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VIOLENCE AGAINST PERSONS PROHIBITION LAW

LAW NO. 02, 2021

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LAW TO ELIMINATE AND PROHIBIT ALL FORMS OF VIOLENCE AINST PERSONS AND TO PROVIDE MAXIMUM PROTECTION AND EFFECTIVE REMEDIES FOR VICTIMS AND PUNISHMENT OF OFFENDERS AND FOR RELATED MATTERS.

TED by the Jigawa State House of Assembly as follows:

PART I – PRELIMINARY

Title 1. This Law may be cited as Violence Against Persons Prohibitions Law and shall come into operation on the ..... day of..... .....2021.
24th February

etation 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;

"Civil proceedings" means:

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

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

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

"Court" means Magistrate, Sharia and High Courts;

"Dangerous weapon" means an 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 house-hold 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; or

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

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) Denial of inheritance or succession rights where applicable;

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

(i) household necessities,

(ii) mortgage bond repayments, or

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

(c) 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 preventing a person from leaving the home or from having contact with family, friends or other outside community; this excludes isolation for the purpose of parental guidance or special care which is reasonably justifiable.

"Harmful traditional practices: means all traditional behaviour, attitudes or practices, which negatively affect the fundamental rights of women, girls, or any person and includes harmful widowhood practices, denial of inheritance or succession rights and female genital mutilation.

"Incest" means penetrating for sexual purposes any person who is to his or her knowledge his or her daughter or son, granddaughter or grandson, sister or brother, mother or father, maternal or paternal aunt or uncle, niece or nephew, grandmother or grandfather;

"Indecent exposure" means the intentional exposure of the genital organs, or a substantial part thereof

"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 as defined under this Law;

"Persons" includes anybody of persons Corporate or non-corporate;

"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 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;

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

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

"Sexual assault" means the unlawful touching, striking or causing of bodily harm to an individual in a sexual manner;

"Sexual exploitation" means a perpetrator inviting, persuading, engaging or inducing another person for sexual act or acts or offers or performs such act or acts to any other person for financial or other gain, favour or compensation.

"Sexual intimidation" means –

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

(b) the actual demand for sexual intercourse with either a male or female under any guise, as a condition for passing examination, security employment, business patronage and or obtaining any favour in any form;

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

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

"Spouse" means husband or wife as recognized under Islamic law, Customary Law or Matrimonial Causes Act;

"Spousal battery" means the unlawful use of force or violence including the use of any instrument upon another by their spouse and includes the unlawful touching, beating or striking of such other person likely to cause or which causes bodily harm to that person;

"Stalking" means repeatedly –

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

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

(c) tracking or bullying through virtual, electronic or any other media or technical devices

"State actors" means group of persons; structured or organised institutions and agencies;

"Substance attack" means the exposure of any person to any form of chemical, biological or any other harmful liquid with the intention or knowledge that the substance is likely to cause grievous bodily harm, which includes acid, hot water, oil or any other similar substance;

"Victim" means-

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

(i) physical or mental injury,

(ii) emotional suffering,

(iii) economic loss, or

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

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

"Violence perpetrated by non-State actors" includes –

(a) kidnap of any person under 14 years of age or any person of unsound mind out of the keeping of the lawful guardian or someone legally authorised to consent to such removal ;or

(b) abduction of any person by the use of force or deceit to go from any place to another.

on of Rape 3(1)

PART II – OFFENCES

A person commits the offence of rape where:

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

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

(c) the consent is obtained by force or means of threat or intimidation of any kind or by fear of harm or by means of false and fraudulent representation as to the nature of the act or the use of any substance or additive capable of taking away the will of such person or in the case of a married person by impersonating his or her spouse; or

(d) With or without the consent of the person penetrated where he or she is less than 17 years of age or of unsound mind.

ment of (2) A person convicted of an offence under subsection (1) of this section shall be liable to death sentence or imprisonment for life.

(3) Where a person committed the offence of rape knowing or having reason to believe that he is HIV positive he shall be punished with death.

(4) The Court shall also award compensation of not less than N500, 000.00 to the victim.

(5) The Court shall also order for the public shaming of the convicted sexual offender through radio announcement and any other means that the Court deems fit.

(6) A register for convicted sexual offenders shall be maintained by the Ministry of Justice and accessible to the public.

(7) A person who attempts to commit rape, shall on conviction be punished with imprisonment for a term of not less than 14 years without option of fine.

(8) A person who aids, abets assists or counsels the commission of rape shall on conviction be punished as if he has committed the offence.

Administering a substance with intent

4. A 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 a term of imprisonment of not less than 1 year or with a fine of not less than N20, 000.00 or both.

Incest

5(1) A person who knowingly and willfully have carnal knowledge of another within the prohibited degrees of marriage on account of consanguinity or affinity contained in the interpretation section of this Law with or without consent commits incest.

(2) A person convicted of an offence under subsection (1) of this section shall be liable to imprisonment for life without option of fine.

(3) Where a person committed the offence of incest knowing or having reason to believe that he is HIV positive shall be punished with death.

Inflicting physical injury on a person

6(1) A person who willfully causes or inflicts physical injury on another person by means of any weapon, substance or object, commits an offence and is liable on conviction to a term of imprisonment not less than 6 months or to a fine not less than N100,000.00 or both.

(2) A person who attempts to commit the act of violence provided for in subsection (1) of this section commits an offence and is liable on conviction to a term of imprisonment not less than 3 months or to a fine not less than N50, 000.00 or both.

(3) A person who aids, abets, assists or counsels another person to commit the act of violence provided for in subsection (1) of this section commits an offence and is liable on conviction to a term of imprisonment not less than 6 months or to a fine not less than N100,000.00 or both.

(4) The Court shall award appropriate compensation to the victim

on 7. A person who coerces another to engage in any act to the detriment of that other person's physical or psychological wellbeing, commits an offence and is liable on conviction to term of imprisonment of not less than 6 months or with a fine of not less than 100,000 or both

ly placing n in fear ical 8(1) A person who willfully, knowingly or unjustifiably places a person in fear of physical injury commits an offence and is liable on conviction to a term of imprisonment not less than 6 months or to a fine of not less than N100,000.00 or both.

(2) A person who attempts to commit the offence as provided for in subsection (1) of this section commits an offence and is liable on conviction to a term of imprisonment not less than3 months or to a fine of not less than N50,000.00 or both.

(3) A person who aids, abets, assists or counsels another person to commit the offence provided for in subsection (1) of this section commits an offence and is liable on conviction to a term of imprisonment not less than 6 months or to a fine not less than N100,000.00 or both.

bition of le Genital ation 9(1) A person who performs female genital mutilation or engages another to carry out such mutilation commits an offence and is liable on conviction to a term of imprisonment not less than 6 months or to a fine of not less than N10, 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 be sentenced to community service.

(3) A person who aids, abets, assists or counsels another person to commit the offence provided for in subsection (1) of this section commits an offence and is liable on conviction to be sentenced to community service.

rating igation rosecution. 10(1) A person who, with intent to defraud or conceal an offence or frustrate the investigation or prosecution of offenders under this Law –

(a) Destroys, alters, mutilates, or falsifies any book or document, clothing or any other item which could serve as evidence or exhibits;

(b) omits, or is privy to omitting, any material particular from any such document, book, clothing or any other item serving as evidence;

Commits an offence and is liable on conviction to a term of imprisonment of not less than 1 year or to a fine of not less than N200, 000.00 or both.

(2) A person who is not a parent of a victim of rape shall be guilty of an offence, if he pressurizes the victim or the family of the victim to compromise investigation or prosecution of the case and is liable on conviction to be sentenced to community service.

Willfully making false statement.

11(1) A person who willfully makes false statement, whether oral or documentary, in any judicial proceeding under this law or with the aim of initiating investigation or criminal proceedings under this law against another person commits an offence and is liable on conviction to a fine of N100,000.00 or a term of imprisonment of not less than 1 year or both.

(2) A person who aids, abets, assists or counsels another person to commit the offence provided for in subsection (1) of this section commits an offence and is liable on conviction to a term of imprisonment of not less than 1 year or to a fine of N100, 000.00 or both.

Ejection from home

12(1) A person who ejects

a) his or her spouse from his or her home;

b) any or all dependants under him or her from the home; or

c) refuses such spouse or dependants access to such home

Commits an offence and is liable on conviction to community service and Compensation may be awarded by the court.

(2) A person who aids, abets, assists or counsels another person to commit the offence provided for in subsection (1) of this section commits an offence and is liable on conviction to community service.

ving a n of his r liberty.

13(1) A person who deprives another of his or her liberty, except pursuant to a court order or for the purpose of parental guidance or spousal care which shall not be unreasonable, commits an offence and is liable on conviction to a term of imprisonment of not less than 3 months or to a fine of not less than N50,000.00 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 community service.

(3) A person who aids, abets, assists or counsels another person to commit the offence provided for in subsection (1) of this section commits an offence and is liable on conviction as if he has committed the offence.

omic

14(1) A person who causes economic abuse of another commits an offence and is liable on conviction to community service or to a fine of not less than N10, 000.00or 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 community service or to a fine of not less than N5,000.

(3) A person who aids, abets, assists or counsels another person to commit the offence provided for in subsection (1) of this section commits an offence and is liable on conviction to be punished as if he has committed the offence

(4) The court may award appropriate compensation to the victim.

l isolation uration from and friends

15(1) A person who forcefully isolates or separates another from family and friends commits an offence and is liable on conviction to a term of imprisonment of not less than 6

months or to a fine of not less than N10, 000.00 or both.

(2) A person who attempts to commit the offence provided for in subsection (1) of this section commits an offence and is liable on conviction to a term of imprisonment of not less than 3 months or to a fine of not less than N5,000.00 or both.

(3) A person who aids, abets, assists or counsels another person to commit the offence provided for in subsection (1) of this section commits an offence and is liable on conviction as if he has committed the offence.

(4) The court may award appropriate compensation to the victim.

Emotional, verbal and psychological abuse.

16(1) A person who causes emotional, verbal and psychological abuse on another commits an offence and is liable on conviction to a term of imprisonment not exceeding 1 year or to a fine of not less than N10,000.00 or both.

(2) A person who attempts to commit the offence provided for in subsection (1) of this section commits an offence and is liable on conviction to a term of imprisonment not exceeding 3 months or to a fine of not less than N5,000.00 or both.

(3) A person who aids, abets, assists or counsels another person to commit the offence provided for in subsection (1) of this section commits an offence and is liable on conviction as if he has committed the offence.

(4) The court may award appropriate compensation to the victim.

Harmful traditional practices.

17(1) A person who carries out harmful traditional practices on another commits an offence and is liable on conviction to a fine of not less than N10,000.00 or to community service 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 community service or to a fine of not less than N5,000.00 or both.

(3) A person who aids, abets, assists or counsels another person to commit the offence provided for in subsection (1) of this section commits an offence and is liable on conviction as if he has committed the offence.

lonment *use, children ther dependants ut sustenance*

18(1) A spouse who abandons their partner, children or other dependent unjustifiably without any means of sustenance commits an offence and is liable on conviction to Community service or to a fine of not less than N10,000.00 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 community service or to a fine of not less than N5, 000.00 or both.

(3) A person who aids, abets, assists or counsels another person to commit the offence provided for in subsection (1) of this section commits an offence and is liable on conviction to community service or to a fine of not less than N5, 000or both.

(4) The Court shall award appropriate compensation to the victim or victims.

king

19(1) A person who stalks another commits an offence and is liable on conviction to a term of imprisonment not exceeding 6 months or to a fine of not less than N10,000.00 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 community service or a to term of imprisonment not exceeding 3 months or to fine not exceeding N5,000.00 or both.

(3) A person who aids, abets, assists or counsels another person to commit the offence provided for in subsection (1) of this section commits an offence and is liable on conviction as if he has committed the offence.

(4) The Court may award appropriate compensation to the victim.

Intimidation

20(1) A person who intimidates another commits an offence and is liable on conviction to a term of imprisonment not exceeding 1 year or to a fine of not less than N10,000.00 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 term of imprisonment not exceeding 6 months or to a fine of not less than N5,000.00 or both.

(3) A person who aids, abets, assists or counsels another person to commit the offence provided for in subsection (1) of this section commits an offence and is liable on conviction to be punished as if he has committed the offence.

(4) The Court may award compensation to the victim.

Espousal battery

21(1) A person who batters his or her spouse commits an offence and is liable on conviction to a term of imprisonment not exceeding 1 year or to a fine of not less than N10,000.00 or both.

(2) A person who attempts to commit the offence provided for in subsection (1) of this section commits an offence and is liable on conviction to a term of imprisonment not exceeding 6 months or fine of not less than N5,000.00 or both.

(3) A person who aids, abets, assists or counsels another person to commit the offence provided for in subsection (1) of this section commits an offence and is liable on conviction to be punished as if he has committed the offence.

(4) The court may award appropriate compensation to the victim.

Attack with harmful substance

22(1) A person who uses chemical, biological or any other harmful liquid on another that causes permanent damage to the victim commits an offence and is liable on conviction to imprisonment for life without an option of fine and in any other case to imprisonment to a term not exceeding 4 years.

(2) A person who attempts to commit the offence provided for in subsection (1) of this section commits an offence and is liable on conviction to a term of imprisonment not exceeding 2 years without an option of fine.

(3) A person who aids, abets, assists or counsel another person to commit the offence provided for in subsection (1) of this section commits an offence and is liable on conviction as if he has committed the offence.

(4) The Court may award appropriate compensation to the victim.

ical nce

23(1) A person who commits political violence as defined under this law commit an offence and is liable on conviction to a term of imprisonment not less than 6 months or to a fine of not than N200,000.00 or both.

(2) A person who attempts to commit the offence provided for in subsection (1) of this section commits an offence and is liable on conviction to a term of imprisonment of not less than 3 months or to a fine of not less than N100,000.00 or both.

(3) A person who incites, aids abets, assists, counsels or sponsors another person to commit the offence provided for in subsection (1) of this section commits an offence and is liable on conviction to a term of imprisonment not less than 4 years or to a fine of not less than N500,000.00 or both.

ence by actors

24(1) A state actor who commits political violence commits an offence and is liable on conviction to a term of imprisonment not exceeding 4 years or to a fine of not less than N1,000,000.00 or both.

(2) A person who attempts to commit the offence provided for in subsection (1) of this section commits an offence and is liable on conviction to a term of imprisonment not exceeding 2 years or to a fine of not less than N100,000.00 or both.

(3) A person who incites, aids, abets, assists or counsels another person to commit the offence provided for in subsection (1) of this section commits an offence and is liable on conviction as if he has committed the offence.

(4) The State is liable for the offence committed by its agents and the Court shall award appropriate compensation commensurate with the extent and amount of damages.

Indecent Exposure **25(1)** A person who intentionally exposes his or her genital organs, or a substantial part, thereof, that another person seeing it may be tempted or induced to commit an offence under this Law, commits an offence and is liable on conviction to a term of imprisonment of not exceeding 6 months or to a fine of not less than N5, 000.00 or both.

(2) A person who intentionally exposes his or her genital organs, or a substantial part thereof, and induced another to either massage, or touch with the intention of deriving sexual pleasure from such acts commits an offence and is liable on conviction to a term of imprisonment of not exceeding 1 year or to a fine of not less than N10, 000.00 or both.

Display of Pornographic Materials **26.** A person who exposes or displays his genital organs, or any other form of pornographic materials through electronic, print or any other means or makes indecent language associated with pornographics in a public place commits an offence and is liable on conviction to a term of imprisonment of not less than 3 months or to a fine of not less than N10, 000.00 or both.

Violence by non state actors. **27.** Any person who by use of force, enticement or deceit kidnaps or abducts another for ransom or any other benefit commits an offence and shall on conviction be punished with death.

mencement Proceedings

28. The prosecution shall not commence proceedings under this law except with the written consent of the Attorney General sought and obtained

mencement ction.

29. No action shall be commenced for any offence under this law by direct criminal complaint.

PART III – JURISDICTION OF THE COURT

isdiction

30. The High Court of Jigawa State, the Magistrate Court and Sharia Court shall have jurisdiction to hear and grant any application brought under this Law.

lication Protection er

31(1) An application for a protection order may be made before the High Court, Magistrate Court or Sharia Court following a complaint of violence by the complainant and such order if granted shall be effective throughout the Federal Republic of Nigeria and no time limit or prescription shall apply in relation to a person seeking to apply for such protection order.

(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 counselor, health service provider, social worker or teacher who has interest in the wellbeing of the complainant.

Provided that the application shall be brought with the written consent of the complainant, except in circumstances where the complainant is –

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

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

(6) The application and affidavits shall be filed in court.

Consideration of application

32(1) The Court shall as soon as is reasonably possible, consider an application submitted to it under section 31(6) of this Law and may, for that purpose, consider such additional evidence as it deems fit, including oral evidence or evidence of affidavit, which shall form part of the record of the proceedings.

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

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

(4) A copy of the application referred to in section 31(1) of this Law and the record of any evidence taken under subsection (1) of this section shall be served on the respondent together with the interim protection order.

(5) If the Court does not issue an interim protection order under subsection (2) of this section, the court shall direct the Registrar of the court to cause certified copies of the application concerned and any supporting affidavit to be served on the respondent in the prescribed manner, together with 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) 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.

(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.

of 33(1) If the respondent does not appear on a return date contemplated in section 32(3) or (5) of this Law and if the Court is satisfied that –

(a) proper service has been effected on the respondent, and
(b) the application contains a prima facie evidence that the respondent has committed, is committing or that there is an imminent likelihood that he may commit an act of domestic violence, the court shall issue a protection order in the prescribed form.

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

(a) any evidence previously received under section 32(1) of this Law; and
(b) such further affidavits or oral evidence as it may direct, which shall form part of the record of the proceedings.

(3) The Court may, on its own accord or on the request of the complainant, 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 in the prescribed form if it finds, on a balance of probabilities, that the respondent has committed, is committing or that there is an imminent likelihood that he may commit an act of domestic violence.

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

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

(b) a certified copy of such order, and the original warrant of arrest contemplated in section 36(1) to be served on the complainant.

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

(7) Subject to the provisions of section 34(7) of this Law, a protection order issued under this section remains in force until it is set aside, and the execution of such order shall not automatically be suspended upon the filing of an appeal.

Court's powers in respect of protection order

34(1) The Court may, by means of a protection order referred to in section 32 or 33 of this law prohibit the respondent from -

(a) committing any act of domestic violence;
(b) enlisting the help of another person to commit any such act;
(c) entering a shared household provided that the court may impose this prohibition only if it appears to be in the best interests of the complainant;
(d) entering the complainant's residence;
(e) entering the complainant's place of employment;
(f) preventing the complainant from entering or remaining in the shared household or a specified part of the shared household;
(g) alienating or disposing the shared household or encumbering same;
(h) renouncing his or her rights in the shared household except in favour of the complainant; or
(i) 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 wellbeing of the complainant, including an order –

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

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

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

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

(6) If the court is satisfied, that it is in the best interests of any child, it may-

(a) Refuse the respondent contact with such child; or

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

(7) The Court may not refuse to issue a protection order or impose any condition or make any order which it is competent to impose or make under this section, merely on the grounds that other legal remedies are available to the complainant.

(8) If the Court is of the opinion that ay 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, the Court shall order that such a provision shall be in force for such limited period as the court determines, in order to afford the party concerned the opportunity to seek appropriate relief under such law.

Powers of Police

35(1) A police officer, at the scene of an incident of violence or as soon thereafter as reasonably possible or to whom a report of violence has been made, shall have the duty of –

(c) providing or arranging transportation for the victim to the nearest hospital or medical facility for treatment of injuries where such treatment is needed;
(d) explaining to the victim his or her rights to protection against violence and remedies available in terms of this Law;
(e) explaining to the victim that he or she has the right to lodge criminal complaint in addition to any remedy provided under this Law; and
(f) accompanying the victim to victim's residence to collect personal belongings.

(2) A police officer may without an order from the Court or a warrant of arrest, arrest any person whom –
(a) he or she suspects upon reasonable grounds to have committed any of the offences under Part II of this Law; and
(b) a complaint has been made for having committed any of the offences under Part II.

(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) collect and store fingerprints including DNA of accused and convicted offenders; and
(d) perform any other act considered necessary in order to ensure the safety and well-being of the complainant.

Warranty 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, in the prescribed form; and

(b) suspending the execution of such warrant subject to compliance with any prohibition, condition, obligation or order imposed under this law.

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

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

(a) executed or cancelled; or

(b) lost or destroyed.

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

(5) If it appears to the police officer concerned that, subject to subsection (4) there are reasonable grounds to suspect that the complainant may suffer imminent harm as a result of the alleged breach of the protection order by the respondent, the police officer shall forthwith arrest the respondent for allegedly committing the offence referred to in Part II of this bill.

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

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

(b) calls upon the respondent to appear before a court, and on the date and at the time specified in the notice, on a charge of committing the offence referred to in section 35(1); 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 forward a duplicate original of a notice referred to in subsection (6) to the Registrar of the Court concerned, and the mere production in the court of such a duplicate original shall be a prima facie proof that the original was handed to the respondent specified therein.

(8) Whenever a warrant of arrest is handed to a police officer under subsection (1) (a) of this section, 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.

n or aside ction **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 in the prescribed manner.

(2) If the Court is satisfied that a good cause has been shown for the variation or setting aside of the protection order, it may issue an order 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 as prescribed to the complainant and the respondent if the protection order is varied or set aside as contemplated in subsection (1) of this section.

Discharge **38.** Where a protection order has been made, any of the following persons may apply to have it discharged –

(1) The person who was the applicant for the order; or

(2) 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 order **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 commits an offence and is liable, on summary conviction, to a fine not exceeding N300,000.00 or to a term of imprisonment not exceeding 6 months or both.

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

(3) A person who, in an affidavit referred to in this section willfully makes a false statement in a material respect commits an offence and is liable on conviction to a fine not exceeding N200,000.00 or to a term of imprisonment 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.

Rights of Victims **41(1)** In addition to the rights guaranteed under Chapter IV of the Constitution of the Federal Republic of Nigeria, 1999,or any other international human rights instrument to which Nigeria is a party, every victim of violence, as defined in section 2of this Law, is entitled to the following rights:

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

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

(c) to rehabilitation and re-integration programme of the State to enable victims to acquire, where applicable and necessary, pre-requisite skills in any vocation of the victim's choice and also in necessary formal education or access to micro credit facilities;

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

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

(2) Any head of institution who violates the provisions of this subsection is guilty of an offence and is liable on conviction to a term of imprisonment for 6 months or a fine of N200,000.00 or both.

(3) No person may be present during any proceedings under this Law except –

(a) officers of the Court;

(b) the parties to the proceedings;

(c) any person bringing an application on behalf of the complainant under section 31(4);

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

(e) witnesses;
(f) not more than 3 persons for the purpose of providing support to the complainant;
(g) not more than 3 persons for the purpose of providing support to the respondent; and
(h) any other person whom the court permits to be present provided that the court may, if it is satisfied that it is in the interests of justice, exclude any person from attending any part of the proceedings.

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

Prohibition of Publication of Certain information

42(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 it is 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 section commits an offence and is liable on conviction to a term imprisonment not less than 1 month or to a fine not less than N10, 000.00 or both.

Coordinator for prevention of domestics violence

43. The body vested with the enforcement of this Law shall appoint a person as the Coordinator for the prevention of domestic violence who shall submit annual report to the State Government on the implementation of this Law, a copy of which shall be deposited with the State Bureau for Statistics.

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

(a) more than one conviction for a sexual offence;

(b) been convicted of a sexual offence which was accompanied; or

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

45. The Attorney General and Commissioner for Justice or any of his officers under his office are mandated to administer the provisions of this Law and collaborate with the relevant stakeholders in that regard.

46. Any offence committed or proceedings instituted before the commencement of this bill under the provisions of the –

(1) Penal Code, Cap.P3 LJS, 2012

(2) Jigawa state Administration of Criminal Justice Law 2019

(3) any other Law or regulation relating to any act of violence defined by this Law may as the case may require be enforced or continue to be enforced by the provisions of this Law.

47. Notwithstanding anything in this Law, if any provision of this Law contradicts the provision of Islamic Law, Islamic law shall prevail.

This printed impression has been carefully compared with the Bill which has been passed by the Jigawa State House of Assembly and found to be true and correctly printed copy of the said Bill.

MUSA ALIYU ABUBAKAR
Clerk to the House

Assented to by me this..24th....day of .....February..... 2021.

Muhammad Badaru Abubakar MON, Mni
Governor, Jigawa State.

SCHEDULE

Sections 30 and 40

AFFIDAVIT, APPLICATION AND FORMS OF PROTECTION ORDER

FORM 1
GENERAL FORM OF APPLICATION FOR PROTECTION ORDER

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

Between

A.E..... 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 20

.....

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/Districr
Suit No.....

Between

A.B.....Complainant

And

C.D.....Respondent

And

EF.....Guardian/Social worker/Police officer etc.

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

Dated this.....day of.....20.....

.....
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 Counsellor/A health Service Provider/Social Worker/Teacher, etc.

.....
DEPONENT

Sworn to at.....Court Registry

This.....day of.....20.....

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

E.F.....Guardian

CONSENT TO APPLICATION FOR PROTECTION ORDER

I, A.B.....complainant in this case hereby consents to the application by EF, for the issuance of a Protection order on my behalf.

Dated this.....day of.....20.....

.....

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
E.F.....Respondent

INTERIM PROTECTION ORDER

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

AND WHEREAS there is a prima facie evidence that you have committed an act or acts of domestic violence against the Complainant, or that there is imminent likehood of your committing such violence against the Complainant; you are hereby commanded to 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.....20.....

.....
Judge/Magisrate

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

You are hereby prohibited from:

(Insert whichever is appropriate)

(a) Committing any act of domestic violence;
(b) Enlisting the help of another person to commit any such act;
(c) Entering a shared household: Provided that the court may impose this prohibition only if it appears to be in the best interest of the complainant;
(d) Entering a specified part of such a shared household;
(e) Entering the complainant's residence;
(f) Entering the complainant's place of employment;
(g) Preventing the complainant from entering or remaining in the shared household or a specified part of the shared household;
(h) Alienating or disposing the shared household or encumbering same;
(i) Renouncing his rights in the shared household except in favour of the complainant;
(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