court shall, in addition to any penalty award under this section, award appropriate compensation to the victim as it may deem fit in the circumstance.

#### **4. Coercion**

A person who coerces another to engage in an act to the detriment of that person's physical or psychological well-being commits an offence and is liable on conviction to imprisonment for a term of 3 years.

#### **5. Willfully placing a person in fear of physical injury**

- (1) A person who willfully or knowingly places any person in fear of physical injury commits an offence and is liable on conviction to imprisonment for a term of 2 years or fine of ₦200,000.00.
- (2) A person who aids, abets or counsels another person to commit an offence under subsection (1), is liable on conviction to imprisonment for a term of one year or a fine of ₦200,000.00.
- (3) An accessory after the fact, under this section, is liable on conviction to imprisonment for a term of one year or a fine of ₦200,000.00.
- (3) A person who attempts to commit the offence in subsection (1) is liable on conviction to imprisonment for a term of one year or a fine of N100,000.00.

#### **6. Offensive conduct**

- (1) A person who compels another person by force or threat, to engage in any sexual conduct or act to the detriment of the other person's physical or psychological well-being commits an offence and is liable on conviction to imprisonment for a term of 5 years or a fine of ₦500,000.00.
- (2) A person who attempts to commit the offence in subsection (1) commits an offence and is liable on conviction to imprisonment for a term of 2 years or a fine of N300,000.00.
- (3) A person who incites, aids, abets, or counsels another person to commit the offence in subsection (1) commits an offence and is liable on conviction to imprisonment for a term of 2 years or a fine of ₦300,000.00.

(4) An accessory after the fact under this section is liable on conviction to imprisonment for a term of 3 years or a fine of N300,000.00

## **7. Frustrating investigation**

(1) A person who with intent to defraud or conceal an offence or frustrate the investigation and prosecution of offenders under this Law or in any other Law:

- (a) destroys, alters, mutilates, or falsifies any book or document, dress or clothing which could serve as evidence or exhibits; or
- (b) omits, or is privy to the omission of any material from the document, book, dress or clothing, commits an offence and is liable on conviction to imprisonment for a term of 3 years or a fine of N500,000.00.

## **8. Willfully making false statements**

A person who willfully makes false statement, whether oral or documentary:

- (a) in a judicial proceeding under this Law; or
- (b) with the aim of initiating investigation or criminal proceedings under this Law against another person, commits an offence and is liable on conviction to imprisonment for one year or a fine of N200,000.00.

## **9. Forceful ejection from home**

- (1) A person who forcefully evicts a spouse from their home or refuses the spouse access to the home, commits an offence and is liable on conviction to imprisonment for a term of 2 years or a fine of N300,000.00 or both.
- (2) A person who attempts to commit the offence in subsection (1) commits an offence and is liable on conviction to imprisonment for one year or a fine of N200,000.00.
- (3) A person who incites, aids, abets, or counsels another person to commit the offence in subsection (1) commits an offence and is liable on conviction to imprisonment for one year or fine of N200,000.00.
- (4) An accessory after the fact under this section is liable on conviction to imprisonment for one year or a fine of N200,000.00.

## **10. Depriving a person of his liberty**

- (1) A person who deprives another person of his liberty, except pursuant to a court order commits an offence and is liable on conviction to imprisonment for a term of 2 years or a fine of N500,000.00.

- (2) A person who attempts to commit the offence in subsection (1) commits an offence and is liable on conviction to imprisonment for one year or a fine of N200,000.00.
- (3) A person who incites, aids, abets, or counsels another person to commit the offence in subsection (1) commits an offence and is liable on conviction to imprisonment for a term of 2 years or a fine of N300,000.00.
- (4) An accessory after the fact under this section is liable on conviction to imprisonment for a term of one year or a fine of N100,000.00.

## **11. Damage to property with intent to cause distress**

- (1) A person who causes:
  - (a) damage or destruction to a property of another person; or
  - (b) mischiefwith 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 of 2 years or a fine of N300,000.00
- (2) A person who attempts to commit the offence in subsection (1) commits an offence and is liable on conviction to imprisonment for a term of one year or a fine of N200,000.00.
- (3) A person who incites, aids, abets, counselor procures another person to commit the offence in subsection (1) commits an offence and is liable on conviction to imprisonment for a term of one year or a fine of N200,000.00.
- (4) An accessory after the fact under this section is liable on conviction to imprisonment for a term of one year or a fine of N200,000.00.

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## **12. Forced financial dependence or economic abuse**

- (1) A person who causes:
  - (a) a forced financial dependence; or
  - (b) an economic abuse,of another person commits an offence and is liable on conviction to imprisonment for a term of 2 years or a fine of N500,000.00
- (2) A person who attempts to commit the offence in subsection (1) commits an offence and is liable on conviction to imprisonment for a term of one year or a fine of N200,000.00
- (3) A person who incites, aids, abet, counsels or procures another person to commit the offence in subsection (1) commits an offence and is liable on conviction to imprisonment for a term of one year or a fine of N200,000.00

(4) An accessory after the fact under this section is liable on conviction to imprisonment for a term of 6 months or a fine of N100,000.00

### **13. Forced isolation or separation from family or friends**

(1) A person who forcefully isolates or separates another person from family or friends commits an offence and is liable on conviction to imprisonment for a term of 6 months or to a fine of N100,000.00.

(2) A person who attempts to commit the offence in subsection (1) commits an offence and is liable on conviction to imprisonment for a term of 3 months or a fine of N100,000.00.

(3) A person who incites, aids, abets, counsels or procures another person to commit the offence in subsection (1) commits an offence and is liable on conviction to imprisonment for a term of 3 months or a fine of N100,000.00

(4) An accessory after the fact under this section is liable on conviction to imprisonment for a term of 3 months or a fine of N100,000.00.

### **14. Emotional, Verbal or Psychological abuse.**

(1) A person who causes emotional, verbal or psychological abuse on another person commits an offence and is liable on conviction to imprisonment for a term of one year or a fine of N200,000.00.

(2) A person who attempts to commit the act of violence provided for in subsection (1) commits an offence and is liable on conviction to imprisonment for a term of 6 months or a fine of N100,000.00.

(3) A person who incites, aids, abets, counsels or procures another person to commit the offence in subsection (1) commits an offence and is liable on conviction to imprisonment for a term of 6 months or a fine of N100,000.00.

(4) An accessory after the fact under this section is liable on conviction to imprisonment for a term of 6 months or a fine of N100,000.

### **15. Abandonment of Spouse, Children and other dependants without means of sustenance**

(1) A person who abandons:

- his wife;
- her husband;
- any child of the marriage;
- any other dependant in the marriage who is a minor; or
- a child or any other dependant in his or her custody, without means of sustenance commits an offence and is liable on conviction to a fine of N500,000.00.

- (2) A person who attempts to commit the act of violence in subsection (1) commits an offence and is liable on conviction to a fine of N200, 000.00
- (3) A person who incites, aids, abets, counsels or procures another person to commit the offence in subsection (1) commits an offence and is liable on conviction to imprisonment for a term of 2 years or a fine of N200, 000.00.
- (4) An accessory after the fact under this law is liable on conviction to imprisonment for a term of one year or a fine of N100,000.00

## **16. Stalking**

- (1) A person who stalks another person commits an offence and is liable on conviction to imprisonment for a term of 3 years or a fine of N500,000.00.
- (2) A person who attempts to commit the offence in subsection (1) commits an offence and is liable on conviction to imprisonment for a term of 2 years or a fine of N200,000.00.
- (3) A person who incites, aids, abets, counsels or procures another person to commit the offence in subsection (1) commits an offence and is liable on conviction to imprisonment for a term of one year or a fine of N200, 000.00.
- (4) An accessory after the fact under this section is liable on conviction to imprisonment for a term of one year or a fine of N100, 000.00.

## **17. Intimidation**

- (1) A person who intimidates another person with intent to commit violence commits an offence and is liable on conviction to imprisonment for a term of one year or a fine of N200, 000.00.
- (2) A person who attempts to commit the offence in subsection (1) commits an offence and is liable on conviction to imprisonment for a term of 6 months or a fine of N100, 000.00.
- (3) A person who incites, aids, abets, counsels or procures another person to commit the act of violence in subsection (1) commits an offence and is liable on conviction to imprisonment for a term of 6 months or a fine of N100, 000.00.
- (4) An accessory after the fact under this section is liable on conviction to imprisonment for a term of 6 months or a fine of N100, 000.00

## **18. Spousal battery**

- (1) A person who batters a spouse commits an offence and is liable on conviction to imprisonment for a term of 3 years or a fine of N200,000.00

- (2) A person who attempts to commit the offence in subsection (1) commits an offence and is liable on conviction to imprisonment for a term of one year or a fine of N100, 000.00.
- (3) A person who incites, aids, abets, counsels or procures another person to commit the offence in subsection (1) commits an offence and is liable on conviction to imprisonment for a term of one year or a fine of N200, 000.00.
- (4) An accessory after the fact under this section is liable on conviction to imprisonment for a term of one year or a fine of N200, 000.00.

## **19. Harmful traditional practices**

- (1) Notwithstanding the Rivers State Dehumanizing and Harmful Traditional Practices (Abolition) Law No.2 of 2003, a person who carries out any harmful traditional practice on another person commits an offence and is liable on conviction to imprisonment for a term of 4 years or a fine of N500, 000.00.
- (2) A person who attempts to commit the offence in subsection (1) is liable on conviction to imprisonment for a term of 2 years or a fine of N300,000.00
- (3) A person who incites, aids, abets, or counsels another person to commit the offence in subsection (1) commits an offence and is liable on conviction to imprisonment for a term of 2 years or a fine of N300,000.00
- (4) An accessory after the fact under this section is liable on conviction to imprisonment for a term of 2 years or a fine of N200,000. 00

## **20. Attack with harmful substance**

- (1) A person who uses any chemical, biological or other harmful liquid on another person commits an offence and is liable on conviction to imprisonment for life without an option of fine
- (2) A person who attempts to commit the offence in subsection (1) is liable on conviction to imprisonment for a term of 25 years without an option of fine.
- (3) A person who incites, aids, abets, or counsels another person to commit the offence in subsection (1) commits an offence and is liable on conviction to imprisonment for a term of 25 years without an option of fine.
- (4) An accessory after the fact under this section is liable on conviction to imprisonment for a term of 25 years without an option of fine.

## **21. Administering a substance with intent to stupefying or overpowering**

A person who:

- (a) administers a substance to; or
- (b) causes a substance to be administered to or taken by,

another person with the intention of stupefying or overpowering that person to enable him or any other person to engage in a sexual activity with that person, commits an offence and is liable on conviction to imprisonment for a term of 10 years or a fine of N500,000.00.

## **22. Political violence**

- (1) Notwithstanding the Rivers State Independent Electoral Commission Law, 2018, and the Electoral Act, a person who carries out political Violence commits an offence and is liable on conviction to imprisonment for a term of 4 years or a fine of N500,000.00.
- (2) A person who attempts to commit the offence in subsection (1) is liable on conviction to imprisonment for a term of 2 years or a fine of N300,000.00.
- (3) A person who incites, aids, abets, or counsels another person to commit the offence in subsection (1) is liable on conviction to imprisonment for a term of 2 years or to a fine of N300,000.00.
- (4) An accessory after the fact under this section is liable on conviction to imprisonment for a term of 2 years or a fine of N200,000.00.

## **23. Violence by State Actors**

- (1) A state actor who commits political violence commits an offence and is liable on conviction to imprisonment for a term of 4 years or a fine of N1,000,000.00
- (2) A person who attempts to commit the offence in subsection (1) is liable on conviction to imprisonment for a term of 3 years or a fine of N700,000.00.
- (3) A person who incites, aids, abets, or counsels another person to commit the offence in subsection (1) commits an offence and is liable on conviction to imprisonment for a term of 2 years or a fine of N500,000.00.
- (4) An accessory after the fact under this section is liable on conviction to imprisonment for a term of one year or a fine of N300,000.00.
- (5) The State is liable for any offence committed by its agents under this section and the Court shall award appropriate compensation commensurate

with the extent and amount of damage.

**24. Incest**

(1) A person who knowingly and willfully has carnal knowledge of another person, without that person's consent, within the prohibited degrees of consanguinity and affinity contained in the Matrimonial Causes Act commits incest and is liable on conviction to imprisonment for a term not less than 10 years without an option of fine.

[CAP M7 LFN 2004]

(2) Pursuant to subsection (1) where the parties consent to commit incest, they are liable on conviction to imprisonment for a term of not less than 5 years without an option of fine, provided that the consent was not obtained by fraud or threat.

**25. Indecent exposure**

(1) A person who intentionally exposes his genital organ, or a substantial part of the genital organ with the intention of:

- (a) causing distress to another person; or
- (b) tempting or inducing another person to commit an offence, commits the offence of indecent exposure.

(2) A person who intentionally exposes his genital organ, or a substantial part of the genital organ, and induces another person to either massage or touch it with the intention of deriving sexual pleasure, commits an offence.

(3) A person who commits an offence under this section is liable on conviction to imprisonment for a term of one year or a fine of N500,000.00

**PART II - JURISDICTION OF THE COURT**

**26. Jurisdiction**

The Magistrate Court of the State and any other Court empowered by Law shall have the jurisdiction to hear and grant an application brought under this Law.

**27. Application for Protection Order**

(1) An application for a Protection Order may be made before a High Court following a complaint of violence by a complainant.

(2) No time limit or prescription shall apply in relation to a person seeking to apply for the protection order.

(3) The application under subsection (1) shall be made in the prescribed manner.

(4) Where the complainant is not represented by a counsel, the Police officer with whom a complaint of violence is lodged shall inform the complainant of any remedy he or she is entitled to under this Law including the right to

lodge a criminal complaint against the respondent if an offence is committed.

(5) The application may be brought on behalf of the complainant by any person, who has an interest in the well-being of the complainant including:

- (a) a Police officer;
- (b) a Protection officer;
- (c) an accredited service provider;
- (d) a counselor;
- (e) a health service provider;
- (f) a social worker; or
- (g) a teacher.

(6) Pursuant to subsection (5), the application shall be brought with the written consent of the complainant, except where the complainant is:

- (a) a minor;
- (b) mentally retarded;
- (c) unconscious; or
- (d) a person whom the court is satisfied is unable to provide the required consent.

(7) Notwithstanding the provisions of any law, a 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 and a supporting affidavit by a person who has knowledge of the matter may accompany the application.

## **28. Consideration of application**

The Court:

- (a) shall consider an application submitted to it under section 26 as soon as is reasonably possible; and
- (b) may consider any additional evidence it deems fit, including oral evidence or evidence by affidavit, which shall form part of the record of proceedings.

(2) Where the Court is satisfied that there is *prima facie* evidence that the respondent has committed, is committing or that there is imminent likelihood that he may commit domestic violence, the Court shall notwithstanding the fact that the respondent has not been given notice of the proceedings contemplated in subsection (1) issue an interim protection order against the respondent, in the prescribed manner.

(3) An interim protection order shall:

- (a) be served on the respondent in the prescribed manner; and
- (b) call on the respondent to show cause on the return date, specified in the order, why a protection order should not be issued against the respondent.

(4) A copy of the application and record of any evidence taken under subsection (1) shall be served on the respondent together with the interim protection order.

(5) Where the Court does not issue an interim protection order, it shall direct the Registrar of the Court to cause a certified copy of the application 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 against the respondent.

(6) The return dates in subsections (3) and (5) may not be less than 5 days after service on the respondent.

## **29. Issuing Protection Orders**

(1) Where the respondent does not appear on the return date in section 28 (3) or (5) and the Court is satisfied that:

- (a) proper service has been effected on the respondent; and
- (b) the application contains a *prima facie* evidence that the respondent has committed, is committing or that there is an imminent likelihood that he may commit domestic violence,

the Court shall issue a protection order in the prescribed form.

(2) Where the respondent appears on the return date to oppose the issuing of a protection order, the Court shall proceed to hear the matter and consider any:

- (a) evidence previously received under section 28 (1); and
- (b) further affidavit or oral evidence as it may direct, which shall form part of the record of proceedings.

(3) The Court may, on its own or on the request of the complainant, if it believes it is just or desirable, order that in the examination of a witness, 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 the witness by stating the question to the Court, and the Court shall repeat the question accurately to the witness.

(4) The Court shall, after the hearing, issue a protection order in the prescribed form if it finds on a balance of probability, that the respondent has committed, is committing or that there is an imminent likelihood that he may commit domestic violence.

(5) Where the Court issues a protection order, the Registrar of the Court shall, in the prescribed manner, cause:

- (a) the original of the order to be served on the respondent; and
- (c) a certified copy of the order and original warrant of arrest under section 32(1) (a) to be served on the complainant.

(6) The Registrar of the Court shall in the prescribed manner, forward certified copies of any protection order and warrant of arrest under section 32 (1) (a) to a police station of the complainant's choice.

(7) A protection order issued in this section remains in force until it is set aside.

(8) The execution of the protection order shall not be automatically suspended on the filing of an appeal.

### **30. Powers of the Court in respect of Protection Orders**

(1) The Court may, by means of a protection order, prohibit the respondent from:

- (a) committing domestic violence;
- (b) enlisting the help of another person to commit domestic violence;
- (c) entering a shared household provided that the Court may impose this prohibition where it appears to be in the best interest of the complainant;

- ( d ) entering a specified part of the shared household;
- ( e ) going to the complainant's residence;
- (f) going to 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 it;
- (i) renouncing the rights in the shared household except in favour of the complainant; or
- (j) doing any other act specified in the protection order.

(2) The Court may impose any additional condition, 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 shall accompany the complainant to a specified place to assist with any arrangement regarding the collection of personal property;
- (c) directing the respondent to secure alternative accommodation for the complainant;
- (d) for a temporal relocation to any safe place the Court deems fit in the interest of the complainant; or
- (e) approve a mediation channel on submission by the complainant.

(3) Where the Court orders a prohibition under subsection 1(c) the Court may impose on the respondent any obligation as to the discharge of rent or mortgage payment having regard to the financial needs and resources of the complainant and the respondent.

(4) The Court may order the respondent to pay an emergency monetary relief having regard to the financial needs and resources of the complainant and respondent.

(5) Pursuant to subsection (4) the order shall have the effect of a civil judgment of a Court.

(6) The Court may issue a direction to ensure that the complainant's physical address is not disclosed in a manner, which may endanger the safety, health or well-being of the complainant.

(7) Where the Court is satisfied that it is in the best interest of a child, it may:

- (a) refuse the respondent contact with the child; or
- (b) order contact with the child on any condition it considers appropriate.

(8) The Court shall not refuse to:

- (a) issue a protection order;
- (b) make an order; or
- (c) impose any condition,

which it is competent to make or impose under this section, on the ground that other legal remedies are available to the complainant.

(9) Where the Court is of the opinion that a provision in a protection order deals with a matter that should, in the interest of justice, be further dealt with under any other law, including the Matrimonial Causes Act and the Child's Right Law, the Court shall order that the provision be in force for a limited period as the Court determines, in order to afford the party concerned the opportunity to seek appropriate relief under that law.

[Cap Laws of the Federation, 2014 and Law No. 10 of 2009.]

### **31. Powers of Police**

(1) A police officer, at the scene of an incident of violence or as soon as it is reasonably possible or to whom a report of violence is made, shall:

- (a) assist a victim of violence to file a **complaint regarding the violence**;
- (b) provide or arrange safe transport for the victim to an alternative residence, safe place or shelter where required;
- (c) provide or arrange for transportation for the victim to the nearest hospital or medical facility for treatment of injuries where the treatment is needed;
- (c) explain to the victim the right to protection against violence and any remedy available under this Law;
- (d) explain to the victim that the right to lodge a criminal complaint in addition to any remedy provided under this Law; and
- (e) accompany the victim to victim's residence to collect any personal belonging.

(2) A police officer may, without an order of Court or a warrant of arrest, arrest a person whom:

- (a) he suspects on reasonable grounds to have committed an offence under Part 1; and
- (b) a complaint is made against to have committed an offence under Part 1.

(3) A police officer in carrying out his duty under this Law has power to:

- (a) remove or supervise the removal of a person excluded from a shared residence where the Court has issued an order under this Law;
- (b) remove or supervise the 'removal of any dangerous weapon used to commit an act of violence;
- (c) collect and store fingerprints including DNA of any accused and convicted offender; and
- (d) do any other thing necessary to ensure the safety and well-being of the complainant.

## **32. Warrant of arrest on the issuance of a Protection Order**

(1) Whenever a Court issues a protection order, the Court shall make an order:

- (a) authorizing the issuance of a warrant for the arrest of the respondent in the prescribed form; and
- (b) suspending the execution of the warrant subject to compliance with any prohibition, condition, obligation or order unposed under section 30.

(2) The warrant referred in subsection (1) (a) shall remain in force until the protection order is set aside or cancelled after execution.

(3) The Registrar of the Court shall issue a complainant with a second or further warrant of arrest, where the complainant files an affidavit in the prescribed form in which it is stated that the warrant is required for the complainant's protection and that the existing warrant of arrest:

- (a) has been executed or cancelled; or
- (b) is lost or destroyed.

- (4) A complainant may hand over, to a police officer, the warrant of arrest together with an affidavit in the prescribed form, where it is stated that the respondent has contravened a prohibition, condition, an obligation or order contained in a protection order.
- (5) Where it appears to the police officer that, there is reasonable ground to suspect that the complainant may suffer imminent harm because of the alleged breach of the protection order by the respondent, the police officer shall immediately arrest the respondent for allegedly committing the offence referred to in Part 1.
- (6) Where the police officer believes there is insufficient ground for arresting the respondent, he shall give a written notice to the respondent which:
  - (a) specifies the name, residential address, occupation and status of the respondent;
  - (b) requires the respondent to appear before a Court, on the date and time specified in the notice, on a charge of committing an offence under section 30(1); and
  - (c) contains a certificate signed by the police officer that he gave the original notice to the respondent and explained its importance.
- (7) The police officer shall forward a duplicate of the original of the notice to the Registrar of the Court and the mere production in the Court of the duplicate shall be a *prima facie* proof that the original was handed to the respondent specified in the notice.
- (8) The Police officer, in considering whether a complainant may suffer imminent harm, as contemplated in subsection (5), shall consider 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) Where a warrant of arrest is handed to a police officer under subsection (4)(a), the police officer shall inform the complainant of the right to simultaneously lay a criminal charge against the respondent, if applicable, and explain to the complainant how to lay the charge.

### **33. Variation or setting aside of a Protection Order**

- (1) A complainant or a respondent may, on a written notice to the other party and the Court, apply for the variation or setting aside of a protection order under section 29 in the prescribed manner.
- (2) Where 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 provided that it shall not grant the application to the complainant unless it

is satisfied that the application is made freely and voluntarily.

(3) The Registrar of the Court shall forward a notice as prescribed to the complainant.

### **34. Discharge**

Where a protection order is made, an application to discharge the protection order may be brought by:

- (a) (i) the Commissioner;
- (ii) the person who brought the application; or
- (iii) the respondent to that application,

where the application for the order was made by a Commissioner in respect of a dependent person;

- (b) the person who was the:
  - (i) applicant for the order, or
  - (ii) respondent to the application for the order,  
in any other case,

and the Court, on hearing the application, shall make any order it considers appropriate in the circumstance.

### **35. Offences relating to Protection Orders**

- (1) Any respondent who:
  - (a) contravenes an interim protection order or a protection order;  
or
  - (b) While an interim protection order is in force:
    - (i) Refuses to permit the applicant or a dependent person to enter and remain in the place to which the order relates; or
    - (ii) Does an act for the purpose of preventing the applicant or the dependent person from entering or remaining.

Commits an offence and is liable, on summary conviction, to imprisonment for a term of 6 months or a fine of ₦300,000.00

- (2) subsection (1) is 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.
- (3) A person who willfully makes a false statement in a material respect in an affidavit,

commits an offence and is liable to imprisonment for a term of 6 months or a fine of ₦200,000.00.

### **36. Application and Forms of a Protection Order**

The affidavit, application and forms of a protection Order referred to in this part shall be in accordance with the schedule.

### **37. Rights of victims**

(1) In addition to the rights guaranteed under chapter IV of the Constitution of the Federal Republic of Nigeria 1999, or any other Law in force in Nigeria, a victim of violence as defined in section 1, is entitled to:

- (a) receive any necessary material, comprehensive medical, psychological, social and legal assistance through governmental agencies or non-governmental agencies and be readily afforded access to them;
- (b) be informed of the availability of legal, health and social services and any other relevant assistance; and
- (c) rehabilitation and re-integration programme of the State to enable every victim acquire pre-requisite skills, where applicable and necessary, in any vocation of the victim's choice and if necessary, formal education or access to any micro-credit facility.

(2) Any rule or regulation made by an institution or organization prohibiting or restraining the reporting of any offence or complaint under this Law, shall to the extent of the inconsistencies be null and void.

(3) No complainant shall be expelled, disengaged, suspended or punished in any form by the reason of compliance with this Law.

(4) Any head of institution who contravenes subsections (1), (2) or (3) commits an offence and is liable on conviction to imprisonment for a term of 6 months or a fine of N200,000.00

(5) No person shall be present during any proceedings under this Law except:

- (a) an officer of the Court;
- (b) the parties to the proceedings;
- (c) a person bringing an application on behalf of the complainant under section 26(5);
- (d) a legal practitioner representing a party to the proceeding;
- (e) an accredited service provider;
- (f) a witness;
- (g) 3 persons providing support to the complainant;
- (h) 3 persons providing support to the respondent; and

- (i) any other person whom the Court permits to be present, provided that the Court may, exclude a person from attending any part of the proceeding, where it is satisfied that it is in the interest of justice to do so.
- (6) Nothing in this section shall limit any other power of the Court to hear proceedings in camera or exclude a person from attending the proceedings.

### **PART III – SERVICE PROVIDERS**

#### **38. Prohibition of publication of certain information**

- (1) No person shall publish in any manner any information which might, directly or indirectly, reveal the identity of any party to the proceedings.
- (2) Where the Court is satisfied that it is in the interest of justice, it may direct that any further information relating to the proceedings held under this Law shall not be published provided that no direction under this subsection shall apply in respect of the publication of a bona fide law report which does not mention the name or reveal the identity of any party to the proceedings or of any witness at the proceedings.
- (3) A person who contravenes this section commits an offence and is liable on conviction to imprisonment for a term of one year or a fine of N200,000.00

#### **39. Registration and powers of service providers**

- (1) A voluntary association registered under the Companies and Allied Matters Act or any other law with the objective of protecting the rights and interests of victims of violence by any lawful means including provision of legal aid, medical, financial or any other assistance shall register with the Ministry of Social Welfare and Rehabilitation as a service provider for the purpose of this Law.
- (2) The Ministry of Social Welfare and Rehabilitation shall:
  - (a) keep a register of every accredited service provider and circulate the register to every police station, protection officer and the Court; and
  - (b) draw up a guideline for the operation of every accredited service provider
- (3) A service provider registered under subsection (1) has power to:
  - (a) record the violence incidence report in the prescribed form, where an aggrieved person desires, and forward a copy to the Magistrate and Protection Officer having jurisdiction 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 where the violence took place; and

- (c) ensure that the aggrieved person is provided shelter in a shelter home, where required and forward a report of the lodging of the aggrieved person in the shelter home to the police station Within the locality where the violence took place.
- (4) No suit, prosecution or any other legal proceeding shall lie against a service provider who is acting or purporting to act under this Law, for anything done in good faith or intended to be done m exercise of any power or in discharge of any function under this Law towards the prevention of the commission of violence.

#### **40. Protection Officers**

- (1) The Ministry of Social Welfare and Rehabilitation shall appoint any number of protection officers in each Local Government Area as it deems necessary.
- (2) The protection officers shall
  - (a) assist the Court in the discharge of its duties under this Law;
  - (b) co-ordinate the activities of the Police and the accredited service providers in his or her Local Government Area; and
  - (c) ensure that a victim or survivor of violence:
    - (i) has easy access to accredited service provider;
    - (ii) has easy access to transportation to an alternative residence or a safe shelter, the nearest hospital or medical facility for treatment;
    - (iii) collects his or her belongings or properties from a shared household or residence;
    - (iv) has access to the Court for any order under this Law; or
    - (v) has access to every possible assistance in the service of an interim protection order on the respondent, and the enforcement of any order that may have been made by the Court under this Law.
- (3) Where the respondents fails to make a payment ordered by the court under this law, a protection officer may direct an employer or a debtor of the respondent, or a bank in which the respondent operates an account, to pay directly to the complainant to deposit with the court:

- (a) a portion of the wages or salaries of the respondent;
- (b) any debt due to or accrued to the credit of the respondent; or
- (c) any money in a bank account operated by the respondent,

which amount may be adjusted towards the emergency monetary relief payable by the respondent.

#### **41. Coordinator for prevention of domestic violence**

- (1) The Ministry of Social Welfare and Rehabilitation shall appoint a Coordinator for the prevention of domestic violence.
- (2) The Coordinator shall submit annual report on the implementation of this Law, to the Ministry of Social Welfare and Rehabilitation, and forward a copy to the office of the Attorney General of the State.

#### **42. Dangerous sexual offenders**

A court may declare a person convicted of a sexual offence a dangerous sexual offender if the person has:

- (a) more than one conviction for sexual offences; or
- (b) been convicted of a sexual offence against a child.

### **PART IV-REGULATORY BODY**

#### **43. Regulatory body**

The Ministry of Social Welfare and Rehabilitation shall:

- (a) implement this Law; and
- (b) collaborate with every relevant stakeholder including faith-based organizations to achieve the objectives of this Law.

### **PART V - CONSEQUENTIAL AMENDMENT**

#### **44. Savings**

Any offence committed or proceedings instituted before the commencement of this Law under:

- (a) the Criminal Code Law of Rivers State vol. 2 Cap 37; or
- (b) any other law or regulation relating to violence as defined in this Law, shall be enforced by this Law.

## **PART VI - INTERPRETATION**

### **45. Interpretation**

(1) In this Law:

**"Abandonment of women, children and other persons"** includes deliberately leaving any woman, child or other person, under a perpetrator's care, destitute and without any means of subsistence;

**"Accredited service provider"** means any governmental, non-governmental, faith based, voluntary and charitable association or institution providing shelter, homes, counseling, legal, financial, medical or any other assistance to a victim of domestic violence and registered with the appropriate Government Ministry under this Law;

**"An accessory after the fact"** means a person who receives or assists another person who to his knowledge has committed an offence;

**"Civil proceedings"** means any proceedings:

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

**"Court"** means the Family Court, Magistrates Court or High Court;

**"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"** includes any instrument or machine directed toward a person with the intention of inflicting bodily harm on the person and includes a gun, knife, stick, whip or any other household appliance capable of inflicting bodily harm on a person;

**"Defendant"** means a person whom another person is responsible for providing his food, clothing, shelter, healthcare, education and any other need, and includes a wife, husband, child, biological or adopted, etc;

**"Domestic relationship"** means a relationship in which any person and a perpetrator of violence:

- (a) are or were married to each other, including marriage according to any law, custom or religion;
- (b) live or have lived together in a relationship marriage, although they are not or were not married to each other;

- (c) 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) are family members related by consanguinity, affinity or adoption;
- (e) are or were in an engagement; dating or customary relationship, including actual or perceived romantic, intimate or sexual relationship of any duration; or
- (f) share or recently shared the residence.

**"Domestic violence"** includes any act carried out on a person in a domestic relationship where the act causes harm or may cause imminent harm to the safety, health or well-being of the person.

**"Economic abuse"** includes a situation where a person:

- (a) forces financial dependence on another person;
- (b) denies another person of inheritance or succession rights;
- (c) unreasonably deprives another person of economic or financial resources which the person deprived is entitled to or requires out of necessity, including:
  - (i) household necessities;
  - (ii) mortgage bond repayments; or
  - (iii) payment of rent in respect of a shared residence;
- (d) destroys or unreasonably disposes of household effects or any other property in which any person has an interest;

**"Emergency monetary relief"** means compensation for monetary losses, including:

- (a) loss of earnings;
- (b) medical and dental expenses;
- (c) household necessities; or
- (d) legal fees related to obtaining and serving the protection order,

suffered by any person arising from an act of violence but does not constitute a maintenance order;

**"Emotional, verbal and psychological abuse"** mean a pattern of degrading or humiliating conduct towards any person, including:

- (a) repeated insults;
- (b) ridicule or name calling;
- (c) repeated threats to cause emotional pain; or
- (d) repeated exhibition of obsessive possessiveness, which is of a nature that constitutes a serious invasion of the person's privacy, liberty, integrity or

security;

**"Forced isolation from family and friends"** includes preventing a person from leaving the home or having contact with family, any friend, any other person or group;

**"Harassment"** includes engaging in a pattern of conduct that induces fear of harm or impairs the dignity of a person including:

- (a) stalking;
- (b) repeatedly making telephone calls or inducing another person to make telephone calls to a person; or
- (c) repeatedly sending, delivering or causing delivery to the person:
  - (i) any information, through any channel of communication;
  - (ii) a package or any other object;

**"Harmful traditional practices"** includes any:

- (a) traditional behaviour, attitude or practice, which negatively affects the fundamental rights of any person; and
- (b) harmful widowhood practices, denial of inheritance or succession rights, female genital mutilation or female circumcision, forced marriage or forced isolation from family and friends;

**"Incest"** means an indecent act or sexual activity between persons who are, to their knowledge, related by blood;

**"Indecent exposure"** has the meaning ascribed to it under section 25;

**"Intimidation"** includes

- (a) uttering or conveying a threat or causing any person to receive a threat, which induces fear, anxiety or discomfort;
- (b) any action or circumstance which amounts to a demand for sexual intercourse with female person under any guise, as a condition for passing examination, securing employment, business patronage, obtaining favour in any form;
- (c) the actual demand for sexual intercourse with female person under any guise, as a condition for passing examination, securing employment, business patronage and or obtaining favour in any form;

- (d) acts of deprivation, withholding, replacing or short-changing of any entitlement, privilege, right, benefit, examination or test marks or scores, and any other form of disposition capable of coercing a person to submit to sexual intercourse for receiving reprieve; or
- (e) any other action or inaction construed as sexual intimidation or harassment under any other enactment in the State.

**"Persons"** is as defined in the Interpretation Act;

**"Physical abuse"** means any act or threatened act of physical aggression towards a person;

**"Political violence"** means any act or attempted act of violence perpetrated in the cause of any political activity, and includes:

- (a) thuggery;
- (b) mugging;
- (c) use of force to disrupt any meeting; or
- (d) use of any dangerous weapon likely to cause any bodily harm or injury;

**"Protection officer"** means an officer appointed under section 39;

**"Protection Order"** means an official legal document, signed by a Judge that restrains a person or state actor from further abusive behaviour towards a victim;

**"Sexual abuse"** means any conduct which violates, humiliates or degrades the sexual integrity of a person;

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

**"Sexual exploitation"** means a situation 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 the services to any other person;

**"Sexual harassment"** means a persistent, serious, demeaning or humiliating unwanted conduct of a sexual nature or other conduct based on sex or gender which creates a hostile or intimidating environment, and may include physical, verbal or non-verbal conduct;

**"Spouse"** means husband or wife as recognised under the Matrimonial Causes Act, Islamic or Customary Law;

**"Spousal battery"** means the intentional use of force or violence by a person on his spouse, and includes the touching, beating or striking by a person on his spouse with the intention of causing bodily harm to that spouse;

**"Stalking"** means repeatedly:

- (a) watching or loitering outside of or near the building or place where a person resides, works, carries on business, studies or happens to be; or
- (b) following, pursuing or accosting any person, in a manner which induces fear or anxiety in the person being stalked;

**"State"** means Rivers State of Nigeria;

**"State actors"** means any group of persons, structured or organised institution or agency working on behalf of government;

**"Substance attack"** means the exposure of a person to any form of chemical, biological or any other harmful liquid with the intention to cause grievous bodily harm;

**"Trafficking"** includes the supply, recruitment, procurement, capture, removal, transportation, transfer, harboring, sale, disposal or receiving of a person, within or across the borders of the Federal Republic of Nigeria, for use in any sexual act, or exploitation of any person, or pornography;

**"Victim"**: means any person or persons, who, individually or collectively, have suffered harm, including:

- (a) physical or mental injury;
- (b) emotional suffering;
- (c) economic loss; or
- (d) substantial impairment of their fundamental rights, through any act or omissions in contravention of this Law or any criminal law in Nigeria, and includes the immediate family, any dependant of the direct victim or any other person who has suffered harm in intervening to assist victims in distress;

**"Violence"** means any act or attempted act, which causes or is likely to cause a person physical, sexual, psychological, verbal, emotional or economic harm either in private or public life, in peace time or conflict situations;

**"Violence perpetrated by State actors"** includes:

- (a) wrongful arrest and detention;
- (b) assault;
- (c) use of force without lawful authority;
- (d) unlawful entry into the premises; or
- (e) demolition of property without due processes;

#### 45. Citation

This Law may be cited as the Violence Against Persons (Prohibition) Law, 2020.

## **SCHEDULE**

Section 27 and 28

### **AFFIDAVIT, APPLICATION AND FORMS OF PROTECTION ORDER**

#### **FORM 1**

#### **GENERAL FORM OF APPLICATION FOR PROTECTION ORDER**

In the ..... Court of Rivers State

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 of Rivers State

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 apply that AB be protected by this 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 of Rivers State

In the ..... Division/District

Suit No. ....

*Between*

A.B ..... Complainant

*and*

C.D ..... Respondent

*and*

E. F. ....

I, A.B. ..... of..... hereby make oath and state as follows: etc.

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

.....  
**DEPONENT**

Sworn to at ..... Court Registry

This ..... day of .....

**BEFORE ME**

**COMMISSIONER FOR OATH**

**FORM 4**

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

In the ..... Court of Rivers State  
In the ..... Division/District  
Suit No. ....

*Between*

A.B ..... Complainant  
and  
C.D ..... Respondent  
and  
E. F. ....

**CONSENT TO APPLICATION FOR PROTECTION ORDER**

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

Dated this ..... day of .....

.....  
*Complainant*

**FORM 5**

**GENERAL FORM OF INTERIM PROTECTION ORDER**

In the ..... Court of Rivers State  
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 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 the 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 of Rivers State  
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 the violence against the complainant.

You are hereby prohibited from:

(insert whichever is appropriate)

- (a) committing the violence;
- (b) enlisting the help of another to commit domestic violence;
- (c) entering a shared household, provided that the court may impose this prohibition only where it appears to be in the best interest of the complainant;
- (d) entering a specified part of the shared a 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 it;
- (i) renouncing his rights in the shared household except in favour of the complainant;
- (j) committing any other act specified in the Protection Order; or
- (k) any other order the court deems fit to make.

Given under my hand this .....day of .....

.....  
*Judge/Magistrate*

This printed impression has been carefully compared by me with the Rivers State Violence Against Persons (Prohibition) Bill (HA.2), of 2019 which has been passed by the Rivers State House of Assembly and found by me to be a true and correctly printed copy of the said Bill.

.....  
**RT. HON. IKUINYI-OWAJI IBANI** DSSRS  
**SPEAKER**  
RIVERS STATE HOUSE OF ASSEMBLY

.....  
**STANDFORD I. OBA**  
**CLERK**  
RIVERS STATE HOUSE OF ASSEMBLY