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Edo State Notice No. *36*

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A LAW TO REPEAL THE VIOLENCE AGAINST PERSONS (PROHIBITION) LAW 2019; REENACT A LAW TO ELIMINATE VIOLENCE IN PRIVATE AND PUBLIC LIFE; PROHIBIT ALL FORMS OF VIOLENCE AGAINST PERSONS AND TOPROVIDE MAXIMUM PROTECTION AND EFFECTIVE REMEDIES FOR VICTIMS AND PUNISHMENT OF OFFENDERS; AND OTHER MATTERS CONNECTED THERETO.

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Edo State of Nigeria

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A BILL FOR A LAW TO REPEAL THE VIOLENCE AGAINST PERSONS (PROHIBITION) LAW 2019; RE-ENACT A LAW TO ELIMINATE VIOLENCE IN PRIVATE AND PUBLIC LIFE; PROHIBIT ALL FORMS OF VIOLENCE AGAINST PERSONS AND TO PROVIDE MAXIMUM PROTECTION AND EFFECTIVE REMEDIES FOR VICTIMS AND PUNISHMENT OF OFFENDERS; AND OTHER MATTERS CONNECTED THERETO.

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A LAW TO REPEAL THE PROVISIONS OF THE EDO STATE VIOLENCE AGAINST PERSONS (PROHIBITION) LAW 2019; ELIMINATE VIOLENCE IN PRIVATE AND PUBLIC LIFE; PROHIBIT ALL FORMS OF VIOLENCE AGAINST PERSONS AND TO PROVIDE MAXIMUM PROTECTION AND EFFECTIVE REMEDIES FOR VICTIMS AND PUNISHMENT OF OFFENDERS; AND OTHER MATTERS CONNECTED THERETO

Enactment

1. Be it enacted by the Edo State House of Assembly and by the Authority of same as follows:

Citation

2. This Law may be cited as the Violence Against Persons (Prohibition) Law, 2021.

Commencement

3. This Law shall come into force on the ..... day of ..... 2021.

PART I – OFFENCES

Rape

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

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

(b) he or she intentionally inserts or causes to be inserted, into his or her mouth or anus the sexual organ of another person; or

(c) having a vagina, intentionally inserts or causes to be inserted into it the penis or mouth of another person; and

(2) (a) the other person-
(i) does not consent to the penetration or insertion; or
(ii) is incapable of giving consent by reason of diminished mental capacity; or
(iii) purportedly gives consent where such consent is obtained by force or means of threat or

intimidation of any kind or by fear of harm or by means of false and fraudulent representation as to the nature of the act; or
(iv) is administered any substance or additive capable of taking away his or her will; or
(v) is below the age of 18 years; or
(b) for that purpose, impersonates the spouse of that other person where the person is married.

Punishment for rape

5. (1) A person convicted of the offence of rape under section 4 of this Law is liable to imprisonment for life without an option of fine except-
(a) Where the offender is less than 14 years of age, the offender is liable to receive a minimum of 12 years imprisonment;
(b) In the case of rape by a group of persons, the offenders are personally liable to receive a minimum of 20 years imprisonment without an option of fine.

(2) A person who attempts to commit the offence provided for in Section 4 of this Law commits an offence and is liable on conviction to a term of 12 years imprisonment without an option of fine.

(3) A person who incites, aids, abets, or procures another person to commit the offence provided for in section 4 of this Law is deemed to have taken part in committing the offence and is liable on conviction to the punishment prescribed in subsection (1).

(4) A person who receives another, unless for the purpose of handing him or her over to security agents, or assists him or her knowing that he or she committed the offence provided for in Section 4 of this Law is an accessory after the fact and is liable on conviction to a term of 12 years imprisonment without an option of fine.

(5) The Court shall order the convict to pay appropriate compensation to the victim of an offence under this section as it may deem fit in the circumstance.

Register of sex offenders

6. (1) A register of convicted sex offenders in the State shall be maintained by the State and made accessible to the public.

Indecent assault

7. (1) A person who intentionally inflict unwanted physical contact on another person commits the offence of indecent assault and is liable on conviction to a term of 6 months imprisonment or to a fine not exceeding ₦100,000.00 or both.

(2) The provisions of section 7 above shall not be applicable to persons who are legally married or in a legal relationship.

Inflicting physical injury on a person

8. (1) A person who willfully causes or inflicts physical injury on another person by means of blows or by the use of any weapon, substance or object, commits an offence and is liable on conviction to a term of 5 years imprisonment or to a fine not exceeding ₦300,000.00 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 2 years and 6 months imprisonment or to a fine not exceeding ₦200,000.00 or both.

(3) A person who incites, aids, abets, or procures another person to commit the offence provided for in subsection (1) of this law is deemed to have taken part in committing the offence and is liable on conviction to the punishment prescribed in subsection (1).

(4) A person who receives another, unless for the purpose of handing him or her over to security agents, or assists him or her knowing that he or she 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 2 years and 6 months imprisonment or to a fine not exceeding ₦200, 000 or both.

(5) The Court may order the convict to pay appropriate compensation to the victim of an offence under this section as it may deem fit in the circumstance.

Willfully placing a person in fear of injury

9. (1) A person who willfully or knowingly places another person in fear of physical or psychological injury commits an offence and is liable on

conviction to a term of 3years imprisonment or to a fine not exceeding ₦300, 000, 000 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 1 year and 6 months imprisonment or to a fine not exceeding ₦200,000 or both.

(3) A person who incites, aids, abets, or procures another person to commit the offence provided for in subsection (1) of this section is deemed to have taken part in committing the offence and is liable on conviction to the punishment prescribed in subsection (1).

(4) A person who receives another, unless for the purpose of handing him or her over to security agents, or assists him or her knowing that he or she 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 1 year and 6 months imprisonment or to a fine not exceeding ₦200,000.00 or both.

Coercion

10. (1) A person who compels another; by force or threat, to engage in any conduct or act, sexual or otherwise, which is likely to be detrimental to that other person's physical or psychological well-being, commits an offence and is liable on conviction to a term of 3 years imprisonment or to a fine not exceeding ₦ 500,000.00 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 1 year and 6 months imprisonment or to a fine not exceeding ₦300,000.00 or both.

(3) A person who incites, aids, abets, or procures another person to commit the offence provided for in subsection (I) of this section is deemed to have taken part in committing the offence and is liable on conviction to the punishment prescribed in subsection (1).

(4) A person who receives another, unless for the purpose of handing him or her over to security agents, or assists him or her knowing that he or she 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 1 year and 6 months imprisonment or to a fine not exceeding ₦300, 000.00 or both.

Prohibition of female circumcision or genital mutilation

11. (1) Circumcision or genital mutilation of a girl or woman is hereby prohibited.

(2) A person who performs circumcision or genital mutilation on a female or engages another to carry out such circumcision or genital mutilation, commits an offence and is liable on conviction to a term of 4 years imprisonment or to a fine not exceeding ₦500,000.00 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 2 years imprisonment or to a fine not exceeding ₦300,000.00 or both.

(4) A person who incites, aids, abets, or procures another person to commit the offence provided for in subsection (2) of this section is deemed to have taken part in committing the offence and is liable on conviction to the punishment prescribed in subsection (2).

(5) A person who receives another, unless for the purpose of handing him or her over to security agents, or assists him or her knowing that he or she committed the offence provided for in subsection (2) of this section, is an accessory after the fact and is liable on conviction to a term of 2 years imprisonment or to a fine not exceeding ₦300, 000.00 or both.

Frustrating investigation

12. Any person who, with intent to defraud or conceal an offence or frustrate the investigation and prosecution of offenders under the 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 a felony and is liable on conviction to a term of 3 years imprisonment or to a fine not exceeding ₦500, 000.00 or both.

Willfully making false statements.

13. A person who wilfully makes a false statement, whether oral or documentary, under this Law or with the aim of initiating investigation or criminal proceedings under this Law against another person, commits an offence and is liable on conviction to a term of 1-year imprisonment or to a fine not exceeding ₦200,000.00 or both.

Forceful ejection from home

14. (1). A person who forcefully ejects his or her spouse or person with whom he or she is in a domestic relationship as defined under this law, from his or her home or refuses him or her access thereto, commits an offence and is liable on conviction to a term of 2 years imprisonment or to a fine not exceeding ₦300, 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 1-year imprisonment or to a fine not exceeding ₦200,000,00 or both.

(3). A person who incites, aids, abets, or procures another person to commit the offence provided for in subsection (1) of this section is deemed to have taken part in committing the offence and is liable on conviction to the punishment prescribed in subsection (1).

(4). A person who receives another, unless for the purpose of handing him or her over to security agents, or assists him or her knowing that he or she 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 1 year imprisonment or to a fine not exceeding ₦200,000,00 or both.

Depriving a person of liberty

15. (1) A person who deprives another of his or her liberty, except in accordance with a procedure permitted by law, commits an offence and is liable on conviction to a term of 2 years imprisonment or to a fine not exceeding ₦500,000.00 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 1-year imprisonment or to a fine not exceeding #300,000.00 or both.

(3) A person who incites, aids, abets, or procures another person to commit the offence provided for in subsection (1) of this section is deemed to have taken part in committing the offence and is liable on conviction to the punishment prescribed in subsection (1).

(4) A person who receives another, unless for the purpose of handing him or her over to security agents, or assists him or her knowing that he or she 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 1 year imprisonment or to a fine not exceeding ₦300, 000.00 or both.

Damage to property with intent to cause distress

16. (1) Without prejudice to specific provisions relating to willful and unlawful damage to property contained in any other law, a person who causes mischief, destruction or damage to the property of another, with intent to cause or knowing that it is likely to cause distress or annoyance to that other person, commits an offence and is liable on conviction to a term of 2 years imprisonment or to a fine not exceeding ₦300, 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 1iable on conviction to a term of 1-year imprisonment or to a fine not exceeding ₦200,000.00 or both.

(3) A person who incites, aids, abets, or procures another person to commit the offence provided for in subsection (1) of this section is deemed to have

taken part in committing the offence and is liable on conviction to the punishment prescribed in subsection (1).

(4) A person who receives another, unless for the purpose of handing him or her over to security agents, or assists him or her knowing that he or she 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 1 year imprisonment or to a fine not exceeding ₦200, 000.00 or both.

Forceful financial dependence or Economic abuse

17. (1) A person who causes economic abuse to another commits an offence and is liable on conviction to a term of 3 years imprisonment or to a fine not exceeding ₦ 500,000.00 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 1 year and 6 months imprisonment or to a fine not exceeding ₦ 200,000.00 or both.

(3) A person who incites, aids, abets, or procures another person to commit the offence provided for in subsection (1) of this section is deemed to have taken part in committing the offence and is liable on conviction to the punishment prescribed in subsection (1).

(4) A person who receives another, unless for the purpose of handing him or her over to security agents, or assists him or her knowing that he or she 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 1 year and 6months imprisonment or to a fine not exceeding ₦ 200,000.00 or both.

Forced isolation or separation from family and friends

18. (1) A person who subjects another to forced isolation or separation from the family and friends, commits an offence and is liable on conviction to a term of 6 months imprisonment or to a fine not exceeding ₦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 3 months imprisonment or to a fine not exceeding ₦ 100,000.00 or both.

(3) A person who incites, aids, abets, or procures another person to commit the offence provided for in subsection (1) of this section is deemed to have taken part in committing the offence and is liable on conviction to the punishment prescribed in subsection (1).

(4) A person who receives another, unless for the purpose of handing him or her over to security agents, or assists him or her knowing that he or she 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 3 months imprisonment or to a fine not exceeding ₦100, 000.00 or both.

Emotional, verbal and psychological abuse

19. (1) A person who causes emotional/verbal/psychological abuse to another commits an offence and is liable on conviction to a term of 1-year imprisonment or to a fine not exceeding ₦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 6 months imprisonment or to a fine not exceeding ₦100, 000.00 or both.

(3) A person who incites, aids, abets, or procures another person to commit the offence provided for in subsection (1) of this section is deemed to have taken part in committing the offence and is liable on conviction to the punishment prescribed in subsection (1).

(4) A person who receives another, unless for the purpose of handing him or her over to security agents, or assists him or her knowing that he or she 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 6 months imprisonment or to a fine not exceeding ₦ 100,000.00 or both.

Abandonment of children, spouse and other dependents without means of sustenance

20. (1) A person who abandons a wife or husband, children or other dependents, without any means of sustenance, commits an offence and is liable on conviction to a term of 3 years imprisonment or to a fine not exceeding ₦500,000 .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 1 year and 6 months imprisonment or to a fine not exceeding ₦ 200,000.00 or both.

(3) A person who incites, aids, abets, or procures another person to commit the offence provided for in subsection (1) of this section is deemed to have taken part in committing the offence and is liable on conviction to the punishment prescribed in subsection (1).

(4) A person who receives another, unless for the purpose of handing him or her over to security agents, or assists him or her knowing that he or she 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 1 year and 6 months imprisonment or to a fine not exceeding ₦ 200,000.00 or both.

Stalking

21. (1) A person who stalks another commits an offence and is liable on conviction to a term of 2 years imprisonment or to a fine not exceeding ₦500,000.00 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 1 year imprisonment or to a fine not exceeding ₦200,000,00 or both.

(3) A. person who incites, aids, abets, or procures another person to commit the offence provided for in subsection (1) of this section is deemed to have taken part in committing the offence and is liable on conviction to the punishment prescribed in subsection (l).

(4) A person who receives another, unless for the purpose of handing him or her over to security agents, or assists him or her knowing that he or she 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 1 year imprisonment or to a fine not exceeding ₦200, 000.00 or both.

Intimidation

22. (1) A person who intimidates another commits an offence and is liable on conviction to a term of 1-year imprisonment or to a fine not exceeding ₦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 6 months imprisonment or to a fine not exceeding ₦100, 000.00 or both.

(3) A person who incites, aids, abets, or procures another person to commit the offence provided for in subsection (1) of this section is deemed to have taken part in committing the offence and is liable on conviction to the punishment prescribed in subsection (1).

(4) A person who receives another, unless for the purpose of handing him or her over to security agents, or assists him or her knowing that he or she 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 6 months imprisonment or to a fine not exceeding ₦100, 000. 00 or both.

Spousal battery

23. (1) A person who batters his or her spouse commits an offence and is liable on conviction to a term of 3 years imprisonment or to a fine not exceeding ₦500,000.00 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 1 year and 6 months imprisonment or to a fine not exceeding ₦300,000.00 or both.

(3) A person who incites, aids, abets, or procures another person to commit the offence provided for in subsection (I') of this section is deemed to have taken part in committing the offence and is liable on conviction to the punishment prescribed in subsection (1).

(4) A person who receives another, unless for the purpose of handing him or her over to security agents, or assists him or her knowing that he or she 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 1 year and 6 months imprisonment or to a fine not exceeding ₦300, 000.00 or both.

(5) In respect of the offence in subsection (1) above, it is immaterial that the victim believed that he or she provoked or deserved the violence meted out to him or her by the spouse.

Inhuman treatment of widows and harmful traditional practices

24. (1) Any person who-

(a) subjects, coerces, entices, induces or forces a widow or any other person to undergo any form of inhuman or degrading treatment in the guise of customary practices or religious rites;

(b) carries out the functions of administering any form of inhuman or degrading rites on a widow or any other person, commits an offence and is liable on conviction to a term of 4 years imprisonment or to a fine not exceeding ₦500,000.00 or both.

(2) A person who attempts to commit the offence provided for in subsection (I) of this section commits an offence and is liable on conviction to a term of 2 years imprisonment or to a fine not exceeding ₦300.000.00 or both.

(3) A person who incites, aids, abets, or procures another person to commit the offence provided for in subsection (1) of this section is deemed to have taken part in committing the offence and is liable on conviction to the punishment prescribed in subsection (1).

(4) A person who receives another, unless for the purpose of handing him or her over to security agents, or assists him or her knowing that he or she 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 2 years imprisonment or to a fine not exceeding ₦300,000 00 or both.

Attack with harmful substance

25. (1) A person who uses a 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 offence provided for in subsection (1) of this section, commits an offence and is liable on conviction to a term of 25 years imprisonment without an option of fine.

(3) A person who incites, aids, abets, or procures another person to commit the offence provided for in subsection (1) of this section is deemed to have taken part in committing the offence and is liable on conviction to the punishment prescribed in subsection (1).

(4) A person who receives another, unless for the purpose of handing him or her over to security agents, or assists him or her knowing that he or she 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 25 years imprisonment without an option of fine.

Administering substance with intent

26. (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 engage in any sexual activity with that person.

(2) A person who commits an offence under this section is liable on conviction to a term of 10 years imprisonment and a fine of ₦500, 000, 00.

Political violence

27. (1) A person who commits an act of political violence as defined under this Law, commits an offence and is liable on conviction to a term of 4 years imprisonment or to a fine not exceeding ₦500,000.00 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 2 years imprisonment or to a fine not exceeding ₦300,000.00 or both

(3) A person who incites, aids, abets, or procures another person to commit the offence provided for in subsection (1) of this section is deemed to have taken part in committing the offence and is liable on conviction to the punishment prescribed in subsection (1).

(4) A person who receives another, unless for the purpose of handing him or her over to security agents, or assists him or her knowing that he or she 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 2 years imprisonment or to a fine not exceeding ₦300, 000.00 or both.

Violence by State actors

28. (1) Any official of an agency of the Federal, State or Local Government who commits an act of political violence commits an offence and is liable on conviction to a term of 4 years imprisonment or to a fine not exceeding ₦100,000.00 or both.

(2) A person who attempts to commit the offence provided for in subsection (I) of this section, commits an offence and is liable on conviction to a term of 2 years imprisonment or to a fine not exceeding ₦700,000.00 or both.

(3) A person who incites, aids, abets, or procures another person to commit the offence provided for in subsection (1) of this section is deemed to have taken part in committing the offence and is liable on conviction to the punishment prescribed in subsection (1).

(4) A person who receives another, unless for the purpose of handing him or her over to security agents, or assists him or her knowing that he or she 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 2 years imprisonment or to a fine not exceeding ₦300,000.00 or both.

(5) Any agency of the Federal, State or Local Government shall be liable for the act of political violence committed by its agents and the Court shall order it to pay appropriate compensation commensurate to the extent and amount of damage done, to such number of victims as the Court deems fit.

Incest

29. A person who knowingly and willfully has carnal knowledge of another within the prohibited degrees of consanguinity as defined in this Law, commits incest and is liable on conviction to a term of 5 years imprisonment without an option of fine.

Indecent exposure

30. (1) A person who intentionally exposes any of his or her private parts wholly or partly in public, commits the offence of indecent exposure.

(2) A person who commits the offence provided for in subsection (1) of this section is liable on conviction to perform such community service as the court may order or to pay a fine not exceeding ₦50,000.00 or both.

Embarrassing or humiliating acts

31. (1) A person who, with intent to embarrass or humiliate another person publishes by electronic or other means, nude pictures of that other person, commits an offence and is liable on conviction to a term of 3 years imprisonment or to a fine of ₦500 000 00 or both.

(2) A person who, with intent to embarrass or humiliate another person whether for a real or perceived wrong, strips that other person naked, completely or partially in public, commits an offence and is liable on conviction to a term of 3 years imprisonment or to a 'fine not exceeding ₦500,000 00 or both.

PART II JURISDICTION OF THE COURT

Jurisdiction

32. (1) Trials of offences under this law shall be by summary trials at the High Court and the Magistrate Court of Edo State.

(2) Notwithstanding the provisions of subsection (1) of this section, the High Court shall have exclusive jurisdiction with respect to the offence of rape.

Application for protection order

33. (1) An application for a protection order may be made before the High Court or Magistrate Court in the State following a complaint of violence by the victim, and no time limit or restriction shall apply in relation to a person seeking to apply for such protection order.

(2) The application in subsection (1) of this section shall be supported by an affidavit deposed to by the victim or a person having sufficient knowledge of the facts of the case.

(3) If the victim is not represented by counsel, the police officer with whom a complaint of violence has been lodged shall inform the victim of the remedies available to him or her under this Law.

(4) Notwithstanding the provisions of any other law, the application in subsection (1) of this section may be brought on behalf of the victim by any other person, including a police officer, a protection officer, an accredited service provider, a counselor, a health service provider, a social worker, a Nongovernmental organization or a teacher who has interest in the well-being of the victim.

(5) An application brought by a person other than the victim shall be brought with the written consent of the victim, except in circumstances where the victim is-
(a) a minor,
(b) mentally retarded,
(c) unconscious,
(d)where the person's whereabout is unknown or
(e) a person who the Court is satisfied is unable to provide the required consent.

(6) Notwithstanding the provisions of any other law, a person, on behalf of a minor, may apply to the Court for a protection order without the cooperation of the parent or guardian of the minor or that of a person in loco parentis.

Consideration of application

34. (1) The Court shall as soon as is reasonably practicable, consider an application submitted to it under section 33 of this Law and may, for that purpose, consider such additional evidence as it deems fit, including oral evidence or affidavit evidence, which shall form part of the record of proceedings.

(2) If the Court is satisfied that there is prima facie evidence that the respondent is committing, has committed or that there is an imminent likelihood that he or she may commit an act of 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 shall call on the respondent to show cause on the return date specified in the order, why a protection order should not be issued in favour of the applicant.

(4) A copy of the application referred to in section 33 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 in line with subsection (2) of this section, it shall direct the Registrar of Court to cause certified copies of the application concerned and any supporting affidavit to be served on the respondent in the prescribed manner, together with a prescribed notice calling on the respondent to show cause on the return date, specified in the notice, why a protection order should not be issued.

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

Issuing of protection order

35. (1) If the respondent does not appear on a return date contemplated in section 34(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 prima facie evidence that the respondent has committed, is committing or that there is an imminent likelihood that he may commit an act of violence,
it shall issue a protection order in the form prescribed in Schedule 4.

(2) If the respondent appears on the return date in order to oppose the application for a protection order, the Court shall proceed to hear the matter and consider-
(a) any evidence previously received under section 33(1) of this Law and
(b) such further affidavits or oral evidence as it may direct; which shall form part of the record of proceedings.

(3) The Court may, of its own accord or on the request of the victim, if it is of the opinion that it is just or desirable to do so, subject to the rules of evidence on competence and compatibility of witnesses, order that in the examination of witnesses, 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 him or her, and
(b) shall put any question to such witness by stating the question to the Court which shall repeat the question accurately to the witness.

(4) The Court shall, after a hearing as contemplated in subsection (2) of this section, issue a protection order in the form prescribed in Schedule 4 if it makes a finding on a balance of probabilities, that the respondent has committed or is committing an act of violence, or that there is an imminent likelihood that he or she may do so.

(5) Upon the issuance of a protection order, the Registrar of Court shall in the prescribed manner, cause to be served on the applicant:
(a) the original of such order, and
(b) a certified copy of such order and the original warrant of arrest contemplated in section 37(l)(a).

(6) The Registrar of Court shall in the prescribed manner, forward certified copies of any protection order and of the warrant of arrest contemplated in section 38(l)(a) to a police station within jurisdiction.

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

Court's powers in respect of protection order

36. (1) The Court may, by means of a protection order referred to in section 33, 34 and 35 of this Law, prohibit the respondent from:
(a) committing any act of violence;
(b) enlisting the help of another person to commit any act of violence;
(c) entering a shared household provided that the Court may impose this prohibition only if it appears to be in the best interests of the victim,
(d) entering a specified part of such a shared household
(e) entering the victim's residence
(f) entering the victims place of employment,
(g) preventing the victim from entering or remaining in the shared household or a specified part of the shared household,
(h) alienating or disposing of the shared household or cumbering same,
(i) renouncing his or her rights in the shared household except in favour of the victim,
(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 victim, 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 victim to a specified place to assist with arrangements regarding the collection of personal property;
(c) directing the respondent to secure alternative accommodation for the victim;
(d) directing the temporary relocation to any safe place as may be deemed fit in the interest of the victim;
(e) approving a mediation channel upon submissions made by the victim.

(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 victim 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 victim and the respondent, and such order has the effect of a civil judgment of a court.

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

(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 victim.

(8) If the Court is of the opinion that any provision of a protection order deals with a matter that should, in the interests of justice, be dealt with further

under any other relevant law, including the Matrimonial Causes Act, 1970 and Child Rights Law, 2007 of Edo State, 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 other law.

Duties and powers of police officer relating to incidents of violence

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

(a) assist a victim 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 such is required;

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

(d) explain to the victim his or her rights to protection against violence and the remedies available to him or her under this Law;

(e) explain 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) accompany the victim to victim's residence to collect his or her personal belongings.

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

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

(b) against whom a complaint has been made for having committed any of the offences under Part I 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 residence where the court has issued such an order under this Law;

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

(c) collect and store fingerprints including the Deoxyribonucleic acid (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 victim.

Warrant of arrest upon issuance of protection order

38. (1) Whenever a court issues a protection order, it 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 35 (2) of this Law.

(2) The warrant referred to in subsection (l)(a) of this section, remains in force until it is executed or cancelled.

(3) The Registrar of Court shall issue the applicant with a second or further warrant of arrest if the applicant files an affidavit in the prescribed form and states that such warrant is required for the protection of the victim, and that the existing warrant of arrest has been-
(a) executed or cancelled; or
(b) lost or destroyed.

(4) A second or further warrant of arrest may contain the prima facie fact or facts that the respondent has contravened any prohibition order condition, obligation or other order made in a protection order, and upon being received by a police officer shall be executed timeously.

Arrest without warrant

39. (1) If it appears to a police officer that there are reasonable grounds to suspect that the victim may suffer imminent harm as a result of the alleged breach of a protection order by a respondent, the police officer shall forthwith arrest the respondent without a warrant.

(2) If the police officer concerned is of the opinion that there are sufficient grounds for arresting the respondent under subsection (1) of this section, he or she shall:

(a) hand a written notice to the respondent which —
(i) specifies the name, the residential address and the occupation or status of the respondent;
(ii) calls upon the respondent to appear before a court on the date and at the time specified in the notice, on a charge of committing any of the acts referred to in section 35(1); and
(b) require the respondent to append his or her signature on a duplicate copy of the notice containing an endorsement by the police officer to the effect that he or she handed the original notice to the respondent and that he or she explained the import thereof to the respondent.

(3) The police officer shall forward the duplicate of the notice referred to in subsection (2) of this section to the Registrar of the court concerned, and the mere production in court of such a duplicate shall be prima facie proof that the original was handed to the respondent.

(4) In considering whether or not the victim may suffer imminent harm as contemplated in subsection (1) of this section, the police officer shall take into account the-
(a) risk to the safety, health or well-being of the victim;
(b) seriousness of the conduct comprising an alleged breach of the protection order, and
(c) length of time since the alleged breach occurred.

Variation or setting aside of protection order

40. (1) The applicant or the respondent in an application for a protection order which was granted under section 35(l)(b) may, upon written notice to the other party and the court concerned, apply for the variation or setting aside of the order, in the prescribed manner.

(2) The Court, if satisfied that a good cause has been shown for the variation or setting aside of the protection order, may issue an order varying or setting aside the protection order:
Provided that the Court shall not grant such an application brought by the applicant unless it is satisfied that the applicant brought it freely and voluntarily.

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

Discharge

41. (1) Where a protection order has been made, any of the Following persons may apply to have it discharged-

(a) If the application for the order was made by a commissioner in respect of any dependent person by -

(i) the commissioner,

(ii) the person who brought the application, or

(iii) the respondent to that application

(b) If the application for order was made by a commissioner in any other case by virtue of section 33-

(i) the commissioner,

(ii) the person who brought the application, or

(iii) the respondent to that application

(c) in any other case-

(i) the person who was the applicant for the order, or

(ii) the person who was the respondent to the application for the order and the Courts, upon hearing any such application, shall make such order, as it considers appropriate in the circumstances.

Offences relating to protection orders

42. (1) A respondent or any person who:

(a) flouts an interim protection order or a protection order,

(b) does any act calculated to frustrate the application of an interim protection order or protection order as it relates to the applicant or a dependent person, commits an offence and is liable on summary conviction to a term of 6 months imprisonment or to a fine not exceeding ₦300,000.00 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.

Application and forms of protection order schedule

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

Rights and relief services for victims of violence

44. (1) Every victim of violence as defined in this Law shall have 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, is entitled to the following rights- To receive the necessary materials, comprehensive, medical, psychological, social and legal assistance, information on social services available; rehabilitation and reintegration programmes through government agencies and non-government agencies providing such assistance.

(2) The State Government shall use its best endeavours and every means necessary to ensure that every victim of violence:

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

(b) is admitted to a rehabilitation and re-integration programme of the State to enable victims to acquire, where applicable and necessary, prerequisite skills in any vocation of the victim's choice and if necessary formal education or access to micro credit facilities.

(3) Any rule or regulation made by any institution or organization prohibiting or restraining the reporting of offences or the making of complaints through the channels provided for in this Law is inconsistent with this Law and shall, to the extent of the inconsistency, be void.

(4) No victim of any offence under this Law shall be expelled, disengaged, suspended or punished in any form whatsoever by reason of the fact of his or her having taken any action in compliance with the provisions of this Law.

(5) Any head of institution who acts in violation of the

provisions of subsection (3) of this section commits an offence and is liable on conviction to a term of 6 months imprisonment or to a fine not exceeding N200,000.00 or both.

Attendance at court proceedings

45. (1) No person may be present during any proceedings under this Law except-
(a) officers of the Court;
(b) the victim and the respondent;
(c) any person bringing an application on behalf of the victim under section 33(4);
(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 victim;
(h) not more than 3 persons for the purpose of providing support to the respondent; and
(i) any other person who 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.

(2) 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.

Prohibition of publication of certain information

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

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

PART III - ACCREDITED SERVICE PROVIDERS

Registration and powers of service providers

47. (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, psychosocial support, financial or other assistance, shall be registered with the State Ministry in charge of social welfare matters as an accredited service provider for the purposes of this Law.

(2) The Commissioner responsible for social welfare matters in the State shall-
(a) keep a register of all accredited service providers and circulate same to all police stations, protection officers and the courts; and
(b) draw up guidelines for the operation of accredited service providers;

(3) A service provider so registered under subsection (1) shall have the power to:
(a) receive reports of incidents of violence and record same in the prescribed form;
(b) forward a copy of such reports to a magistrate and the protection officer having jurisdiction in the area where the violence took place;
(c) 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 act of violence took place;
(d) 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 violence act took place.

(4) No suit, prosecution or other legal proceeding shall lie against any service provider who is, or who is deemed to be acting or purporting to act under this Law, for anything which is in good faith done 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

48. (1) The Commissioner responsible for social welfare matters shall appoint such number of protection officers in each local government area as he or she may consider necessary to assist the Court in the discharge of its duties under this Law and to coordinate the activities of the police and the accredited service providers in the local government area with a view to ensuring that victims 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 victim so requires;
(c) are able to collect their belongings or properties from a shared household or his or her residence, if the victim 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 an 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 any employer or debtor of the respondent or any bank in which the respondent operates any account, to directly pay to the victim or deposit with Court a portion of the wages or salaries or debt due to or accrued to the credit of respondent or monies in any bank account operated by the respondent , which amount may be adjusted towards the emergency monetary relief payable by the respondent.

Coordinator for the prevention of domestic violence

49. (1) The Ministry of Social Development and Gender issues shall appoint an officer from her Ministry not below the rank of a director as the coordinator for the prevention of Gender Based violence. The ministry shall submit an annual report on Gender Based Violence response to the State Government prepared by the officer.

PART IV – FINAL PROVISIONS

Dangerous sex offenders

50. A Court may declare a person who has been convicted of a sexual offence a dangerous sex offender if such person has-
(a) more than one conviction for a sexual offence;
(b) been convicted of a sexual offence which was jointly committed; or
(c) Been convicted of a sexual offence against a child.

Child offenders

51. Notwithstanding the provisions of this Law relating to punishment for offences and the powers and duties of the police with respect to incidents of violence, where a person reasonably suspected to have committed an offence under this Law is below the age of 18 years, he or she shall be apprehended and tried in accordance with the principles of child justice.

Compensation for victims

52. Without prejudice to specific provisions relating to the award, of compensation to a victim under this Law, the Court may in its discretion award appropriate compensation to any victim of violence as it may deem necessary in the circumstances of the case.

Regulatory bodies

53. The Ministry of Justice, Ministry of Social Development and Gender Issues, Ministry of Health, the Nigerian Police Force, are mandated to administer the provisions of this law in collaboration with the Non-Governmental Organizations, faith-based organizations and other relevant stake holders.

PART V – ESTABLISHMENT OF THE EDO STATE GENDER BASED VIOLENCE MANAGEMENT COMMITTEE, THE STATE GENDER BASED VIOLENCE TECHNICAL WORKING GROUP AND THE GENDER BASED VIOLENCE CENTRE.

Establishment of the State Gender Based Violence

54. (1) There is established by this Law, a State Management Committee on Gender-Based Violence.

Management Committee

a) Membership of the Edo State Gender Based Violence Management Committee shall include:

i. The Chairperson to be nominated by the Governor;
ii. Two (2) members of proven integrity to be appointed by the Governor,
iii. The Commissioner, Ministry of Social Development and Gender Issues;
iv. The Commissioner, Ministry of Health;
v. The Commissioner, Ministry of Justice;
vi. The Commissioner, Ministry of Education;
vii. The Commissioner, Ministry of Information and Orientation;
viii. The Commissioner of Police;
ix. The commandant of Nigeria Security and Civil Defence Corps (NSCDC);
x. The Chairman, State Universal Basic Education Board (SUBEB);
xi. The Permanent Secretary, Ministry of Social Development and Gender Issues;
xii. The Permanent Secretary, Ministry of Health;
xiii. The Permanent Secretary, Ministry of Justice;
xiv. One representative of the Chief Judge of the State not below the level of Deputy Registrar;
xv. One Nominee from the State House of Assembly Committee on Women and Children;
xvi. 4 members of Non-Governmental Agencies;
xvii. 3 members from faith-based organisations;
xviii. A representative of National Council of Women Societies;
xix. The Director, public Prosecution- Member,
xx. The Director Gender Issues, Ministry of Social Development & Gender Issues;
xxi. The Director Social Welfare, Ministry of Social Development and Gender Issues:- Member;
xxii. The Director of Child Development, Ministry of Social Development and Gender Issues:- Member;
xxiii. The Chairperson, Nigerian Bar Association, Benin branch or the representative;
xxiv. Representative of persons living with disability;
xxv. The Manager of the Gender Based Violence Centre (GBV) Centre;

xxvi. The Permanent Secretary, Ministry of Social Development and Gender Issues shall be the Secretary to the State Management Committee or the representative. The chairperson of the Edo State Gender Based Violence management committee may also appoint the secretary.

Functions of the State Management Committee

55. The State Management Committee shall:

a. Make recommendations for the State Plan of Actions against Gender-based violence, monitor and report on the progress of the State Plan of Action through the Commissioner for Social Development and Gender Issues;
b. Advise the Commissioner on Policy matters under this law;
c. Ensure the Ministry of Social Development and Gender Issues, Ministry of Health and Ministry of Justice deploy competent and qualified staff already under the employment of and been remunerated by the Edo State Government to provide their respective professional services at the Gender Based Violence Centres.
d. Collaborate with the Nigerian Police Force to ensure the deployment of qualified and competent police personnel to the various Gender Based Violence centres in the State to diligently investigate Gender-based violence cases.
e. Be responsible for decision making, planning and monitoring of issues on Gender Based Violence in the state and facilitate the smooth running of the Gender Based Violence Centre, its sustainability and replication in all the local government areas in the State.
f. Assist the relevant Ministries to acquire relevant medical, diagnostic, standard technical, counselling and other equipment/facilities for the Gender Based Violence Centres.
g. Ensure the maintenance of equipment/facilities at the Gender Based Violence Centres.
h. Ensure the training and re-training of the staff of the Gender Based Violence Centres.
i. Propose and promote strategies to prevent and combat Gender- Based violence.
j. Liaise with government agencies and organizations to promote the rehabilitation and re-integration of victims of Gender-Based violence.

k. Ensure adequate collation of data on Gender Based Violence in Edo state and be responsible for sharing updates, data and reports with all other stake holders.
l. Ensure that the Gender Based Violence Centres facilities continue to be a friendly and clean environment for providing its services.
m. Collaborate with Ministries, Partners, Donor Agencies and other stakeholders to secure grants for protection and promotion of the rights of victims/survivals of Gender Based Violence.
n. Prepare guidelines for disbursement from the Fund;
o. Manage the Fund;
p. Deal with any matter concerned with Gender-Based violence.

Meetings of the State Gender Based Violence Management Committee

56. The State Gender Based Violence Management Committee shall meet at least once every three months. The quorum at a meeting of the State Management Committee shall be eight (8) members.
(a) The Chairperson shall convene the meetings of the State Gender Based Violence Management Committee. In the absence of the Chairperson, a nominee of the chairperson shall preside.
(b) Matters before the State Management Committee shall be decided by a majority of the members present by voting and in the event of equality of votes, the person presiding shall have a casting vote.
(c) Subject to the provisions of this section, the State Management Committee may determine the procedure for its meeting.

Allowances

57. Members of the Management Committee shall be paid allowances approved by the Chairperson of the Committee in consultation with the Commissioner for Social Development and Gender Issues

Secretariat of the Management Committee

58. (a) The Management Committee shall have a secretariat.
(b) The Secretariat of the Management Committee shall be located at the Ministry of Social Development and Gender Issues, which shall provide the facilities and personnel for the performance of the functions of the Management Committee.

Provision for Counseling and Support Services

59. a. There shall be counseling 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.
b. Therefore, a police officer, a medical officer, and/or a social worker shall inform the victim of his or her rights and any services including support and counseling services which may be available.
c. A victim of Gender-Based violence who is assisted by the police to obtain medical treatment is entitled to free medical treatment from the State.
d. In case of emergency or a life-threatening situation, a victim of Gender-Based violence may receive free medical treatment pending a complaint to the police and the issuance of a report.

Vacancy in the Management Committee

60. Where vacancy occurs in the life span of the Management Committee, the Ministry of Social Development and Gender Issues shall take over the functions of the Management Committee pending the reconstitution of the Management Committee.

Establishment of the Edo State Gender Based Violence Technical Working Group

61. (1) The Edo State Gender Based Violence Technical Working Group shall consist of members chosen from the core Ministries, agencies and bodies that are involved in the promotion and protection of the rights of persons against Gender Based Violence.

The Membership of the Technical Working Group on Gender-Based Violence shall include:

i. The Commissioner for Social Development and Gender Issues who shall be the coordinator of the Technical Working Committee;
ii. The Permanent Secretaries of Ministry of Social Development and Gender Issues, Ministry of Justice and Ministry of Health. –Members;
iii. The Director, Public Prosecution; - Member;
iv. The Representative of the commandant of Nigeria Security and Civil Defence Corps (NSCDC);
v. One representative from the Ministry of Health not below the rank of a Chief Medical Officer; - Member;
vi. The representative of the Commissioner of police specifically the OC Legal –Member;
vii. The Gender desk officer from the police headquarters, Benin city – Member;

viii. The Director of Gender Issues Ministry of Social Development and Gender Issues who shall be the Secretary of the Technical Working Committee or the representative;
ix. The Director of Social Welfare in the Ministry of Social Development and Gender Issues; - Member;

x. The Director of Child Development Ministry of Social Development and Gender Issues; - Member;

xi. One representative from the Ministry of Information not below the rank of a Deputy Director; - Member;
xii. One representative from the Ministry of Education not below the rank of a Deputy Director- Member;
xiii. One representative from the State Universal Basic Education Board (SUBEB);
xiv. Four representatives of relevant non-governmental organizations with a focus on related issues; - Members;
xv. Three representatives from faith-based organizations; - Members;
xvi. The Chairperson, Nigerian Bar Association, Benin branch or the representative;
xvii. Representative of persons living with disability.
xviii. The Manager of the Gender Based Violence Centre (GBV) Centre.

Mandate of the Technical Working Group

62. (1) The functions of the Technical Working Group shall be;
i. To implement the directives of the Edo State Gender Based Violence Management Committee and report back to the State Management Committee.
ii. To implement the policies and programmes of the Edo State Gender Based Violence Management Committee.
iii. Conduct research on national, international and regional development and standards for dealing with matters of Gender- Based violence.
iv. Make recommendations to the Edo State Gender Based Violence Management Committee on best Practices/Actions against Gender-based violence/Propose and promote strategies to prevent and combat gender- based violence

v. Ensure the maintenance of equipment/facilities at the Gender Based Violence Centres.
vi. Review of the work done by various stake holders and report back to the state management committee.

Secretariat of the Technical Working Group

63. (1) The Technical Working Group shall have a secretariat. The Secretariat of the Working Group shall be located at the Ministry of Social Development and Gender Issues, which shall provide the facilities and personnel for the performance of the functions of the Technical Working Group.

Meetings of the Technical Working Group

64. (1) The Technical Working Group shall meet at least once every month. The quorum at a meeting of the Technical Working Group shall be eight (8) members.

Allowances

65. (1) Members of the Technical Working Group shall be paid allowances approved by the Chairperson of the State Management Committee in consultation with the Commissioner for Social Development and Gender Issues.

Establishment of a Gender Based Violence Centre

66. (1) There shall be established for the state Gender Based Violence Centre which will serve as a one stop centre where all the victims/survivors of Gender Based Violence can access high quality support services, free of charge provided by professionals. Gender Based Violence Centre shall be hereinafter referred to as the 'GBV Centre'. It shall be located in different state-owned hospitals in the different Local Government Areas in Edo State. The GBV centre shall comprise of the following units:

(a) Psychosocial/Counseling unit
(b) Medical unit
(c) Law enforcement unit &
(d) Legal unit

(2) The Centre shall be funded by the State in partnership with donor agencies & non-governmental organizations dealing with gender related matters hereinafter referred to as the 'partner'.

Management of the Gender Based Violence Centres

67. (1) The Ministry of Social Development and Gender Issues in collaboration with the Edo State Gender

Based Violence management committee shall appoint a person as the manager to be responsible for ensuring the provision of effective, comprehensive and coordinated response to cases of Gender Based Violence in the State.

Regulations

68. (1) The Attorney General and Commissioner for Justice on the advice of the Commissioner for Social Development and Gender Issues may make regulations to:

a. Provide forms necessary for the purpose of this Law;
b. Prescribe the training of the police and court officials on Gender Based Violence in consultation with the relevant institutions;
c. Provide for education and counseling of victims and perpetrators of Gender- Based Violence;
d. Provide for education and counseling in domestic relationships;
e. 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

69. 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 Gender-Based Violence Support Fund

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

Objectives of the Fund

71. 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

72. The monies for the Fund shall include:
(a) Voluntary contributions to the Fund from individuals, organizations, donors and the private sector;
(b) Monies approved by the State House of Assembly for payment into the Fund; and
(c) Monies from any other source approved by the Government.

Management of the Fund

73. (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

74. (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

75. (1) The Commissioner for Social Development and Gender Issues 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.

General Savings and Repeal

76. (1) Without prejudice to the provisions of this Law, proceedings instituted before the commencement of this Law under the provisions of the Violence Against Persons (Prohibition) Law, 2019; the Criminal Code Law or any other law or regulation with respect to an act of violence as defined by this Law, shall be continued with until disposed off, in line with the provisions of the said law or regulation.

(2) Any provision in this Law as from the commencement of this Law shall supersede any other provision on similar offences in the Criminal Code Law and any other existing law.

Interpretation

77. 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, counseling, legal, financial, medical or other assistance to victims of violence and are registered with the State Ministry in charge of social welfare matters under the provisions of this Law;

"Circumcision or Genital Mutilation" means the cutting off of all or part of the external genital organs of a girl or woman for non-medical reasons;

"Coordinator for the prevention of domestic and sexual violence" means a person given the responsibility to ensure the provision of effective, comprehensive and coordinated response to cases of domestic and sexual violence in the State;

"Court" means the High Court or Magistrate Courts in Edo State;
"Casting vote" means a vote that someone may exercise to resolve a deadlock or an extra vote by a chairperson to decide an issue when the votes on each side are equal. A casting vote is typically by the

presiding officer of a council, committee etc., and may only be exercised to break a deadlock

"damage to property" means the willful destruction or causing of mischief to any property belonging to a person or in, which a person has, a vested interest;

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

"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 of a child or children or are the persons who have or had a parental responsibility for that child or children;
(d) they are persons related by consanguinity, affinity, adoption or fostering;
(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 place of residence including under the terms of a contract of service;
"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 wellbeing of any person;

"economic abuse" includes:
(a) forced financial dependence which means causing or attempting to cause individuals to become financially dependent on another person by obstructing their access to, or control over resources and independent economic activity;
(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 such as —
(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 maintenance order, including-
(a) loss of earnings;
(b) medical and dental expenses;
(c) relocation and accommodation expenses;
(d) household necessities; or
(e) legal fees related to obtaining and serving the protection order;

"emotional/verbal/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 or separation from family and friends" includes preventing a person from leaving the home or from having contact with family, friends or the outside community;
'Federal Government" means the Federal Government of Nigeria;

"harmful traditional practices" means all traditional behaviours, 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;
"Indecent assault" means where a person intentionally inflicts unwanted physical contact on another person for example by touching the buttocks, breast, dragging or using lewd language on a person without the consent of that person.

"incest" means an indecent act or an act by a person which causes penetration or insertion in any of the ways specified in section 4 of this Law, with another person who is, to his or her knowledge, his or her daughter or son, granddaughter or grandson, sister or brother, mother or father, niece or nephew, aunt or uncle, grandmother or grandfather, great-aunt or great-uncle;

"intimidates" means to utter or convey a threat or cause any person to receive a threat, which induces fear, anxiety or discomfort;

"Magistrate Courts" means Magistrate Courts in Edo State;
"political violence" means any act or attempted act of violence perpetrated in the course of political activities, such as elections, and includes any of the following acts —
(a) thuggery;
(b) mugging;
(c) use of force to disrupt meetings; or
(d) the use of dangerous weapons that may cause bodily harm or injury;
(e) Use of hate speech directed at a person on the basis of sex, for example prostitute, harlot or any other derogatory words.
(f) Where men and women are on the same queue during voting in an election.
(g) Harassment, intimidation, marginalization and physical harm on an individual

"private parts" means either the groin area or buttocks of a man, or the groin area, buttocks or breasts region of a woman;

"protection officer" means an officer appointed under section 44 of this Law in relation to and for the purposes of this Law;

"protection order" means an official legal document, signed by Judge that restrains an individual or body from further abusive behavior towards a victim;

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

"stalks" means repeatedly —
(a) watching, or loitering outside of or near the building or place where the person being stalked resides, works, carries on business, studies or happens to be; or
(b) following, pursuing or accosting any person in a manner which .is likely to induce fear or anxiety;

"State" means Edo State of Nigeria;
"victim" means any person or persons, who, individually or collectively, has or 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 Nigeria or of a State in Nigeria;

"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 or in conflict situations.

SCHEDULES

SCHEDULE I

A - FORM OF APPLICATION FOR PROTECTION ORDER BY THE VICTIM

S. 33(1)

IN THE …… COURT OF EDO STATE

in the ……JUDICIAL DIVISION/MAGISTERIAL DISTRICT

HOLDING AT……

SUIT NO……

BETWEEN

A. B …… APPLCANT

AND

C.D …… RESPONDENT

APPLICATION FOR PROTECTION ORDER

I, A.B ……., hereby apply to be protected by the Honourable Court by the issuance of a protection order against the Respondent.

DATED this……day of…… 20……

……
A.B

B - FORM OF APPLICATION FOR PROTECTION ORDER BY THE VICTIM

S. 33(4)

IN THE …… COURT OF EDO STATE

in the ……JUDICIAL DIVISION/MAGISTERIAL DISTRICT

HOLDING AT……

SUIT NO……

BETWEEN

A. B …… APPLCANT

AND

C.D …… RESPONDENT

APPLICATION FOR PROTECTION ORDER ON BEHALF OF E. F

I, A.B ……, Police Officer/Social Worker/Guardian to E.F/Counsel to E.F, the victim herein, hereby applies on behalf of E.F that he/she be protected by the Honourable Court by the issuance of a protection order against the Respondent.

DATED this……day of…… 20…….

……
Police Officer/Social Worker/Guardian/Counsel, etc.

SCHEDULES

SCHEDULE 2

FORM OF AFFIDAVIT IN SUPPORT OF APPLICATION FOR PROTECTION ORDER

S. 33(2)

IN THE …… COURT OF EDO STATE

in the ……JUDICIAL DIVISION/MAGISTERIAL DISTRICT

HOLDING AT……

SUIT NO……

BETWEEN

A. B …… APPLCANT

AND

C.D …… RESPONDENT

(RE: E.F. …… VICTIM)

AFFIDAVIT IN SUPPORT OF APPLICATION FOR PROTECTION ORDER

I, ……, Male/Female, Christian/Muslim, etc. citizen of …… of ……. Edo state, hereby make oath and state as follows:

That I am sufficiently seized of the facts of this case,

……
DEPONENT

SWORN TO at the ……. Court Registry……..

This…… day of…… 20……

BEFORE ME

COMMISSIONER FOR OATHS

SCHEDULES

SCHEDULE 3

FORM OF VICTIM'S CONSENT TO **APPLICATION FOR PROTECTION ORDER**

S. 33(5)

IN THE …… COURT OF EDO STATE

in the ……JUDICIAL DIVISION/MAGISTERIAL DISTRICT

HOLDING AT……

SUIT NO……

BETWEEN

A. B	……	APPLCANT
AND		
C.D	……	RESPONDENT
RE: E.F.	……	VICTIM

CONSENT TO APPLICATION FOR PROTECTION ORDER

I, E.F, victim in this case, hereby consent to the application by A.B. for the issuance of a protection order on my behalf.

DATED this…… day of…… 20……

……
E. F.

SCHEDULES

SCHEDULE 4
A - FORM OF PROTECTION ORDER

S. 34(1)

IN THE …… COURT OF EDO STATE

in the ……JUDICIAL DIVISION/MAGISTERIAL DISTRICT

HOLDING AT……

SUIT NO……

BETWEEN
A. B …… APPLCANT
AND
C.D …… RESPONDENT
(RE-E. F …… VICTIM)
TO: CD

PROTECTION ORDER

WHEREAS A.B, applicant in this suit has applied that he/she/RE the victim 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 violence against the victim, or that there is imminent likelihood of your committing such violence against the victim.
You are hereby prohibited from (insert whichever is appropriate)

(a) committing any act of domestic violence;
(b) enlisting the help of another person to commit any such act;
(c) entering a shared household (Provided that the Court may impose this prohibition only if it appears to be in the best interests of the victim);
(d) entering a specified part of such a shared household;
(e) entering the victim's residence;
(f) entering the victims place of employment;
(e) preventing the victim 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 your rights in the shared household except in favour of the victim;
(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 …… 20……

Judge/Magistrate

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

.....

Clerk of the House of Assembly

Assented to by me this 17th day of June, 2021

.....

Governor of Edo State of Nigeria

Assent withheld by me this .....day of 2021

.....

Governor of Edo State of Nigeria