Extraordinary

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A LAW TO PROVIDE FOR THE GOMBE STATE VIOLENCE AGAINST PERSONS (PROHIBITION) LAW AND OTHER MATTERS RELATED THERETO, 2022.

ENACTED by the Gombe State House of Assembly as follows:

PART I
PRELIMINARY

Citation and Commencement

1. This Law may be cited as the Gombe State Violence Against Persons (Prohibition) Law, and shall come into force on the ____day of _____2022.

Interpretation

2. 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" means cutting off all or part of the external sex organs of a female other than on medical ground;

"Court" means both the Magistrate's Court and High Court;

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

"Dangerous weapon" means any instrument or machine directed toward a person with the intention of inflicting bodily harm on such person and includes, but is not limited to, a gun, knife, stick, whip or other household appliance capable of inflicting bodily harm on a person;

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

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

(b) 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;

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

(d) 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" means:

(a) forced financial dependence;

(b) denial of inheritance or succession rights;

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

i. household necessities; or
ii. mortgage bond repayments; or
iii. payment of rent in respect of a shared residence;

(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;
(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 from family and friends" includes but is not limited to unjustly 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;
(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 any person and include:

(a) harmful widowhood practices;
(b) total or complete denial of inheritance or succession rights;
(c) female genital mutilation or female circumcision;
(d) forced marriage.

"Incest" means sexual intercourse or indecent act between persons within the prohibited degrees of consanguinity and affinity or so closely related such as daughter, son, granddaughter, grandson, sister, brother, mother, father, niece, nephew, aunt, uncle, grandmother and 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;
"Perpetrator" means any person who has committed or allegedly committed an act of violence prohibited under this Law;
"Physical abuse" means acts or threatened acts of physical aggression towards any person such as slapping, hitting, kicking and beating;
"Political violence" means any act of violence perpetrated in the course of political activities, and it includes thuggery, mugging, use of force to disrupt meetings or the use of dangerous weapons;
"Protection Officer" means an officer appointed under section 42 of this Law in relation to and for the purpose of this Law;
"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 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 physical, verbal or non-verbal and other unwanted conduct of a sexual nature based on gender which is persistent or serious and demeans, humiliates or creates a hostile or intimidating environment;
"Sexual intimidation" means:

(a) any action or circumstances which amount to demand or the actual demand for sexual intercourse under any guise as a condition for passing examination, securing employment, business patronage, obtaining any favour in any form whatsoever as may be defined in this Law or any other enactments;
(b) acts of deprivation, withholding, replacing and 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;
(c) any other action or inaction construed as sexual intimidation or harassment under any other enactments in force in Nigeria;

"Spousal battery" means the intentional and unlawful use of force or violence upon a person, including the unlawful touching, beating or striking of another person against his or her will with the intention of causing bodily harm to that person;
"Spouse" means husband or wife recognized under the Matrimonial Causes Act, Islamic and Customary Law;
"Stalking" means repeatedly:

(a) watching or loitering outside of or near the building or place where another person resides, works, carries on business, studies or happens to be; or

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

"**State**" means Gombe State of Nigeria;

"**Substance attack**" means the exposure of any person to any form of chemical, biological or any other harmful liquid or other material with the intention to cause grievous bodily harm, which includes but is not limited to acid, hot water, hot oil, etc;

"**Trafficking**" means the supply, recruitment, procurement, capture, removal, transportation, transfer, harbouring, sale, disposal or receiving of a person within the State for use in sexual acts, including sexual exploitation or pornography;

"**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 any other criminal legislation; and
b) victim also includes the immediate family or dependants of the direct victim and any other person who has suffered harm in intervening to assist victims in distress;

"**Violence**" in this Law, unless the context otherwise requires, means any act or attempted act which causes or may cause any person physical, sexual, psychological, verbal, emotional or economic injury whether the act occurs in private or public life, in peace time and in conflict situations;

"**Violence in the private sphere or life**" means any act or attempted act perpetrated by a member of the family, relative, neighbour or member of a community which causes or may cause any person physical, sexual, psychological, verbal, emotional or economic injury;

"**Violence in the public sphere**" means any act or attempted act perpetrated by the State or non-State actors before, during and after elections, in conflict or war situations, which threatens peace, security and well-being of any person or the State as a whole;

"**Violence perpetrated by State or non-state actors**" includes:

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

"**Vulnerable groups**" means women, children, persons living under extreme poverty, persons with disability, the sick and the elderly, ethnic and religious minority groups, refugees, internally displaced persons, migrants and persons in detention.

PART II
OFFENCES

Rape

3. (1) A person is said to commit the offence of rape, save in the case referred to in subsection (2), 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 with anything else against the will of the other person; or

b) the other person does not consent to the penetration; or

c) the consent is obtained by force or by means of threat or by putting the person in fear of death or of hurt of any kind; or

d) by means of false and fraudulent representation as to the nature of the act; or

e) the use of any substance or additive capable of taking away the will of such person; or

f) in the case of a married person by impersonating his or her spouse; or

g) with or without the consent of the person when he or she is under sixteen years of age or of unsound mind or mentally retarded.

(2) Sexual intercourse by a man with his own wife is not rape, (if she has attained puberty).

(3) A male adult convicted of the offence of rape shall be punished with imprisonment for life and the removal of his testicles (castration).

(4) A female adult convicted of the offence of rape shall be punished with imprisonment for life (and the surgical removal of her fallopian tubes (salpingectomy)).

(5) Where the offender is less than 14 years of age, the offender shall be committed to custody in a place of detention provided under the Children and Young Persons Law and or any other relevant Law for a period of not less than 14 years.

(6) Where rape is committed by a group of persons, on conviction each of the offenders shall be punished with imprisonment for life and the removal of his testicles (castration) in case of a male and with imprisonment for life and the removal of her fallopian tubes (salpingectomy) and with imprisonment for life in case of a female.

(7) A register of convicted offenders shall be maintained by the Violence Against Persons Management Committee (hereinafter "the VAP Management Committee") established under this Law and be accessible to the public.

(8) The picture and personal details of a person convicted of the offence of rape shall be displayed in conspicuous places at the headquarters of his Local Government of residence and any other relevant place.

Incest

4. Any person who knowingly and wilfully has carnal knowledge of another within the prohibited degrees of consanguinity and affinity with or without consent, commits incest and shall be liable on conviction to a minimum term of -

a) ten 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, five years imprisonment without an option of fine each.

Inflicting Physical Injury

5. Any person who wilfully causes or inflicts physical injury on another person by means of any weapon, substance or object commits an offence and is liable on conviction to imprisonment not exceeding five years or a fine not exceeding N500,000 or to both such fine and imprisonment.

Placing a Person in Fear of Physical Injury

6. Any person who wilfully or knowingly places a person in fear of physical injury commits an offence and is liable on conviction to imprisonment for a term not exceeding two years or a fine not exceeding N200,000 or to both such fine and imprisonment.

Offensive Conduct

7. Any person who coerces or compels another by force or threat to engage in any conduct or act to the detriment of the physical or psychological wellbeing of that other person commits an offence and is liable on conviction to imprisonment for a term not exceeding three years or a fine not exceeding N300,000 or to both such fine and imprisonment.

Harmful Traditional Practices

8. Any person who carries out harmful traditional practices on another commits an offence and is liable on conviction to imprisonment for a term not exceeding four years or a fine not exceeding N400,000 or to both such fine and imprisonment.

Frustrating Investigation

9. Any person who, with intent to 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 exhibit; or

b) omits, or is privy to omitting, any material particular from any such document, book, dress or clothing is guilty of an offence and liable on conviction to imprisonment for a term not exceeding three years or a fine not exceeding N300,000 or to both such fine and imprisonment.

Wilfully Making False Statements

10. Any person who wilfully makes false statement, whether oral or documentary, in any judicial proceedings under this Law or with the aim of initiating investigation or criminal proceedings under this Law against another person is guilty of an offence under this Law and liable on conviction to a fine of N100,000 or a term of imprisonment not exceeding one year.

Forceful Ejection from Home

11. Any marriage partner who forcefully evicts his or her partner from his or her home or refuses him or her access without justifiable reason commits an offence and is liable on conviction to imprisonment for a term not exceeding two years or a fine not exceeding N200,000 or to both such fine and imprisonment.

Deprivation of Liberty

12. Any person who deprives another of his liberty except pursuant to a Court order commits an offence and is liable on conviction to imprisonment for a term not exceeding two years or a fine not exceeding N200,000 or to both such fine and imprisonment.

Damage to Property with Intent to Cause Distress

13. Any person who causes mischief common destruction or damage to property of another with intent to cause distress or annoyance or knowing that it is likely to cause distress or annoyance to the victim commits an offence and is liable on conviction to imprisonment for a term not exceeding two years or a fine not exceeding N200,000 or to both such fine and imprisonment.

Forced Financial Dependence or Economic Abuse

14. Any person who causes forced financial dependence or economic abuse of another commits an offence and is liable on conviction to imprisonment for a term not exceeding two years or a fine not exceeding N200,000 or to both such fine and imprisonment.

Forced and Unjustified Isolation or separation from Family and Friends

15. Any person who forcefully and unjustifiably isolates or separates another from family and friends commits an offence and is liable on conviction to imprisonment for a term not exceeding six months or a fine not exceeding N50,000 or to both such fine and imprisonment.

Emotional, Verbal and Psychological Abuse

16. Any person who causes emotional, verbal and psychological abuse on another commits an offence and is liable on conviction to imprisonment for a term not exceeding one year or a fine not exceeding N100,000.00 or to both such fine and imprisonment.

Abandonment of Family without Sustenance

17. Any person who abandons his wife, children or other dependent without any means of sustenance commits an offence and is liable on conviction to imprisonment for a term not exceeding three years or a fine not exceeding N300,000 or to both such fine and imprisonment.

Stalking

18. Any person who stalks another commits an offence and is liable on conviction to imprisonment for a term not exceeding two years or a fine not exceeding N200,000 or to both such fine and imprisonment.

Intimidation of a Person

19. Any person who intimidates another commits an offence and is liable on conviction to imprisonment for a term not exceeding one year or a fine not exceeding N100,000.00 or to both such fine and imprisonment.

Spousal Battery

20. Any person who batters his or her spouse commits an offence and is liable on conviction to imprisonment for a term not exceeding three years or a fine not exceeding N300,000 or to both such fine and imprisonment.

Substance Attack

21. Any person who uses chemical, biological or any other harmful liquid or material on another commits an offence and is liable on conviction to a term of life imprisonment without an option of fine.

Administering a Substance with Intent

22. Any person who 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 commits an offence and is liable on conviction to imprisonment for a term of not less than ten years with no option of fine.

Indecent Exposure

23. Any person who intentionally exposes his or her genital organs, or a substantial part thereof, with the intention of causing distress to the other party, or that another person seeing it may be tempted or induced to commit an offence under this Law, commits an offence of indecent exposure and shall be liable on conviction to a term of imprisonment of not less than three years or to a fine not exceeding N300,000 or with both.

Political Violence

24. Any person who commits political violence is liable on conviction to imprisonment for a term of not less than four years or a fine not exceeding N400,000 or to both such fine and imprisonment.

PART III
ABETMENT, CRIMINAL CONSPIRACY, ATTEMPT TO COMMIT OFFENCE AND ACCESSORY AFTER THE FACT

Abetment

25. (1) A person abets the doing of a thing, who:

a) instigates, incites or counsels any person to do that thing; or
b) engages with one or more other person or persons in any conspiracy for the doing of that thing; or
c) intentionally aids or facilitates by any act or illegal omission the doing of that thing commits an offence.

(2) Whoever abets any offence under this Law shall, if the act abetted is committed in consequence of the abetment, be punished with the punishment provided for the offence.

Criminal Conspiracy

26. Whoever is a party to a criminal conspiracy to commit an offence under this Law shall be punished in the same manner as if he had abetted such offence.

Attempt to Commit Offence

27. Whoever attempts to commit an offence under this Law punishable with imprisonment or to cause such an offence to be committed and in such attempt does any act towards the commission of the offence shall be punished with imprisonment for a term which may extend to one half of the longest term provided for that offence under this Law or with such fine as is provided for the offence or with both.

Accessory After The Fact

28. Whoever knowingly harbours, relieves, comforts, conceals, maintains, or assists a person who has committed an offence under this Law shall be punished with imprisonment for a term not exceeding three years or a fine not exceeding N300,000 or with both.

Fraction of term of punishment

29. In calculating fractions of terms of punishment, imprisonment for life shall be reckoned as equivalent to imprisonment for twenty years.

PART IV
JURISDICTION OF COURT AND PROTECTION ORDER

Jurisdiction

30. (1) High Court of the State, Magistrate's Court or any other Court so empowered by a law of the State House of Assembly shall have the jurisdiction to hear and grant any application brought under this Law.

(2) An application for a protection order may be made before the Court following a complaint of violence by the complainant.

(3) A protection order granted by the Court shall be effective throughout the State.

Application for Protection Order

31. (1) An application for a protection order may be made before the Court following a complaint of violence by the complainant and no time limit or prescription shall apply in relation to a person 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 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 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; or

b) mentally retarded; or

c) unconscious; or

d) a person who the Court is satisfied is unable to provide the required consent.

(5) Notwithstanding the provisions of any other law, any minor, or any person on behalf of a minor, may, with an accompanying affidavit, apply to the Court for a protection order without the assistance of a parent, guardian or any other person or persons who have knowledge of the matter concerned.

Consideration of Application and Issuing of Interim Protection Order

32. (1) The Court shall as soon as is reasonably possible consider an application submitted to it 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 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 may commit an act of domestic and other forms 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.

(3) An interim protection order must be served on the respondent and shall call upon 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 31(1) and the record of any evidence taken in terms of 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 terms of 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, together with a 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) An interim protection order must be served on the respondent and shall call upon the respondent to show cause on the return date, specified in the order, why a protection order should not be issued.

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

Issuing of Protection Order

33. (1) If the respondent does not appear on a return date contemplated in section 32 (3), (5) or (6), and if the Court is satisfied that:

a) proper service has been effected on the respondent; and

b) the application contains prima facie evidence that the respondent has committed, is committing or that there is an imminent likelihood that he may commit an act of domestic and other form of violence, the Court shall issue a protection order.

(2) If the respondent appears on the return date in order to oppose the issuing of a protection order, the Court shall proceed to hear the matter and-

a) consider any evidence previously received in terms of section 32(1); and

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

(3) The Court may, on its own accord or on the request of the complainant, if it is of the opinion that it is just or desirable to do so, order that in the examination of witnesses, including the complainant, a respondent who is not represented by a legal practitioner-

a) is not entitled to cross-examine directly a person who is in a domestic relationship with the respondent; and

b) shall put any question to such a witness by stating the question to the Court, and the Court is to repeat the question accurately to the witness.

(4) The Court shall after a hearing as contemplated in subsection (2) of this section, issue a protection order if it finds, on a balance of probabilities, that the respondent has committed, is committing or that there is an imminent likelihood that he may commit an act of domestic and other forms of violence.

(5) Upon the issuing of a protection order the Registrar of the Court shall forthwith 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 36 (1) (a), to be served on the complainant.

(6) The Registrar of the Court shall forthwith in the prescribed manner forward certified copies of any protection order and of the warrant of arrest contemplated in section 36 (1) (a) to the police station of the complainant's choice.

(7) Subject to the provisions of section 34 (7), a protection order issued in terms of 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.

Powers of Court in Respect of Protection Order

34. (1) The Court may, by means of a protection order referred to in section 31 or 32, prohibit the respondent from:

a) committing any act of domestic and other forms of violence;
b) enlisting the help of another person to commit any such act;
c) entering a shared household: Provided that the Court may impose this prohibition only if it appears to be in the best interests of the complainant;
d) entering a specified part of such a shared household;
e) entering the complainant's residence;
f) entering the complainant's place of employment;
g) preventing the complainant from entering or remaining in the shared household or a specified part of the shared household;
h) alienating or disposing the shared household or encumbering same;
i) renouncing his rights in the shared household except in favour of the complainant; or
j) committing any other act as specified in the protection order.

(2) The Court may impose any additional conditions, which it deems reasonably necessary to protect and provide for the safety, health or well-being of the complainant, including an order-

a) to seize any arm or dangerous weapon in the possession or under the control of the respondent;
b) that a police officer must accompany the complainant to a specified place to assist with arrangements regarding the collection of personal property; or
c) directing the respondent to secure alternative accommodation for the complainant; or
d) order a temporal relocation to any safe place as may be deem fit in the interest of the complainant;
e) approve a mediation channel upon submission by the complainant.

(3) In ordering a prohibition contemplated in subsection I (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 effect of a civil judgment of a Court.

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

(6) If the Court is satisfied that it is in the best interests of any child it may:

a) refuse the respondent contact with such child; or

b) order contact with such child on such conditions as it may consider appropriate.

(7) The Court may not refuse to issue a protection order or to impose any condition or make any order which it is competent to impose or make under this 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, be dealt with further in terms of any other relevant law, including the Matrimonial Causes Act, Child Protection Law and Islamic 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 in terms of such law.

Powers of Police

35. (1) A police officer at the scene of an incident of violence or to whom a report of violence has been made as soon thereafter as reasonably possible 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 the victim's rights to protection against violence and remedies available in terms of this Law;

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

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

(2) Any police officer may, without an order from the Court or a warrant of arrest, arrest:

a) any person the police officer suspects upon reasonable grounds to have committed any of the offences under Parts II and III of this Law; and

b) any person against whom a complaint has been made for having committed any of the offences under Parts II and III 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 in order to commit an act of violence as contemplated in this Law.

c) 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

36. (1) Whenever a Court issues a protection order, the Court shall make an order-

a) authorizing the issue of a warrant for the arrest of the respondent; and

b) suspending the execution of such warrant subject to compliance with any prohibition, condition, obligation or order imposed in terms of section 34.

(2) The warrant referred to in subsection (1) (a) remains in force unless the protection order is set aside, or it is cancelled after execution.

(3) The Registrar of the Court shall issue the complainant with a second or further warrant of arrest, if the complainant files an affidavit in which it is stated that such warrant is required for her or his protection and that the existing warrant of arrest has been:

a) executed and cancelled; or

b) lost or destroyed.

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

(5) If it appears to the police officer concerned that 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 Parts II and III 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 forthwith hand a written notice to the respondent which:

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

b) calls upon the respondent to appear before a Court on the date and at the time specified in the notice; and

c) contains a certificate signed by the police officer concerned to the effect that he or she handed the original notice to the respondent and that he or she explained the import thereof to the respondent.

(7) The police officer shall forthwith forward a duplicate of the notice referred to in paragraph (c) to the Registrar of the Court concerned, and the mere production in the Court of such a duplicate shall be prima facie proof that the original thereof was handed to the respondent specified therein.

(8) In considering whether or not the complainant may suffer imminent harm, as contemplated in subsection (5) of this section, the police officer shall take into account:

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

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

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

(9) Whenever a warrant of arrest is handed to a police officer, the police officer shall inform the complainant of his or her right to simultaneously lay a criminal charge against the respondent, if applicable, and explain to the complainant how to lay such a charge.

Variation or Setting aside of Protection Order

37. (1) A complainant or a respondent may, upon written notice to the other party and the Court concerned, apply for the variation or setting aside of a protection order referred to in section 33.

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

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

Discharge

38. 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 the Police in respect of any dependent person by:
   i. the Commissioner of Police;
   ii. the person who brought the application; or
   iii. the respondent to that application;

b) If the application for the order was made by the Police in any other case by virtue of section 32:
   i. the Commissioner of Police,
   ii. the person who was the applicant for the order, or
   iii. the respondent to that application;

c) In any other case:
   i. the person who was the applicant for the order; or
   ii. the person who was the respondent to the application for the order and the Court upon hearing any such application shall make such order as it considers appropriate in the circumstances.

Offences Relating to Protection Orders

39. (1) A respondent who contravened an interim protection order or a protection order, or while an interim protection order is in force refuses to permit the applicant or any dependent person to enter and remain in the place to which the order relates or does any act for the purpose of preventing the applicant or such dependent person from so entering or remaining shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding N50,000 or to imprisonment for a term not exceeding 6 months or both such fine and imprisonment.

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

(3) Any person who in an affidavit referred to in this section, wilfully makes a false statement in a material respect shall be liable upon conviction to a fine of not exceeding N50,000 or, at the discretion of the Court, to imprisonment for a term not exceeding 6 months.

Application and Forms of Protection Order

40. 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.

Prohibition of publication of certain information

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

(2) The Court, if it is satisfied that it is in the interests 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) Any person who contravenes the provisions of this subsection commits an offence and is liable on conviction to a term of imprisonment not exceeding one year or to fine not exceeding N100,000 or to both such fine and imprisonment.

Protection Officers

42.(1) The Management Committee established under this Law, together with the appropriate Government Ministry shall appoint such number of protection officers in each Local Government area as it may consider necessary to:-

a) assist the Court in the discharge of its duties under this Law;
b) co-ordinate the activities of the police and the accredited service providers in his Local Government area; and
c) ensure that the victim or survivor of violence:
   i. has easy access to accredited service providers;
   ii. has easy access to transportation to an alternative residence or a safe shelter, the nearest hospital or medical facility for treatment, if the complainant so requires;
   iii. is able to collect her belongings or properties from a shared household or her residence, if the complainant so requires;
   iv. is able to access the Court for orders under this Law; or
   v. has access to every possible assistance in the service of interim protection order on the respondent, and the enforcement of any order that may have been made by the Court under this 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 the 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.

PART V
RIGHTS OF VICTIMS OF VIOLENCE

Rights of Victims

43. (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 instruments to which Nigeria is a party, every victim of violence as defined in this Law is entitled to:-

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

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

c) 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.

(2) 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.

(3) 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.

(4) Any head of institution who violates the provisions of subsection (1) of this section is guilty of an offence under this Law and shall be liable on conviction to imprisonment for six months or a fine of N50, 000 or to both such fine and imprisonment.

(5) No person may be present during any proceedings in terms of 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;

d) any legal practitioner representing any party to the proceedings;

e) accredited service provider;

f) witnesses;

g) not more than three persons for the purpose of providing support to the complainant;

h) not more than three 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.

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

PART VI
VIOLENCE AGAINST PERSONS MANAGEMENT COMMITTEE

Establishment of Violence Against Persons Management Committee

44.(1) There is established by this Law, a Violence Against Persons Management Committee (hereinafter referred to as "the Management Committee").

(2) The Management Committee shall consist of:

(a) the Chairperson who shall be the Attorney-General of the State;

(b) the Vice Chairperson who shall be the Commissioner of Women Affairs;

(c) a Member of the State House of Assembly Committee on Women Affairs and Judiciary;

(d) one representative from:

(i) the State Judiciary not below the level of Chief Magistrate;

(ii) the Ministry of Local Government not below the rank of a Deputy Director;

(iii) the Ministry of Health not below the rank of a Deputy Director;

(iv) the Ministry of Education and SUBEB not below the rank of a Deputy Director;

(v) the Nigeria Police Force not below the rank of Assistant Superintendent;

(vi) the Nigeria Security and Civil Defence Corps not below the rank of Assistant Superintendent;

(vii) the Budget and Planning Directorate;

(viii) the Violence Against Persons alliance Civil Society Organisation not below the rank of a Deputy Director;

(ix) people Living with Disabilities organisation;

(x) a Muslim non-governmental organisation;

(xi) a Christian non-governmental organisation;

(xii) the ministry of Internal Security and Ethical orientation not below the of a Deputy Director.

(e) the State Director of:

(i) Social Welfare;

(ii) Women Development;

(iii) Child Development;

(3) The Permanent Secretary of the Ministry of Women Affairs and Social Development or a representative of the Permanent Secretary shall be Secretary to the Committee.

(4) The members of the Management Committee other than the Commissioners, the Permanent Secretary and the Directors in the Ministry of Women Affairs and Social Development shall be nominated by the organisations or MDAs concerned.

Functions of the Management Committee

45. The Management Committee shall:

(a) make recommendations for a Gombe State Plan of Actions for Violence Against Persons, monitor and report on the progress of the Plan of Action;

(b) advise the State Government on policy matters under this Law;

(c) propose and promote strategies to prevent and combat violence against persons;

(d) liaise with government agencies and organizations to promote the rehabilitation and re-integration of victims of violence;

(e) prepare guidelines for disbursement from the Support Fund for Victims of Violence;

(f) manage the Support Fund;

(g) conduct research on national, international and regional development into standards for dealing with matters of violence against persons; and

(h) deal with any matter concerned with violence against persons.

Establishment of victim of violence Support Fund

46. There is established by this Law, a Victims of Violence Support Fund (hereinafter referred to as "the Support Fund").

Sources of Money for the Support Fund

47. The monies for the Support 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.

Application of the Support Fund

48. The proceeds of the Support Fund shall be applied:

(a) towards the basic material support of victims of violence;

(b) for caring for affected dependants of victims of violence;

(c) for any matter connected with the rescue, rehabilitation and re-integration of victims of violence;

(d) towards the construction of shelters for victims of violence in different Local Government Areas;

(e) for training and capacity building of persons connected with the provision of shelter, rehabilitation and re-integration.

Management of the Support Fund

49. (a) The Support Fund shall be managed by the Management Committee.

(b) Monies for the Support Fund shall be paid into a bank account opened for the purpose by the Management Committee.

Accounts, Audit and Financial Year

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

(b) The Management Committee shall submit the accounts of the Support 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 Support Fund

51. (a) The Chairperson of the Management Committee 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 Support Fund for the year to which the report relates.

(b) The annual report shall include:

i. The audited accounts of the Support Fund and the Auditor-General's report on the account of the Support Fund, and

ii. Other information that the Chairman may consider necessary.

Meetings of the Management Committee

52. The Management Committee shall meet at least once every three months. The quorum at a meeting of the Management Committee shall be five members.

(a) The Chairperson or her/his representative shall convene and preside over the meetings of the Management Committee. In the absence of the Chairperson, the vice chairperson shall perform these functions.

(b) In the absence of the Chairperson and Vice Chairperson at a meeting, a member of the Management Committee elected by the members present among the members shall preside.

(c) Matters before the Management Committee shall be decided by a majority of the members present by voting and in the event of equality of vote, the person presiding shall have a casting vote.

(d) The Management Committee may co-opt a person to attend its meeting but the co-opted person may not vote on a matter for decision by the Management Committee.

(e) Subject to the provisions of this section, the Management Committee may determine the procedure for its meeting.

Allowances

53. 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.

PART VII
SERVICE PROVIDERS

Registration and Powers of Service Providers

54. (1)Subject to such rules as may be made, any voluntary association registered under the Companies and Allied Matters Act 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 providing of legal aid, medical, financial or providers of other assistance shall register itself with the State Government as a service provider for the purposes of this Law.

(2) The VAP Management Committee 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 the accredited service providers.

(3) A service provider so registered under subsection (1) shall have the power to:

a) record and report the violence incidence if the aggrieved person so desires and forward a copy thereof to the Magistrate and the Protection Officer having jurisdiction in the area where the violence took place;

b) get the aggrieved person medically examined and forward a copy of the medical report to the Protection Officer and the Police station within the locality of which the violence took place; and

c) ensure that the aggrieved person is provided shelter in a shelter home, if she or he 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 took place.

(4) No suit, prosecution or other legal proceeding shall lie against any service provider or whistle blower, 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.

(5) All necessary steps shall be taken to ensure the identity of a whistle blower is not disclosed to ensure his or her protection from harm.

PART VIII
MISCELLANEOUS

Dangerous Sexual Offenders

55. 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; or

b) been convicted of a sexual offence which was jointly committed; or

c) been convicted of a sexual offence against a child.

Order for compensation

56. The Court may award appropriate compensation to the victim of any offence under this Laws as it may deem fit in the circumstance.

General Savings

57. (1) The provisions of this Law shall supersede any other provision on similar offences in the Penal Code or Criminal Procedure Code.

(2) Notwithstanding the provisions of this Law if, immediately before the date on which this Law comes into force, there is any appeal, application, trial, inquiry or investigation pending, then such appeal, application, trial, inquiry or investigation shall be disposed of, continued, held or made, as the case may be, in accordance with the provisions of the Penal Code, Criminal Procedure Code or any other law as in force immediately before such commencement as if this Law has not come into force.

SCHEDULE

FORM 1

GENERAL FORM OF APPLICATION FOR PROTECTION ORDER

In the.....Court,

In the..... Division/District

Suit No.....

Between

A.B .....Complainant

And

C.D..... Respondent

APPLICATION FOR PROTECTION ORDER BY THE VICTIM

The Complainant applies that he/she be protected by the Honourable Court by the issuance of a protection order against the Respondent.

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

.....

Complainant/Complainant's Counsel

FORM 2

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

In the..... Court.

In the..... Division/District

Suit No.....

Between

A.B:..... Complainant

And

C.D..... Respondent

And

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

APPLICATION FOR PROTECTION ORDER BY A PERSON OTHER THAN THE VICTIM

I, E.F. guardian to A.B. the Complainant, hereby apply that AB be protected by the Honourable Court by the issuance of a Protection Order against the Respondent.

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

E.F

.....

Guardian/Police Officer/Social Worker, etc

FORM 3

AFFIDAVIT IN SUPPORT OF APPLICATION FOR PROTECTION ORDER

In the .....Court.

In the..... Division/District

Suit No.....

Between

A.B..... Complainant

And

C.D..... Respondent

E.F..... Respondent

I, A.B.....

of..... hereby make oath and state as follows:

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

FORM 4

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

In the..... Court

In the..... Division/District

Suit No.....

Between

A.B .....

Complainant

And

C.D.....

Respondent

EF.....Guardian

CONSENT TO APPLICATION FOR PROTECTION ORDER

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

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

.....

Complainant

FORM 5
GENERAL FORM OF INTERIM PROTECTION ORDER

In the..... Court.
In the..... Division/District
Suit No.....

Between

A.B .....Complainant

And

C.D..... Respondent

And

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

To: CD :..... Respondent

INTERIM PROTECTION ORDER

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

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

You are hereby commanded to show cause on the day of the return date, why a protection order should not be issued against you.

THIS ORDER shall serve as a protection order for the Complainant until the return date.

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

.....

Judge/Magistrate

FORM 6
GENERAL FORM OF PROTECTION ORDER

In the..... Court.

In the .....Division/District
Suit No.....

Between

A.B..... Complainant

And

C.D :..... Respondent

And

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

To: ..... CD Respondent

PROTECTION ORDER:

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

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

You are hereby prohibited from:

(insert whichever is appropriate)

a) committing any act of domestic violence;
b) enlisting the help of another person to commit any such act;
c) entering a specified part of such a shared household;
d) entering a shared household: Provided that the Court may impose this prohibition only if it appears to be in the best interests of the complainant;
e) entering the complainant's residence;
f) entering the complainant's place of employment;
g) preventing the complainant from entering or remaining in the shared household or a specified part of the shared household;
h) alienating or disposing the shared household or encumbering same;
i) renouncing his rights in the shared household except in favour of the complainant;
j) committing any other act as specified in the protection order; and/or
k) as the Court deems fit.

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

.....

Judge/Magistrate

SUMMARY OF GOMBE STATE VIOLENCE AGAINST PERSONS (PROHIBITION) LAW, 2022

SHORT TITLE	LONG TITLE	SUMMARY	DATE PASSED
Gombe State Violence Against Persons (Prohibition) Law, 2022	A Law to provide for the Gombe State Violence Against Persons (Prohibition) Law and other matters related thereto.	This Law seeks to eliminate and prohibit all forms of violence in private and public life and to provide maximum protection and effective remedies for victims and punishment of offenders.	18th October, 2022

CERTIFICATION

I certify that this Law has been carefully compared by me with the decision reached by the Honourable House and found by me to be the true and correct assertion of the Hon. House and this is in accordance with the provisions of the Authentication Act, 1962.

SIGN:

BARR. RUKAIYATU A. JALO
CLERK-TO-THE-HOUSE

I ASSENT THIS .....26th..... ***DAY OF*** .....Oct.....***2022***

SIGN:

MUHAMMADU INUWA YAHAYA
GOVERNOR, GOMBE STATE