A LAW TO ELIMINATE AND PROHIBIT ALL FORMS OF VIOLENCE AGAINST PERSONS AND TO PROVIDE MAXIMUM PROTECTION AND EFFECTIVE REMIDIES FOR VICTIMS AND PUNISHMENT OF OFFENDERS AND FOR RELATED MATTERS

Katsina State of Nigeria

Law No. …..2023

( ) Date of commencement

BE IT ENLAWED by the House of Assembly of Katsina State of Nigeria as follows ——— Enactment

1. This Law may be cited as the Katsina State Violence Against Persons (Prohibition) Law, 2023. Short title

2. This Law shall come into operation on the ……day of……,2023. Commencement

3. In this Law: Interpretation

"abandonment of women, children and other persons" means deliberately leaving women, children and other persons under the perperator's care, destitute and withough any means of substance;

"accrediated service provider" means governmental, non-governmental, faith based, voluntary and charitable association or institution 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;

"Batteng" means actual wrong act of physically harming someone;

"circumcision of a girl or woman" means cutting off all or part of the external sex organs of a girl or woman other than on medical ground;

"civil proceedings" means:

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

"co-ordinator" means a person appointed to head the institution responsible for the enforcement of this Law;

"court" means Magistrate Court, Shari'ah Court and High Court;

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

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

(a) they are or were married to each other, 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.

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

"economic abuse" means:

(a) denial of heritance or succession rights except in situations in which Islamic Law applies;
(b) the unreasonable deprivation of economic or financial resources to which any person is entitled or which any person requires out of necessarity, including:
    (i) household necessities;
    (ii) mortgage bond repayments; or
    (iii) payment of rent in respect of a shared residence; or
(c) the unreasonble 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 conduct of degrading or humiliating nature towards any person, including:
(a) repeated insults;
(b) ridicule or objectionable 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 invation 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 the outside community, except where such isolation is justifiable for special parental care and supervision;

"harassment" means engaging in a pattern of conduct that induces fear of harm or impairs the dignity of a person including:

(a) repeatedly making telephone calls or including another person to make telephone calls to a persn whether or not conversation ensues; and

(b) repeatedly sending, delivering or causing delivery of information such as letters, telegrams, packages or other objects to any person.

"harmful traditional practices" means all traditional behaviour, attitudes or prLawices which negatively affect the fundamental rights of women, girls, or any person and includes harmful widowhood practices, denial of inheritance or succession rights, female genital mutilation and forced isolation from family and friends;

"incent" means an indecent act or an act which causes penetration with a person who is, to his or her knowledge, his or her daughter or son, grand daughter or grandson, sister or brother, mother or father, niece or nephew, aunt, uncle, grandmother or grandfather;

"indecent exposure" means intentional exposure fo any part of the genital organs;

"institution" any Governmental body charged with the responsibility on keeping proper records of all registered service providing in the State and drawing up operational guidelines;

"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 Law of violence as defined under this Law;

"persons" in this Law includes natural and corporate person;

'physical abuse" means act or threatened Laws 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 Laws:

(a) thuggery;

(b) mugging;

(c) use of force to disrupt meetings; or

(d) the use, display or brandishing 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 fo any person;

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

"sexual exploitation" means inviting, persuading, engaging or inducing another person to engage in sexual act for financial or other reward, favour or compensation or offers or performs such services to any other person;

"sexual harrassment" means unwanted conduct of a sexual nature or other conduct based on sex or gender which is persistent or serious and demeans, humiliates or creates a hostile or intimidating environment and this may include physical, verbal or non-verbal condut;

"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) act of deprivation, withholding, replacing or short-

changing of entitlements, privileges, rights, benefits, examination or test marks or scores, and any other form of disposition capable of coercing any person to submit to sexual intercourse for the purpose of receiving reprieve thereto; or

(c) any other action or in action construed as sexual intimidation or harassment under nay other enLawment in force in Nigeria.

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

"spousal battery" means the intentional and unlawful use of force or violence upon a person, including the unlawful touching, beating or striing of another person against his or her will with the intention of causing bodily harm to that person;

"stalking" means repeatedly:

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

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

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

"State actors and non State actors" means group of persons, structured or organized institutions and agencies;

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

"victim" means;

(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 of omissions that are in violation of this Law or the criminal laws of the State; and

(b) includes the immediate family or dependents 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 sitautions;

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

"violence in the public sphere" means anyact 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 nation as a whole;

"violence perpetrated by non-State actors" includes:

(a) wrongful arrest and detention;

(b) assault;

(c) use of force without lawful authority;

(d) unlawful entry into the premises; or

(e) demolition of property without due processes.

(f) kidnap of any person under fourteen (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

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

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

PART I - OFFENCES

Offence of rape defined

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

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

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

(c) the consent is obtained by force or means of threat or intimidation of any kind or by fear of harm or by means of false and fraudulent representation as to the nature of the Law 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;

(d) with or without the consent of the person penetrated where he or she is below the age seventeen (17) or is of unsound mind.

(2) A person convicted of an offence under sub-section (1) of this Section is liable to imprisonment for life except:

(a) where the offender is less than fourteen (14) years of age, he shall be dealt with in accordance with the Children and Young Persons Law CAP. 23 Laws of Katsina State, 1991.;

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

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

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

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

(6) A person who attempts to commit rape, shall on conviction be sentenced to a term of imprisonment not less than fourteen (14) years without option of fine;

(7) A person who aids, abets, counsels or brokers the commission of rape shall be punished in the same manner as if the offence was committed by him.

Inflicting physical injury on a person

5.(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 on conviction shall be punished with a term of imprisonment for five (5) years or a fine of N300,000.00 or both.

(2) A person who attempts to commit the Law of violence provided for in Sub-Section (1) of this Section commits an offence and is liable on conviction to a term of imprisonment for three (3) years or to a fine N200,000.00 or both.

(3) A person who incites, aids, abets, or counsels another person to commit the act of violence provided for in subsection (1) of this Section commits an offence and is liable on conviction to a term of imprisonment for three (3) years or to a fine of N200,000.00 or both.

(4) A person who receives or assists another who, to his knowledge commits an offence under subsection (1) of this Section, is an accessory after the fact and is liable on conviction to a term of imprisonment for two (2) years or to a fine of N200,000.00 or both.

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

Coercion

6. 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 a term of imprisonment of three (3) years.

Willfully placing a person in fear of physical injury

7.(1) A person who willfully or knowingly places a person in fear of physical injury commits an offence and is liable on conviction to a term of imprisonment not exceeding two (2) years or to a fine not exceeding N200,000.00 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 exceeding 1 year or to a fine not exceeding N100,000.00

(3) A person who aids, abets or counsels another person to commit the offence provided for in subsection (1) of this Section commits an offence and is liable on conviction to a term of imprisonment not exceeding one (1) year or to a fine not exceeding N200,000.00 or both.

(4) A peson who receives or assists another who has committedd the offence provided for in subsection (1) of this Section is an accessory after the fact and is liable on conviction to a term of imprisonment not exceeding one (1) year or to a fine not exceeding N200,000.00 or both.

Prohibition of female circumcision or genital mutilation

8.(1) A person who performs female circumcision or genital mutilation or engages another to carry out such circumcision or mutilation commits an offence and is liable on conviction to a term of imprisonment not exceeding four (4) years or to a fine not exceeding N200,000.00 or both.

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

(3) A person who incites, aids, abets, or counsels another pearson to commit the offence provide for in subsuction (2) of this section commits an offence and is liable on conviction to a term of imprisonment not exceeding two (2) years or to a fine not exceeding N100.000.00 or both.

Frustrating investigation

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

(a) destroys, alters, mutilates or falsifies any book or document, dress or clothing which could serve as evidence or exhibit;
(b) omits, or is privy to commiting any material particular from any such document, books, dress or clothing.

Commits an offence and is liable on conviction to a term of imprisonment not exceeding three (3) years or to a fine not exceeding N500,000.00 or both.

Willfully making false statement

10. A person who willfully makes false statement, whether oral or documentary, in any judicial proceeding commenced in accordance with this Law with the aim of initiating investigation or criminal proceedings against another person commits an offence and is liable on conviction to a fine nof N200,000.00 or a term of imprisonment not exceeding twelve (12) months.

Forceful ejection from home

11.(1) A person who forcefully evicts his or her spouse from his or her home or refuses him or her access commits an offence and is liable on conviction to a term of imprisonment not exceeding two (2) years or to a fine not exceeding N300,000.00 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 one (1) year or to a fine not exceeding N200,000.00 or both.

(3) A person who incites, aids, abets, or counsels another person to commit the offence as provided for in subsection (1) of this Section commits an offence and is liable on conviction to a term of imprisonment not exceeding one (1) year or to a fine not exceeding N200,000.00 or both.

(4) A person who receives or assists another who, to his or her knowledge, committed the offence provided for in

subsection (1) of this Section is an accessory after the fact and is liable on conviction to a term of imprisonment not exceeding one (1) year or to a fine not exceeding N200,000.00 or both.

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Depriving a person of his or her liberty

12.(1) A person who deprives another of his or her liberty, except pursuant to a court order commits an offence and is liable on conviction to a term of imprisonment not exceeding two (2) years or to a fine not exceeding N500,0000.00 or both.

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(2) A person who attempts to comit the offence provided for in subsection (1) of this Section commits an offence and is liable on conviction to a term of imprisonment not exceeding one (1) year or to a fine not exceeding N200,000.00 or both.

(3) A person who incites, aids, abets, or counsels another person to commit an offence as provided for in subsection (1) of this Section commits an offence and is liable on conviction to a term of imprisonment not exceeding two (2) years or to a fine not excedding N300,000.00 or both.

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

Economic abuse

13.(1) A person who causes economic abuse on another commits an offence and is liable on conviction to a term of imprisonment not exceeding two (2) years or to a fine not exceeding N500,000.00 or both.

(2) A person who attempts to commit the offence provided for in subsction (1) of this Section commits an offence and is liable on conviction to a term of imprisonment not exceeding one (1) year or to a fine not exceeding N200,000.00.

(3) A person who incites, aids, abets, or counsels another person to commit the offence as provided for ain subsection (1) of this Section commits an offence and is liable on conviction to a term of imprisonment not exceeding one (1) year or to a fine not exceeding N200,000.00 or both.

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

Forced isolation or separation from family and friends

14.(1) A person who forcefully, isolates or separate another family and friends commits an offence and is liable on conviction to a term of imprisonment not exceeding one (1) year or a fine not exceeding N100,000.00 or both.

(2) A person who attempts to commit the act of violence provided for in Sub-Section (1) of this Section commits an offence and is liable on conviction to a term or imprisonment not exceeding three (3) months or to a fine not exceeding N100,000.00 or both.

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

(4) A person who receives or assists another who, to his or her knowledge, committed the offence provided for in subsection (1) of this Section is an accessory after the fact and is liable on conviction to a term of imprisonment not exceeding three (3) months or to a fine not exceeding N100,000.00 or both.

Forceful isolation or separation from family and friends

15.(1) A person who forcefully, isolates or separate another family and friends commits an offence and is liable on conviction to a term of imprisonment not exceeding one (1) year or to a fine not exceeding N200,000.00 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 or imprisonment not exceeding six (6) months or to a fine not exceeding N100,000.00 or both.

(3) A person who incites, aids, abets, or counsels another person to commit the offence as provided for in subsection (1) of this Section commits an offffence and is liable on conviction to a

term of imprisoment not exceeding six (6) months or to a fine not exceeding N100,000.00 or both.

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

Harmful traditional practices

16.(1) A person who subjects another to harmful traditional prLawices commits an offence and is liable on conviction to a term of imprisonment not exceeding two (2) years or to a fine not exceeding N500,000.00

(2) A person who attempts to commit the act of violence provided for in subsection (1) of this section commits an offence and is liable on conviction to a term of imprisonment not exceeding one (1) year or to a fine not exceeding N200,000.00 or both.

(3) A person who incites, aids, abets,or counsels another personto commit the act of violence as provided for in subsection (1) of this section commits an offence and is liable on conviction to a term of imprisonment not exceeding one (1) year or to a fine not exceeding N200,000.00 or both.

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

Abandonment of spouse, children and other dependent without sustenance

17.(1) A person who abandons a wife or husband, children or other dependent without any means of sustenance commits an offence and is liable on conviction to a term of imprisonment not exceeding three (3) years or to a fine not exceeding N500,000.00 or both

(2) A person who attempts to commit the Law of violence provided for in subsection (1) of this Section commits an offence and is liable on conviction to a term of imprisonment not exceeding two (2) years or to a fine not exceeding N200,000.00 or both.

(3) A person who incites, aids, abets, or counsels another person to commit the act of violence as provided for in subsection (1) of this Section commits an offence and is liable on conviction to a term of imprisonment not exceding two (2) years or a fine not exceeding N200,000.00 or both.

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

Stalking

18.(1) A person who stalks another commits an offence and is liable on conviction to a term of imprisonment not exceeding two (2) years or to a fine not exceeding N500,000.00 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 convicrtion to a term of imprisonment not exceeding one (1) year or to fine not exceeding N200,000.00 or both.

(3) A person who incites, aids, abets, or counsels another person to commit the act of violence as provided for in subsection (1) of this Section commits an offence and is liable on conviction to a term of imprisonment not exceeding one (1) year or to a fine not exceeding N200,000.00 or both.

(4) A person who receives or assists another who, to his or her knowledge, committed the offence provided for in subsection (1) of this Section is an accessory after the fact and is liable on conviction to a term of imprisonment not exceeding one (1) year or to a fine not exceeding N100,00.00 or both.

Intimidation

19.(1) A person who intimidates another commits an offence and is liable on conviction to a term of imprisonment not exceeding one (1) year or to a fine not exceeding N200,000.00 or both.

(2) A person who attempts to commit the act of violence provided in subsection (1) of this Section commits an offence and is liable on conviction to a term of imprisonment not exceeding one (1) year or to a fine not exceeding N100,000.00 or both.

(3) A person who incites, aids, abets, or counsels another person to comit the act of violence as provided for in subsection (1) of this Section commits an offence and is liable on conviction to a term of imprisonment not exceeding six (6) months or to a fine not exceeding N100,000.00 or both.

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

Battery by a spouse

20.(1) A person who batters his or her spouse commits an offence and is liable on convcition to a term of imprisonment not exceeding 3 years or to a fine not exceeding N200,0000.00 or both.

(2) A person who attempts the act of violence provided for in subsection (1) of this Section commits an offence and is liable on conviction to a term of imprisonment not exceeding oen (1) year or to a fine not exceeding N100,000.00 or both.

(3) A person who incites, aids, abets, or counsels another person to commit act of violence as provided for in subsection (1) of Section commits an offence and is liable on conviction to a term of imprisonment not exceeding one (1) year or to a fine not exceeding N200,000.00 or both.

(4) A person who receives or assists another who, to his or her knowledge, committed the offence provided for in subsection (1) of this Section is an accessory after the fact and is liable on conviction to a term of imprisonment not exceeding one (1) year or to a fine not exceeding N200,000.00 or both.

Attack with harmful substance

21.(1) A person who uses chemicals, biological or any other harmful or poisonous substance on another which results in any injury to the victim commits an offence and is liable on conviction to a term of life imprisonment without an optionof fine.

(2) A person who attempts to commit the act of violence describes in subsection (1) of this Section commits an offence and is liable on conviction to a term of imprisonment not exceeding twenty five (25) years without the option of fine.

(3) A person who incites, aids, abets, or counsels another person to commit the act of violence as provided for in subsection (1) of this Section commits an offence and is liable on conviction to a term of imprisonment not exceeding twenty five (25) years without an option of fine.

(4) A person who receives or assists another who, to his or her knowledge committed the offence provided for in subsection (1) of this Section is an accessory after the fact and is liable on conviction to a term of imprisonment not exceeding twenty five (25) years without the option of fine.

Administering a substance with intent

22.(1) A person commits an offence if he internationally 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 Lawivities with that person.

(2) A person who commits an offence under this Section is, in addition to any other offence under this Law, liable on conviction to a term of imprisonment of ten (10) years or to a fine not exceeding N500,000.00

Political violence

23.(1) A person who commits a political violence as defined under Section 44 of this Law relating to political violence commits an offence and is liable on conviction to a term of imprisonment not exceedinig four (4) years or to a fine not exceeding N500,000.00 or both.

(2) A person who attempts to commits the act of violence provided for in subsection (1) of this Section commits an offence and is liable on conviction to a term of imprisonment not exceeding two (2) years or to a fine not exceeding N300,000.00 or both.

(3) A person who incites, aids, abets, or counsels another persono to commit the act of violence as provided for in subsection (1) of this Section commits an offence and is liable on conviction to a term of imprisonment not exceeding two (2) years or to a fine not exceeding N300,000.00 or both.

(4) A person who receives or assists who, to his or her knowledge committed the offence provided for in subsection(1) of this Section is an accessory after the act and is liable on conviction to a term of imprisonment not exceeding two (2) years or to a fine not exceeding N200,000.00 or both.

Violence by state Law

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

(2) A person who attempts to commit the act of violence provided for in subsection (1) of this Section commits an offence and is liable on conviction to a term of imprisonment not exceeding three (3) years or to a fine not exceeding N700,000.00 or both.

(3) A person who incites, aids, abets, or counsels another person to commit the act of violence as provided for in subsection (1) of this Section commits an offence and is liable on conviction to a term of imprisonment not exceeding two (2) years or to a fine not exceeding N500,000.00 or both.

(4) A person who receives or assists another who, to his or her knowledge committed the offence provided for in subsection (1) of this Section is an accessory after the fact and is liable on conviction to a term of imprisonment not exceeding one (1) year or to a fine not exceeding N300,000.00 or both.

(5) 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.

Incent

25.(1) A person who knowingly and willfully have a carnal knowledge of another within the prohibited degrees of consanguinity and affinity as defined under Section 3 of this Law with or without consent commits incent and is liable on conviction to imprisonment for life without option of fine.

(2) A person who comits incest having knowledge or having reason to believe that he is HIV positive shall be punished with death.

Indecent exposure

26.(1) A person who intentionally exposes his or her genital organs whether physically or by pictorial or electronic means, with the intention that it may be seen or of causing distress to another or that the person seeing it may be aroused or tempted or induced to commit an offence under this Law commits an offence.

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

(3) A person who commits an offence under this Section is liable to upon conviction to a term of imprisonment not less one (1) year or to a fine not exceeding N500,000.00 or both.

PART II – JURISDICTION OF THE COURT

Jurisdiction

27. The High Court of Katsina State, Federal High Court, Chief Magistrate Court and Upper Shari'ah Court shall have jurisdiction to hear and grant an application brought under this Law.

Application for protection order

28.(1) An application for a protection order may be made before the High Court, Magistrate Court or Upper Shari'ah Court following a complaint of violence by the complainant and such order, if granted, shall be effective througout 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 prescribe 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 entitle 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 provision of any other Law, the application may be brought on behalf of the complainant by any other person, including Police officer, a protection officer, an accredited service provider, a counselor, 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 complainat except in circumstances where the complainant is:

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

(6) The application and affidavit shall be filed in Court.

Consideration of Application

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

(2) If the Court is satisfied that there is prima facie evidence that the respondents is committing, has committed or that there is imminent likelihood that he may commit an act of violence, the Court shall, notwithstanding the fact that the respondent has not been given notice of the proceedings comtempted in subsection (1) of this Section, 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 of this Law and the record of any evidence taken under subsection (1) 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) The return dates referred to in subsection (3) and (5) of this section may not be less than 5 days after service has been effected upoon the respondent.

Issuing of protection order

30.(1) If the respondent does not appear on a return date comtempted in Section 27 (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 27 (1); 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 witness, including the complainant, a respondent who is not represented by a legal practitioner:

(a) is not entitled to directly cross-examination a person who is 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 Law of domestic violence.

(5) Upon he 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 contempted in Section 33 (1 (a), to be served on the complainant.

(6) The Registrar of the Court shall, in the prescribed manner, forward certified copies of any protection order and of the warrant of arrest contempted in Section 31 (1) (a) to the police station of the complainant's choice.

(7) Subject to the provisions of Section 29 (7) of this Law, a protection order issued under this Section remains in force until it is set aside, and the execution of such order shall not be automatically suspended upon the filing of an appeal.

Court's power in respect of protection order

31.(1) The Court may, by means of a protection order referred to in Section 29 or 30 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 interest of the complainant;
(d) entering a specified part of such shared

household;

(e) entering the complainant's residence;

(f) entering the complainant's place of employment;

(g) preventing the complainant from entering or remaining in the shared household or a specified part of the shared household;

(h) alienating or disposing the shared household or encumbering same;\

(i) renouncing his or her rights in the shared household except in favour of the complainant; or

(j) committing any other Law as specified in the protection order.

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

(a) to seize any arm or dangerous weapon in the possession or under the control of the respondent;

(b) that a police officer shall accompany the complainant to a specified place to assist with arrangements regardidng 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 imposed on the respondent obligation 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 and well-being of the complainant.

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

(a) refuse the respondent contLaw with such child; or

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

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

(8) If the Court is of the opinion that any provision of a protection order deals with a matter that should, in the interest of justice, be dealt with further under any other relevant law, including the Matrimonial Causes Act, Cap. M7 Laws of the Federation, 2004 Child's Rights Act, 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

32.(1) A Police officer, in the scene of an incident of violence or as soon thereafter as reasonably possible or to whom a report of violence has been made, shall have the duty of:

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

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

(c) providing or arranging transportation for the victim to the nearest hospital or medical facility

for treatment of injuries where such treatment is needed;

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

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

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

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

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

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

(3) A police officre 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 contempted in this Law;

(c) collect and store fingerprints including DNA of accused and convicted offenders; and

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

Warrant of arrest upon issuing of protection order

33.(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 Section 31 of this Law.

(2) The warrant referred to in subsection (1) (a) of this Section remains in force unless the protection orer is set aside, or it is cancell 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 to any police ofifcer, the warrant of arrest together with an affidavit in the prescribed form where it is stated that the respondent has contravened any prohibition, condition, obligaton or order contained in a protection order.

(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 under this Law.

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

(a) specifies the name, the residential address and the occupation or status of the respondent;
(b) calls upon the respondent to appear before a Court, and on the date and at the time specified in the notice, on a change of committing the offence referred to in Section 31 (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 concerend, 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) In considering whether or not the complainant may suffer imminent harm, as contempted in subsection (5), 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 aresst is handed to a police officer under subsection (4) (a) of this Section, the police officer shall inform the complainant of his or her right to simultaneously lay a criminal charge against the respondet, if applicable and explain to the complainant how to lay such a charge.

Variation or setting aside of protection order

34.(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 28 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 respodent if the protection order is varied or set aside as contempted in subsection (1) of this Section.

Discharge

35. Where a protection order has been made, any of the following persons may apply to have it discharged:

(a) the person who was the applicant for the order; or

(b) 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

36.(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 therein commits of an offence and is liable on summary conviction to a fine not exceeding N300,000.00 or to a term of imprisonmoent 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 of not exceeding N200,000.00 or to a term of imprisonment not exceeding six (6) months.

Application and forms of protection order Schedule

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

Rights of victim

38.(1) In addition to the rights guaranteed under Chapter IV of the Constitution of the Federal Republic of Nigeria 1999 (as amended) or any other international human rights instrument to which Nigeria is a party, every victim of violence, as defined in 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 if 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 exten 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 Lawion of compliance with the provisions of this Law.

(2) Any head of instutiton who violates the provisions of this subsection is guilty of an offence and is liable on conviction to a term of imprisonent for six (6) months or to 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 28 (3);
(d) any legal practitioner representing any part to the procedings;
(e) accredited service provider;
(f) witness;
(g) not more than 3 persons for the purpose of providing support to the complainant;
(h) not more than 3 persons for the purpose of providing support to the respondent; and

(i) any other person whom the Court to be present provided that the court may, if it is satisified that it is in the interest of justice, exclude any persoon from attending any part of the proceedings.

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

PART IV – MISCELLANEOUS

Prohibition of publication of certain information

39.(1) No person shall publish in any manner any information which might, directly or indirectly, reveal the identity of any partry 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 reporting which does not mention the names or reveal the identities of the parties to the proceedings or of any witness at such proceedings.

(3) A person who contravenes the provisions of this subsection commits an offence and is liable on conviction to a term of imprisonment not exceeding one (1) year or to a fine not exceeding N200,000.00 or both.

Registration and powers of service providers

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

(2) The appropriate Government institution shall:

(a) keep a register of all accredited service providers and circulate same to all police stations, protection officers and courts; and

(b) draw up guidelines for the operation of the accredited service providers.

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

(a) record the violance incidence report in the prescribed form if the aggrieved person so desires and forward a copy to the Magistrates and the Protection Officer having jurisdiction in the area where the violence took place;

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

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

(4) No suit, prosecution or other legal proceedings shall loie against any service provider who is or who is deemed to be acting or purporting to act under this Law, for anything which is in good faith done or intended to be done in the exercise of powers or discharge of functions under this Law towards the prevention of the commission of violence.

Protection of officers

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

(a) have easy access to accredited service providers;

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

(c) are able to collect their belongings or properties from a shared household or her residence, if the complainant so requires;
(d) are able to access the court for orders under this Law; or

(e) have access to every possible assistance in the service of interim protection order on the respondent and the enforcement of any order that may be 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 respondetn operates any account, to directly pay to the complainant or deposit with Court a portion of the wages or salaries or debt due to or accrued to the credit of respondent or moniesl in any bank account operated by the respondent, which amount may be adjusted towards the emergency monetary relief payable by the respondent.

Coordination for prevention of domestic violence

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

Dangerous sexual offender

43. A Court may declare a person who has been convicted of a sexual offences 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 offences against a child.

Regulatory body

44. The Attorney-General and Commissioner for Justice or any of the officers under his office are mandated to administer the provisions of this Law and to collaborate with the relevant

stakeholders including accredited service providers and religious organizations.

General savings

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

(a) the Katsina State Penal Code, Cap. 96, 1991;

(b) the Katsina State Criminal Procedure Code, Cap. 37;

(c) the Administration of Criminal Justice Law, 2020; or

(d) any other law or regulation relating to any act of violence defined by this Law shall as the case may require be enforced or continue to0 be enforced by the provisions of t his Law.

(2) Notwithstanding anything contained in this Law, if any of its provisions are in conflict with the provisions of Islamic Law the provisions of Islamic law shall prevail.

MADE at Katsina this …… day of ……..……...…...…..2023.

……..

MALAM UMARU DIKKO RADDA PhD

Governor;

Katsina State of Nigeria.

SCHEDULE *Sections 25 and 35*

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.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……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/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 applies that AB be protected by the Honourable Court b the issuance of a Protection Order against the Respondent.

Dated this……day of……20…….

FORM 3

AFFIDAVIT, APPLICATION AND FORMS OF PROTECTION ORDER

In the……Court

In the……Division/District

Suit No……

Between

A.B……Complainant

and

C.D……Respondent

E.F……Respondent

1. 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 Counselor/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, UNCONCIOUS 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 E.F 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……Guardian/Police Officer, etc

To:CD……..Respondent

INTERIM PROTECTION ORDER

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

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

You are hereby commended 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

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 Law or Laws of domestic violence against the complainant, or that there is imminent likelihood of you committing such violence against the complainant.

You are hereby prohibited from:

(insert whichever is appropriate)

(a) committing any Law of domestic violence;

(b) enlisting the help of another person to commit any such Law;

(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 in the shared household or encumbering same;

(i) renouncing his rights in the shared household except in favour of the complainant;

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

(k) as the Court deems fit.

Given under my hand this……day of……20……

……

Judge/Magistrate