EKITI STATE GENDER-BASED VIOLENCE (PROHIBITION) LAW, 2019.

EKITI STATE GENDER-BASED VIOLENCE (PROHIBITION) LAW, 2019

NO. 18 OF 2019

EKITI STATE OF NIGERIA

EKITI STATE GENDER-BASED VIOLENCE (PROHIBITION) LAW, 2019

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A LAW TO REPEAL THE EKITI STATE GENDER-BASED VIOLENCE (PROHIBITION) LAW, 2011 AND ENACT THE EKITI STATE GENDER-BASED VIOLENCE (PROHIBITION) LAW, 2019 TO INCORPORATE THE PROVISIONS OF THE LAW, TO PROHIBIT FEMALE CIRCUMCISION OR GENITAL MUTILATION IN EKITI STATE CAP. E13, THE LAW TO PROTECT THE RIGHTS OF WIDOWS, CAP. R6 AND THE VIOLENCE AGAINST PERSONS (PROHIBITION) (VAPP) ACT 2015, IN ONE LAW, AND OTHER MATTERS CONNECTED THEREWITH.

NO. 18 OF 2019

EKITI STATE OF NIGERIA

Commencement ( )

ENACTED by the Ekiti State House of Assembly as follows:

EKITI STATE GENDER BASED VIOLENCE (PROHIBITION) LAW, 2019

PART I
DEFINITION.

Definition.

1. (1) **Gender-based Violence means:**
   (a) Violence that affects a person or group of persons disproportionately because of their sex.
   (b) Any act that inflicts physical, mental or sexual harm or suffering, threats of such acts, coercion and other deprivation of liberty.
   (c) All acts of violence whether those that occur in the public sphere or in the private sphere.
   (d) All acts of violence which impair or nullify the enjoyment of human rights and fundamental freedoms stated under general international Laws or under Human Rights conventions as discrimination.
   These rights and freedoms include:
      (i) the right to life;
      (ii) the right not to be subjected to torture or to cruel, inhuman or degrading treatment or punishment;
      (iii) the right to equal protection according to humanitarian norms in times of international or internal armed conflict;
      (iv) the right to liberty and security of person;
      (v) the right to equal protection under the Law;
      (vi) the right to equality in the family;
      (vii) the right to the highest standard attainable of physical and mental health;
      (viii) the right to just and favourable conditions of work.

Types and forms of Gender-based violence.

(2) Gender-Based violence shall include:

(i) Threats to commit, or acts liable to result in Physical abuse, which includes slapping, beating, arm twisting, stabbing, strangling, burning, choking, kicking, threats with an object or weapon, murder and traditional practices which are harmful to health and well being;

(ii) Sexual abuse which includes forceful engagement of another person in asexual conduct that abuses, humiliates or degrades the other person or otherwise defiles another person's sexual integrity or a sexual contact by a person aware of being infected with Human Immunodeficiency Virus (HIV) or any other Sexual Transmitted Diseases (STDs) with another without that other person being given prior information of the infection;

(iii) Psychological abuse which includes any behaviour that makes another person feel constantly unhappy, miserable, humiliated, ridiculed, afraid, jittery, or depressed or to feel inadequate or worthless;

(iv) Economic abuse which includes acts such as the denial of funds, refusal to contribute financially, denial of food and basic needs and controlling access to healthcare and employment;

(v) Any act which attempts or results in degrading people physically, psychologically, economically or emotionally; and

(vi) Behaviour or conduct that in any way:
   a) harms or may harm another person;
   b) endangers the safety, health or well-being of another person;
   c) undermines another person's privacy, integrity or security; or
   d) detracts or is likely to detract another person's dignity and worth as a human being

(vii) All acts of domestic violence perpetrated by intimate partners and family members. These include:
   a) all acts of violence occurring within the family and interpersonal relationship;
   b) dating relationship and relationships akin to a family relationship or a relationship in a domestic situation that exists or has existed between a complainant and respondent and includes a relationship where the complainant:
      (i) is presently married or was married to the respondent, cohabits with the respondent in a relationship in the nature of a marriage even if they are not or were not married to each other or could not or cannot be married to each other;
      (ii) is engaged to the respondent, courting the respondent or is in an actual or perceived romantic, intimate, or cordial relationship not necessarily including a sexual relationship with the respondent, and both are parents of the child, are expecting a child together or are foster parents of a child;
      (iii) is a blood relation to the respondent or is adopted by the respondent and both are family members related by consanguinity;

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(iv) is a house help in the household of the respondent; or is in a relationship determined by the court to be a domestic relationship.

(3) **Sexual assault.**

Sexual assault means causing another person to engage in a sexual activity by threatening or placing that person in fear, engaging in a sexual act if that person is incapable of declining participation in or communicating unwillingness to engage in that sexual act.

(4) **Violence against women:**

(i) Any act of gender-based violence that results in or is likely to result in physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation or liberty, whether occurring in public or private life;

(ii) A combination of any of the following:

(a) Wilfully placing or attempting to place a woman or girl in fear of physical injury which includes slapping, beating, arm twisting, stabbing, strangling, burning, choking, kicking, threats with an object or weapon and murder;
(b) Coercing a woman or girl by force or threats to engage in any act, sexual or otherwise, to the detriment of her physical or psychological well being;
(c) Traditional practices harmful to women such as female genital mutilation, attempting or aiding the mutilation of a woman or girl-child's genitals;
(d) Indecently assaulting a woman or girl;
(e) Raping a woman or girl.
(f) Committing incest with a woman or girl;
(g) Marrying or giving an under-age girl into marriage;
(h) Sexually harassing a woman or girl;
(i) Sexually assaulting a woman or girl;
(j) Sexually exploiting or enslaving a woman or girl;
(k) Sexually abusing a woman or girl; (slavery or trafficking);
(l) Forcing a woman or girl into prostitution, slavery or trafficking;
(m) Depriving a woman of her liberty;
(n) Denying a woman of economic benefit without just cause;
(o) Exposing any woman or girl to forced labour;
(p) Forcing any woman to isolate herself from family and friends;
(q) Inflicting any emotional abuse on a woman;
(r) Abandoning wife or children without any means of sustenance;
(s) Stalking or intimidating woman or girl;
(t) Inflicting any domestic violence on a woman or girl;
(u) Imposition of dress codes under any guise;
(v) Criminalizing pregnancy outside marriage;
(w) Trafficking in women and girls.

Rape.

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

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

(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 offalse and fraudulent representation as to the nature of the act or 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 or her spouse.

(2) A person convicted of an offence under subsection (1) of this Section is liable to imprisonment for life except –

(a) where the offender is less than 14 years of age, the offender is liable to a maximum of 14 years imprisonment;

(b) in all other cases, to a minimum of 12 years imprisonment without an option offine; or

(c) in the case of rape by a group of persons, the offenders are liable jointly to a minimum of 20 years imprisonment without an option of fine.

(3) The Court shall also award appropriate compensation to the victim as it may deem fit in the circumstance.

(4) A register for convicted sexual offenders shall be maintained by the Attorney General and Commissioner for Justice and made accessible to the public.

Inflicting Physical Injury on a Person.

3. (1) A 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 a minimum of 2 years imprisonment or a fine not less than ₦200,000.00 or both.

(2) A person who attempts to commit the act of violence provided for in subsection (1) of this Section commits an offence and is liable on conviction to a minimum of 1 year imprisonment or to a fine not less than ₦100, 000.00 or both.

(3) A person who incites, aids, abets, or counsels another person to commit the act of violence provided for in subsection (1) of this Section commits an offence and is liable on conviction to a minimum of 1 year imprisonment or to a fine not less than ₦100,000.00 or both.

(4) A person who receives or assists another who, to his knowledge commits an offence under subsection (1) of this Section, is an accessory after the fact and is liable on conviction to a minimum of 1 year imprisonment or to a fine not less than ₦100,000.00 or both.

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

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Coercion.

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

Wilfully Placing a Person in Fear of Physical Injury.

5. (1) A person who wilfully or knowingly places a person in fear of physical injury commits an offence and is liable on conviction to a minimum of 2 years imprisonment or to a fine not less than ₦200, 000.00 or both.

(2) A person who attempts to commit the offence as provided for in subsection (1) of this section commits an offence and is liable on conviction to a minimum of 1 year imprisonment or to a fine not less than ₦ 100, 000.00 or both.

(3) A person who aids, abets, or counsels another person to commit the offence provided for in sub-section (1) of this section commits an offence and is liable on conviction to a minimum of 1 year imprisonment or to a fine not less than ₦100, 000.00 or both.

(4) A person who receives or assists another who has committed the offence provided for in subsection (1) of this section is an accessory after the fact and is liable on conviction to a minimum of 1 year imprisonment or to a fine not less than ₦100, 000.00 or both.

Offensive Conduct.

6. (1) A 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 a minimum of 2 years imprisonment or to a fine not than ₦200,000.00 or both.

(2) A person who attempts to commit the offence provided for in subsection (1) of this section commits an offence and is liable on conviction to a minimum of 1 year imprisonment or to a fine not less than ₦100, 000.00 or both.

(3) A person who incites, aids, abets, or counsels another person to commit the offence provided for in subsection (1) of this section commits an offence and is liable on conviction to a minimum of 1 year imprisonment1year or to a fine of ₦100, 000.00 or both.

(4) A person who receives or assists another who to his or her knowledge committed the offence provided for in subsection (1) of this Section is an accessory, and is liable on conviction to a minimum of 1 year imprisonment or to a fine of ₦100, 000.00 or both.

Prohibition of Female Circumcision or Genital Mutilation.

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

(2) A 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

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to a minimum of 1 year imprisonment or to a fine of ₦200, 000.00 or both.

(3) A person who attempts to commit the offence provided for in subsection (2) of this Section commits an offence and is liable on conviction to a term of imprisonment not exceeding 1 year or to a fine not exceeding ₦100,000.00 or both.

(4) A person who incites, aids, abets, or counsels another person to commit the offence provided for in subsection (2) of this Section commits an offence and is liable on conviction to a term of imprisonment not exceeding 1year or to a fine not exceeding ₦100,000.00 or both.

Frustrating Investigation.

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

(a) destroys, alters, mutilates, or falsifies 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, commits an offence and is liable on conviction to a minimum of 2 years imprisonment or to a fine of ₦ 200,000.00 or both.

(c) begs or appeals to the victim, police or prosecution commits an offence and is liable on conviction to a minimum of 1 year imprisonment or to a fine of N100,000,00 or both.

Wilfully making False Statements.

9. A person who wilfully makes false statement, whether oral or documentary in any judicial proceeding under this law or with the aim of initiating investigation or criminal proceedings under this law against another person commits an offence under this law and is liable on conviction to a fine of ₦100, 000.00 or a minimum of 6 months imprisonment or both.

Forceful Ejection from Home.

10. (1) A person who forcefully evicts his or her spouse from his or her home or refuses him or her access commits an offence and is liable on conviction to a term of imprisonment for 3 months or to a fine of ₦ 100, 000.00 in the first instance and to a term of 6 months imprisonment or a fine of ₦ 200, 000.00 or both in other instances.

(2) A person who attempts to commit the offence provided for in subsection (1) of this Section commits an offence and is liable on conviction to a term of imprisonment not exceeding 3 months or to a fine not exceeding ₦100,000.00 or both.

(3) A person who incites, aids, abets, or counsels another person to commit the offence as provided for in subsection (1) of this Section commits an offence and is liable on conviction to a term of imprisonment not exceeding 3 months or to a fine not exceeding ₦100,000.00 or both.

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(4) A person who receives or assists another who, to his or her knowledge, commits the offence provided for in subsection (1) of this Section is an accessory after the fact and is liable on conviction to a term of imprisonment not exceeding 3 months or to a fine not exceeding ₦100,000.00 or both.

Depriving a Person of His or Her Liberty.

11. (1) A person who deprives another of his or her liberty, except pursuant to a court order commits an offence and is liable on conviction to a minimum of 2 years imprisonment or to a fine of ₦ 200, 000.00 or both.

(2) A person who attempts to commit the offence provided for in subsection (1) of this section commits an offence and is liable on conviction to a minimum of 1 year imprisonment or to a fine of ₦100, 000.00 or both.

(3) A person who incites, aids, abets, or counsels another person to commit an offence as provided for in subsection (1) of this section commits an offence and is liable on conviction to a minimum of 1 year imprisonment or to a fine of ₦100, 000.00 or both.

(4) A person who receives or assists another who, to h is or her knowledge. committed the offence provided for in subsection (1) of this section is an accessory after the fact and is liable on conviction to a term of imprisonment not exceeding one year or to a fine not exceeding ₦100,000.00 or both.

Damage to Property with Intent to Cause Distress.

12. (1) A 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 a term of imprisonment for 2 years or to a fine of ₦200, 000.00 or both.

(2) A person who attempts to commit the offence provided for in subsection (1) of this Section commits an offence and is liable on conviction to a term of imprisonment for 1 year or to a fine of ₦100, 000.00 or both.

(3) A person who incites, aids, abets or counsels another person to commit the offence as provided for in sub section (1) of this Section commits an offence and is liable on conviction to a term of imprisonment for 1 year or to a fine of ₦100, 000.00 or both.

(4) A person who receives or assists another who, to his or her knowledge, committed the offence provided for in sub section (1) of this Section is an accessory after the fact and is liable on conviction to a term of imprisonment for 1 year or to a fine of ₦100,000.00 or both.

Forced Financial Dependence or Economic Abuse.

13. (1) A person who causes forced financial dependence or economic abuse of another commits an offence and is liable on conviction to a term of imprisonment not exceeding 2 years or to a fine not exceeding ₦200,000.00 or both.

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(2) A person who attempts to commit the offence provided for in subsection (1) of this Section commits an offence and is liable on conviction to a term of imprisonment not exceeding one year or to a fine not exceeding ₦100.000.00 or both.

(3) A person who incites, aids, abets, or counsels another person to commit the offence as provided for in subsection (1) of this Section commits an offence and is liable on conviction to a term of imprisonment not exceeding 1 year or to a fine not exceeding ₦100,000.00 or both.

(4) A person who receives or assists another who, to his or her knowledge. committed the offence provided for in subsection (1) of this Section is an accessory after the fact and is liable on conviction to a term of imprisonment not exceeding 6 months or to a fine not exceeding ₦ 100,000.00 or both.

(5) The Court may also make an order for the victim to be compensated.

Forced Isolation or Separation from Family and Friends.

14. (1) A person who forcefully isolates or separates another from family and friends commits an offence and is liable on conviction to a term of imprisonment not exceeding 6 months or to a fine not exceeding ₦100,000.00 or both.

(2) A person who attempts to commit the offence provided for in subsection (1) of this section commits an offence and is liable on conviction to a term of imprisonment not exceeding three (3) months or to a fine not exceeding ₦100,000.00 or both.

(3) A person who incites, aids, abets, or counsels another person to commit the offence as provided for in subsection (1) of this section commits an offence and is liable on conviction to a term of imprisonment not exceeding three (3) months or to a fine not exceeding NI 00,000.00 or both.

(4) A person who receives or assists another who, to his or her knowledge, committed the offence provided for in subsection (1) of this section is an accessory after the fact and is liable on conviction to a term of imprisonment not exceeding three (3) months or to a fine not exceeding ₦100.000.00 or both.

Emotional Verbal and Psychological Abuse.

15. (1) A person who causes emotional, verbal and psychological abuse on another commits an offence and is liable on conviction to a term of imprisonment not exceeding one (1) year or to a fine not exceeding ₦200,000.00 or both.

(2) A person who attempts to commit the act of abuse provided for in subsection (1) of this section commits an offence and is liable on conviction to a term of imprisonment not exceeding 6 months or to a fine not exceeding ₦100,000.00 or both.

(3) A person who incites, aids, abets, or counsels another person to commit the act of violence

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as provided for in subsection (1) of this Section commits an offence and is liable on conviction to a term of imprisonment not exceeding 6 months or to a fine not exceeding ₦100,000.00 or both.

(4) A person who receives or assists another who, to his or her knowledge committed the offence provided for in subsection (1) of this Section is an accessory, and is liable on conviction to a term of imprisonment not exceeding 6 months or to a fine not exceeding ₦100,000.00 or both.

Harmful Widowhood Practices.

16. (1) A person who subjects a widow to harmful traditional practices commits an offence and is liable on conviction to a minimum of 2 years imprisonment or to a fine of ₦ 200.000.00 or both.

(2) A person who attempts to commit the abuse provided for in subsection (1) of this Section commits an offence and is liable on conviction to a term of imprisonment for 1 year or to a fine of ₦100, 000.00 or both.

(3) A person who incites, aids, abets, or counsels another person to commit the act of violence as provided for in subsection (1) of this Section commits an offence and is liable on conviction to a minimum of 1 year imprisonment or to a fine of ₦ 100,000.00 or both.

(4) A person who receives or assists another who, to his or her knowledge. committed the offence provided for in subsection (1) of this Section is an accessory after the fact and is liable on conviction to a term of imprisonment for 6 months or to a fine not exceeding N100,000.00 or both.

Abandonment of Spouse, Children and Other Dependants without Sustenance.

17. (1) A person who abandons a wife or husband, children or other dependent without any means of sustenance commits an offence and is liable on conviction to a minimum of 1 year imprisonment or to a fine of ₦ 200,000.00 or both.

(2) A person who attempts to commit the act of violence provided for in subsection (1) of this Section commits an offence and is liable on conviction to a term of imprisonment not exceeding 6 months or to a fine not exceeding ₦ 100,000.00 or both.

(3) A person who incites, aids, abets, or counsels another person to commit the act of violence as provided for in subsection (1) of this Section commits an offence and is liable on conviction to a term of imprisonment not exceeding 6 months or to a fine of ₦ 100,000.00 or both.

(4) A person who receives or assists another who, to his or her knowledge, committed the offence provided for in subsection (1) of this Section is an accessory after the fact and is liable on conviction to a term of imprisonment not exceeding 6 months or to a fine not exceeding ₦ 100,000.00 or both.

Stalking.

18. (1) A person who stalks another commits an offence and is liable on conviction to a minimum

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of 2 years imprisonment or to a fine of ₦ 200,000.00 or both.

(2) A person who attempts to commit the offence provided for in subsection (1) of section commits an offence and is liable on conviction to a minimum of 1 year imprisonment or to fine of ₦ 100, 000.00 or both.

(3) A person who incites, aids, abets, or counsels another person to commit the act of violence as provided for in subsection (1) of this Section commits an offence and is liable on conviction to a minimum of 1 year imprisonment or to a fine of ₦ 100 ,000.00 or both.

(4) A person who receives or assists another who, to his or her knowledge, committed the offence provided for in subsection (1) of this Section is an accessory after the fact and is liable on conviction to a minimum of 1 year imprisonment or to a fine of ₦100,000.00or both..

Intimidation.

19. (1) A person who intimidates another commits an offence and is liable on conviction to a term of imprisonment not exceeding one year or to a fine not exceeding ₦200,000.00 or both.

(2) A person who attempts to commit the act of violence provided for in subsection (1) of this section commits an offence and is liable on conviction to a term of imprisonment not exceeding 6 months or to a fine not exceeding ₦ 100,000.00 or both.

(3) A person who incites, aids, abets, or counsels another person to commit the act of violence as provided for in subsection (1) of this Section commits an offence and is liable on conviction to a term of imprisonment not exceeding 6 months or to a fine not exceeding ₦ 100,000.00 or both.

(4) A person who receives or assists another who, to his or her knowledge, committed the offence provided for in subsection (1) of this section is an accessory after the fact and is liable on conviction to a term of imprisonment not exceeding 6 months or to a fine not exceeding ₦100,000.00 or both.

Spousal Battery.

20. (1) A person who batters his or her spouse commits an offence and is liable on conviction to a minimum of 1 year imprisonment or to a fine of ₦ 200,000.00 or both.

(2) A person who attempts to commit the act of violence provided for in subsection (1) of this Section commits an offence and is liable on conviction to a term of imprisonment for 6 months or to a fine of ₦ 100,000.00 or both.

(3) A person who incites, aids, abets, or counsels another person to commit the act of violence as provided for in subsection (1) of this Section commits an offence and is liable on conviction to a term of imprisonment for 6 months or to a fine of ₦ 100,000.00 or both.

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(4) A person who receives or assists another who, to his or her knowledge, committed the offence provided for in subsection (1) of this Section is an accessory after the fact and is liable on conviction to a term of imprisonment for 6 months or to a fine of ₦100.000.00 or both.

Harmful Traditional Practices.

21. (1) A person who carries out harmful traditional practices on another commits an offence and is liable on conviction to a minimum of 1 year imprisonment or to a fine of ₦ 200.000.00 or both.

(2) A person who attempts to commit the act of violence provided for in subsection (1) of this Section commits an offence and is liable on conviction to a term of imprisonment for 6 months or to a fine of ₦ 100,000.00 or both.

(3) A person who attempts to commit the act of violence a provided for in subsection (1) ofthis section commits an offence and liable on conviction to a term of imprisonment for 6 months or to a fine of ₦ 100,000.00 or both.

(4) A person who receives or as it another who, to his or her knowledge. Committed the offence provided for in subsection (1) of this section is an accessory after the fact and is liable on conviction to a term of imprisonment for 6 months or to a fine of ₦ 100, 000.00 or both.

Attack with Harmful Substance.

22. (1) A 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) A person who attempts to commit the act of violence described in subsection (1) of this Section commits an offence and is liable on conviction to a minimum of 25 years imprisonment without an option of fine.

(3) A person who incites aids, abets, or counsels another person to commit the act of violence, provided for in subsection (1) of this Section, commits an offence and is liable on conviction to a term of imprisonment for 25 years without an option of fine.

(4) A person who receives or assists another who, to his or her knowledge, committed the offence provided for in sub section (1) of this section is an accessory after the fact and is liable on conviction to a term of imprisonment of 25 years without an option of fine.

Administering a Substance with Intent.

23. (1) A person commits an offence if he or she intentionally administers a substance to, or causes a substance to be administered to or taken by, another person with the intention of stupefying or overpowering that person so as to enable any person to engage in a sexual activity with that person.

(2) A person who commits an offence under this section is, in addition to any

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other offence under this law, liable on conviction to a minimum of 5 years imprisonment or a fine of ₦ 500, 000.00 or both.

Incest.

24. A person who knowingly and wilfully have carnal knowledge of another within the prohibited degrees of consanguinity and affinity with or without consent, commits incest and is liable on conviction to a minimum term of –

(a) 10 years imprisonment without an option of fine,

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

Indecent Exposure.

25. (1) A person who intentionally exposes his or her genital organs, or a substantial part thereof, with the intention of causing distress to the other party, or that another person seeing it may be tempted or induced to commit an offence under this law, commits an offence termed "indecent exposure".

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

(3) A person who commits an offence under this section is liable upon conviction to a minimum of 1 year imprisonment or to a fine of ₦ 200,000 or both.

PART II
JURISDICTION OF THE COURT

Establishment of A Gender Court.

26. There shall be established a specialized court known as "The Gender Court" in at least each of the 3 Senatorial Districts of the State for the purpose of hearing cases of Gender-Based Violence brought pursuant to the provisions of this Law.

Application for Protection Order.

27. (1) 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.

(2) Any complainant may, in the prescribed manner, apply to the Court for a protection order.

(3) If the complainant is not represented by a 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 law including the right to lodge a criminal complaint against the respondent if a criminal offence has been committed under this Law.

(4) Notwithstanding the provisions of any other law, the application may be brought on behalf

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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.

Provided that the application shall 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 that 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 and such application shall be supported by an affidavit sworn to by the person who has knowledge of the matter concerned.

Consideration of Application.

28. (1) The Court shall as soon as is reasonably possible, consider an application submitted to it under Section 27 of this Law 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) 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/she may commit an act of domestic violence, the Court shall, notwithstanding the fact that the respondent has not been given notice of the proceedings contemplated in subsection (1) of this Section, issue an interim protection order against the respondent, in the prescribed manner.

(3) An interim protection order shall be served on the respondent in the prescribed manner and must call on the respondent to show cause on the return date specified in the order why a protection order should not be issued.

(4) A copy of the application referred to in Section 27 of this Law and the record of any evidence taken under subsection (1) of this section shall be served on the respondent together with the interim protection order.

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

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

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Issuing of Protection Order.

29. (1) If the respondent does not appear on a return date contemplated in Section 28 (3) or (5) of this Law, and if 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 or she 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 consider –

(a) any evidence previously received under Section 28 (1) of this Law; and

(b) such further affidavits or oral evidence as it may direct, which shall form part of the record of the proceedings.

(3) The Court may, on its own accord or on the request of the complainant, 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 hearing as contemplated in subsection (2) of this section, issue a protection order in the prescribed form if it finds, on a balance of probabilities, that the respondent has committed, is committing or that there is an imminent likelihood that he or she may commit an act of domestic violence.

(5) Upon the issuing of a protection order, the Registrar of the Court shall, in the prescribed manner, cause –

(a) the original of such order to be served on the respondent; and

(b) a certified copy of such order, and the original warrant of arrest contemplated in section 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 of the warrant of arrest contemplated in section 32 (1) (a) to the police station of the complainant's choice.

(7) Subject to the provisions of Section 30 (7) of this Law, a protection order issued under this Section remains in force until it is set aside, and the execution of such order shall not be automatically suspended upon the filing of an appeal.

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Court's Powers in Respect of Protection Order.

30. (1) The Court may, by means of a Protection Order referred to in section 27 or 28 of this Law, 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 ifit 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 or her rights in the shared household except in favour of the complainant; or

(j) committing any other act as specified in the protection order;

(2) The Court may impose any additional condition, which it 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 arrangements regarding the collection of personal property;

(c) directing the respondent to secure alternative accommodation for the complainant;

(d) order a temporal relocation to any safe place as may be deemed fit in the interest of the complainant; or

(e) approve a mediation channel upon submission by the complainant.

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

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

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effect of a civil judgment of a Court.

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

(6) 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 impose any condition or make any order which it is competent to impose or make under this section, merely on the grounds that other legal remedies are available to the complainant.

(8) If the Court is of the opinion that any provision of a protection order deals with a matter that should, in the interests of justice, befurther dealt withunder any other relevant law, including the Matrimonial Causes Law, Cap. M7 Laws of the Federation, 2010, Child's Rights Law, the Court shall 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 under such law.

Powers of Police.

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

(a) assisting a victim of violence to file a complaint regarding the violence;

(b) providing or arranging safe transport for the victim to an alternative residence, safe place or shelter where such is required;

(c) providing or arranging transportation for the victim to the nearest hospital or medical facility for treatment of injuries where such treatment is needed;

(d) explaining to the victim his or her rights to protection against violence and remedies available in terms of this Law;

(e) explaining to the victim that he or she has the right to lodge a criminal complaint in addition to any remedy provided under this Law; and

(f) accompanying the victim to the victim's residence to collect personal belongings.

(2) A police officer may, without an order from the Court or a warrant of arrest, arrest any person whom-

(a) he or she suspects upon reasonable grounds to have committed any of the offences under Part 1 of this Law; and

(b) a complaint has been made-for having committed any of the offences under Part 1 of this Law.

(3) A police officer in carrying out his or her duties under this Law shall have the power to-

(a) remove or supervise the removal of a person excluded from a shared

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residence where the court has issued such an order under this Law,

(b) remove or supervise the removal of any dangerous weapon used in order to commit an act of violence a contemplated in this Law:

(c) collect and take fingerprints including DNA of accused and convicted offenders: and

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

Warrant of Arrest upon Issuing of Protection Order.

32. (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 such warrant subject to compliance with any prohibition, condition, obligation or order imposed under section 30 of this Law.

(2) The warrant referred to in subsection (1) (a) of this Section 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 or cancelled; or

(b) lost or destroyed.

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

(5) If it appears to the police officer concerned that, subject to subsection (4), 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 of this Law.

(6) If the police officer concerned is of the opinion that there are insufficient grounds for arresting the respondent under subsection (5), he or she shall hand a written notice to the respondent which –

(a) specifies the name, the residential address and the occupation or status of the respondent;

(b) call upon the respondent to appear before a court, and on the date and at the time specified in the notice, on a charge of committing the offence referred to in Section 30 (1); and

(c) contains a certificate signed by the police officer concerned to the effect that he or

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she handed the original notice to the respondent and he or she explained the import thereof to the respondent.

(7) The police officer shall forward a duplicate of a notice referred to in subsection (6) to the Registrar of the Court concerned, and the mere production in the Court of such a duplicate shall be a prima facie proofthat the original was handed to the respondent specified therein.

(8) In considering whether or not the complainant may suffer imminent harm, as contemplated in subsection (5), the police officer shall take into consideration the –

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

(b) seriousness of the conduct comprising an alleged breach of protection order; and

(c) length of time since the alleged breach occurred.

(9) Whenever a warrant of arrest is handed to a police officer under subsection (4) of this section, the police officer shall inform the complainantof his or her right to simultaneously lay a criminal charge against the respondentif applicable, and explain to the complainant how to lay such a charge.

Variation or Setting Aside of Protection Order.

33. (1) A complainant or a respondent may, upon written notice to other party and the court concerned, apply for the variation or setting aside of a Protection Order referred to in Section 29 in the prescribed manner.

(2) If the Court is satisfied that a good cause has been shown for variation or setting aside of the Protection Order, it may issue an Order to that effect, provided that the Court shall not grant such an application to the complainant unless it is satisfied that the application is made freely and voluntarily.

(3) The Registrar of the Court shall forward a notice as prescribed to the complainant and the respondent if the Protection Order is varied or set aside as contemplated in subsection (1) of this Section.

Power to Discharge a Protection Order.

34. (1) A Court may discharge a Protection Order on an application on notice by an applicant or a respondent.

(2) The Court may discharge the order even if the Order is;

(a) for the benefit of a specified person other than the applicant, or

(b) against an associated respondent;

(3) Where an Order is for the benefit of a specified person or against an associated respondent, either of them may apply for the order to be discharged in so far as it applies tothem.

(4) An application may be made under this section for the discharge of an Interim Order in which case the Court shall fix a hearing date as soon as practicable but not later than thirty days after the filing of the application unless there are special circumstances.

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Offences Relating to Protection Orders.

35. (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 commits an offence and is liable on summary conviction to a fine not exceeding ₦100.000.00 or to a term of imprisonment not exceeding 6 months or both.

(2) The provisions of subsection (1) shall be without prejudice to any punishment or sanction as to contempt of court or any other liability, whether civil or criminal that may be incurred by the respondent concerned.

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

Application and Forms of Protection Order.

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

Extension of Protection Order to Other Persons.

37. The Court may extend a Protection Order to a person specified in the order other than the applicant, if the Court is satisfied that:

(a) the respondent is engaging in or has engaged in behaviour which would amount to Gender-Based violence against the person specified in the order; referred to as the specified person;

(b) the respondent's behaviour towards the specified person is due, in whole or in part tothe applicant's relationship with the specified person; or

(c) the extension of the protection order is necessary for the protection of the specifiedperson.

Occupation Order.

38. (1) Where the Court in issuing a Protection Order considers it expedient to issue an Occupation Order, the Court may issue the Order requiring the respondent to vacate matrimonial home or any other specified home.

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(2) The Court shall issue the Order only after the consideration of a social and psychological enquiry report prepared by a Social Welfare Officer and a Clinical Psychologist.

(3) The Court shall consider the effect of the Order or omission of the Order on the health, education and development of the family where the applicant and the respondent are in amarital relationship.

(4) A landlord shall not evict an applicant solely on the basis that the applicant is not a partyto a lease where the Court gives exclusive occupation of the residence which is the subject ofthe lease to the applicant.

Reference to Family Court.

39. (1) Where there is a need for special protection for a child, the Court shall refer matters concerned with the temporary custody of a child in a situation of gender-based violence to a Family Court.

(2) Any matter connected with gender-based violence in which a child is the perpetrator or the victim, may be referred to the Family Court at the High Court level or tried by the Gender Court.

Provision for Training.

40. (1) There shall be training on regular basis for Judges, Law Enforcement Officers, Counsellors, Medical Officers, Social Welfare Officers and other major stakeholders to equip them on how to effectively handle cases of gender-based violence.

(2) There shall be training on regular basis for members of the Community to increase people's awareness of gender-based violence and to encourage them on how such violence could be handled and eradicated.

(3) There shall be a Rehabilitative Centre to aid in rehabilitating perpetrators of gender-basedviolence.

Rights of Victims.

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

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

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

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(c) 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;

(d) any rules and or regulations made by any institution or organization prohibiting or restraining the reporting of offences or complaint within the provisions of this law shall, to the extent of the inconsistencies be null and void; and

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

(2) Any head of institution who violates the provisions of this subsection is guilty of an offence and is liable on conviction to a term of imprisonment for 6 months or a fine of ₦100,000.00 or both.

(3) No person may be present during any proceedings under this law except –
(a) officers of the Court;
(b) the parties to the proceedings;
(c) any person bringing an application on behalf of the complainant under Section 28 (3);
(d) any legal practitioner representing any party to the proceedings;
(e) accredited service provider;
(f) witnesses;
(g) not more than 3 persons for the purpose of providing support to the complainant;
(h) not more than 3 persons for the purpose of providing support to the respondent; and
(i) any other person whom the Court permits to be present provided that the court may, if it is satisfied that it is in the interests of justice, exclude any person from attending any part of the proceedings.

(4) Nothing in this section limits any other power of the Court to hear proceedings in camera or to exclude any person from attending such proceedings.

Dangerous Sexual Offenders.

42. (1) 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; or
(c) been convicted ofa sexual offence against a child.

(2) Any person convicted of a sexual offence shall have his/her name registered in the Sexual Offenders' Register kept at the office of the Attorney General and Commissioner for Justice of the State.

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Prohibition of Publication of Certain Information.

43. (1) No person shall publish in any manner any information which might, directly or indirectly, reveal the identity of any party to a civil proceedings or the names of the victims in criminal proceedings brought pursuant to this Law.

(2) The Court, if it is satisfied that it is in the interest of justice, may direct that any further information relating to proceedings held under this Law hall not be published provided that no direction under this subsection applies in respect of the publication of a bona fide law report which does not mention the names or reveal the identities of the parties to the proceedings or of any witness at such proceedings other than a convict.

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

PART III
SERVICE PROVIDERS.
Registration and Powers of Service Providers.

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

(2) The appropriate Government Ministry shall –

(a) keep a register of all accredited service provider and circulate same to all police station, 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 subsection (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 to the Court and the Protection Officer having jurisdiction in the area where the violence took place;

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(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; and

(c) ensure that the aggrieved person is provided shelter in a shelter home, if he or she so requires and forward a report of the lodging of the aggrieved person in the shelter home to the Police station within the locality of which the violent act took place.

(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 Law for anything which is done in good faith or intended to be done in the exercise of powers or discharge of functions under this law towards the prevention of the commission of violence.

Protection Officers.

45. (1) The appropriate Government Ministry shall appoint such number of protection officers in each local government area as it may consider necessary, to assist the Court in the discharge of its duties under this Law and to co-ordinate the activities of the police and the accredited service providers in his or her local government area to ensure that the victims or survivors of violence –

(a) have easy access to accredited service providers;

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

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

(d) are able to access the Court for orders under this law; or

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

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

Establishment of Gender-Based Violence Management Committee.

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46. (1) There is established by this Law, 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 ofDeputy Registrar;

(vi) 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 notbelow 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, thePermanent 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.

47. The Management Committee shall:

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(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 law;

(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.

48. 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 thememberspresent 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-optedperson 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 theprocedure for its meeting.

Allowances.

49. 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.

50. (1) The Management Committee shall have a secretariat.

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(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.

51. (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 victimof his or her rights and any services including support and counselling services which may beavailable.

(3) A victim of Gender-Based violence who is assisted by the police to obtain medicaltreatment 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 areport.

Establishment of a Sexual Assault Response Centre.

52. (1) There shall be established for the state a Sexual Assault Response Centre hereinafter referred to as the 'Centre' located at the Ekiti State Teaching 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.

53. 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 Law;
(b) Prescribe the training of the police and court officials on Gender Based Violence inconsultation with the relevant institutions;

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(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 Law.

Monitoring and Evaluation of the Implementation of Gender-Based Violence Law.

54. Continuous monitoring and evaluation of the implementation of this Law shall be conducted to ensure the fulfilment of legal obligations, allow for compilation of best practices and to identify gaps in the Law.

Establishment of Fund.

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

Objectives of the Fund.

56. 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.

57. 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.

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Management of the Fund.

58. (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.

59. (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.

60. (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 V
CONSEQUENTIAL AMENDMENT

General Savings.

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

(a) Criminal Code, Laws of Ekiti State, 2012;

(b) Ekiti State Administration of Criminal Justice Law, 2015; and

(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 Law shall supersede any other provision on similar offences in the Criminal Code and Administration of Criminal Justice Law,

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(3) Any person who commits any of the act mentioned in this law for which specific punishment are not provided shall be liable upon conviction to a minimum of 2 years imprisonment or a fine of not less than ₦ 200,000.00 or both and where death occurs as a result of such act, to life imprisonment without an option of fine.

Repeal.

62. The Ekiti State Gender-Based Violence (Prohibition) Law, No. 21 of 2011, Ekiti State Female Circumcision (Prohibition) Law CAP. E.13, 2002, and the Rights of Widows Law CAP. R.6 are hereby repealed.

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PART VI
INTERPRETATION.

Interpretations.

63. In this Law –

"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 Law;

"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 –

(a) proceedings for the making, variation or discharge of a protection order, safety order, occupation order or interim protection order;

(b) proceedings by way of appeal or case stated which are related to proceedings to which paragraph *(a)* applies; or

(c) proceedings under this Law for compensation or award;

"Court" means the Gender Court having the same status as the State High Court

"Commissioner" means the Commissioner for Women Affairs and Social Development.

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

"domestic relationship" means a relationship between any person and a perpetrator of violence constituted in any of the following ways –

(a) they are or were married to each other including marriages according to any Law, custom or religion;

(b) they live or have lived together in a relationship in the nature of marriage, although they are not or were not married to each other;

(c) they are the parents ofa child or children or are the persons who have or had a parental responsibility for that child or children;

(d) they are family members related by consanguinity, affinity or adoption;

(e) they are or were in an engagement, dating or customary relationship, including actual or perceived romantic, intimate or sexual relationship of any duration; or

(f) they share or recently shared the same residence.

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

"economic abuse" includes –

(a) forced financial dependence;

(b) denial of inheritance or succession rights;

(c) the unreasonable deprivation of economic or financial resources to which any person is entitled or which any person requires out of necessity, including –

(i) household necessities,

(ii) mortgage bond repayments, or

(iii) payment of rent in respect of a shared residence; or

(d) the unreasonable disposal or destruction of household effects or other property in which any person 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;

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(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-

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

"forced isolation front family and friends'includes 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 –

(a) stalking;

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

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

"harmful traditional practices"means all traditional behaviour, attitudes 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;

"incest" means an indecent act or an act which cause penetration with a person who is, to his or her knowledge, his or her daughter or son,granddaughter or son, sister or brother, mother or father, niece or nephew, aunt/uncle, grandmother or 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;
"Ministry" means Ministry of Women Affairs, Social Development.

"perpetrator' means any person who has committed or allegedly committed an act of violence as defined under this law;

"persons" in this law is as defined in the Interpretation Act under section 18, Cap. 192, Laws of the Federation of Nigeria, 2010;

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

"protection officer" means an officer appointed under section 45 of this Law in relation to and for the purpose of this Law;

"protection Order" means an official legal document, signed by a Judge that restrains an individual or State actors from further abusive behaviour towards a victim;

"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 or 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 and this may include physical, verbal or non-verbal conduct;

"'Sexual intimidation" means –

(a) any action or circumstances which amount to demand for sexual intercourse with either a male or a female under any guise. as a condition for passing examination, securing employment, business patronage, obtaining any favour in any form, as defined in this law or any other enactment;

(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, as defined in this Law or any other enactment;

(c) acts of deprivation, withholding,replacing or short-changing of entitlements, privileges, rights, benefits, examination or test marks or scores, and any other form of disposition capable of coercing any person to submit to sexual intercourse for the purpose of receiving reprieve thereto: or

(d) any other action or inaction construed as sexual intimidation or harassment under any other enactment in force in Nigeria.

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

"spousal battery"means the intentional and unlawful use of force or violence upon a

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person, including the unlawful touching, beating or striking of another person against his or her will with the intention of causing bodily harm to that person;

"stalking' 'means repeatedly –

(a) 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

(b) following, pursuing or accosting any person in a manner which induces fear or anxiety.

"State" means Ekiti State of Nigeria;

"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 acid attack, hot water, or 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"-***

(a) means any person or persons, who, individually or collectively, have suffered harm, including –

(i) physical or mental injury,

(ii) emotional suffering,

(iii) economic loss, or

(iv) substantial impairment of their fundamental rights, through acts or omissions that are in violation of this law or the criminal laws of Ekiti State; and

(b) includes the immediate family or dependants ofthe direct victim and any other person who has suffered harm in intervening to assist victims in distress;

"violence" means any act or attempted act, which causes or may cause any person physical, sexual, psychological, verbal, emotional or economic harm whether this occurs in private or public life, in peace time and in conflict situations;

"violence in the private sphere" means any act or attempted act perpetrated by a member of the family, relative, neighbour or member of a community, which causes or may cause

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any person physical, sexual, psychological, verbal, emotional or economic harm;.

"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.

Application.

64. This Law applies only in Ekiti State of Nigeria.

Citation.

65. This Law may be cited as EKITI STATE GENDER-BASED VIOLENCE (PROHIBITION) LAW, 2019

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SCHEDULE ***Section 25 and 37***

AFFIDAVIT, APPLICATION AND FORMS OF PROTECTION ORDER

FORM 1

GENERAL FORM OF APPLICATION FOR PROTECTION ORDER

In the…….. Court,

In the…….. Judicial *Division,*

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

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FORM 2

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

In the…….. Court,

In the…….. Judicial *Division,*

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 A. B. be protected by the Honourable Court by the issuance of a Protection Order against the Respondent.

Dated this……...day of……....., …….

E. F.

……..

Guardian/ Police Officer/ Social Worker, etc

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FORM 3

AFFIDAVIT IN SUPPORT OF APPLICATION FOR PROTECTION ORDER

In the…….. Court,

In the…….. Judicial *Division,*

Suit No……

Between

A.B…… *Complainant*

and

C.D…….*Respondent*

And

E. F……..... *Respondent*

I, A.B……. Hereby make oath and state as follows:

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

…….

Deponent

Sworn to at …….. Court Registry

This……..day of……....., ……..

BEFORE ME

…….

COMMISSIONER FOR OATHS

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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…….. Judicial *Division,*

Suit No……

Between

A.B…… *Complainant*

and

C.D.……. *Respondent*

And

E. F.……*Guardian*

CONSENT TO APPLICATION FOR PROTECTION ORDER

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

Dated this……...day of……....., …….

……..
Complainant

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FORM 5

GENERAL FORM OF INTERIM PROTECTION ORDER

In the…….. Court,

In the…….. Judicial *Division,*

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 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

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FORM 6

GENERAL FORM OF PROTECTION ORDER

In the…….. Court,
In the…….. Judiciary *Division,*
Suit No…….

Between

A.B…… *Complainant*

and

C.D…….*Respondent*

And

E. F…….……*Guardian/Police Officer, etc*
To: CD ……..…….. *Respondent*

PROTECTION ORDER

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

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

You are hereby prohibited from;

(insert whichever is appropriate)

(a) committing any act of domestic violence;
(b) enlisting the help of another person to commit any such act;
(c) entering a shared household: Provided that the court may impose this prohibition only if it appears to be in the best interest of the complainant;
(d) entering a specified part of such a shared household;
(e) entering the complainant's residence;
(f) entering the complainant's place of employment;
(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 thecomplainant;
(j) committing any other act as specified in the protection order; or
(k) as the court deems fit.

Given under my hand this …… day of…….

……

Judge

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