ONDO STATE VIOLENCE AGAINST PERSONS (PROHIBITION) LAW 2021

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VIOLENCE AGAINST PERSONS (PROHIBITION) LAW OF ONDO STATE, 2021

A LAW TO ELIMINATE VIOLENCE IN PRIVATE AND PUBLIC LIFE, PROHIBIT ALL FORMS OF VIOLENCE AGAINST PERSONS AND TO PROVIDE FOR MAXIMUM AND EFFECTIVE REMEDIES FOR VICTIMS AND PUNISHMENT OF OFFENDERS AND OTHER RELATED MATTERS

Commencement ( )

Enactment Be it enacted by the Ondo State House of Assembly as follows:

PART I
PRELIMINARY

Citation 1. This Law may be cited as the Violence Against Persons (Prohibition) Law of Ondo State, 2020.

Interpretation 2. In this Law unless the context otherwise requires:

"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 sustenance;

"accredited service provider" means governmental, non-governmental, faith based, voluntary and charitable associations or institutions providing shelter, homes, counseling, legal, financial, medical or other assistance to victims of domestic violence and are registered with the appropriate State Ministry;

"ACJL" means Administration of Criminal Justice Law of Ondo State, 2015.

"Female genital mutilation/circumcision of a girl or woman" means cutting off all or part of the external sex genital organs of a girl or woman other than on medical grounds;
"civil proceedings" means:

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

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

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

"Court" means the Magistrate Court and the High Court of the State having jurisdiction in the area where the violence took place;

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

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

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

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

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

(c) they are the parent of a child or children or are parents who have had a parental responsibility for a child or children;

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

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

(f) they co-habit or recently shared the same residence;

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

"economic abuse" means:

(a) forced financial dependence;

(b) denial of inheritance or succession rights;

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

(i) household necessities,

(ii) mortgage bond repayments, or

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

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

"emergency monetary relief" means compensation for monetary losses suffered by any person arising from an act of violence and does not in any way constitute a maintenance order, including:

(a) loss of earnings;

(b) medical and dental expenses;

(c) relocation and accommodation expenses;

(d) household necessities; or

(e) legal fees related to obtaining and serving a protection order;

"emotional, verbal and psychological abuse" means a pattern of degrading, dehumanizing 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 a person's privacy, liberty, integrity or security;

"forced isolation from family and friends" includes preventing a person from leaving the home or residence, or from having contact with family, friends or the outside community or world;

"harassment" means engaging in a pattern of conduct that induces fear, anxiety or discomfort, or impairs the dignity of a person and includes:
(a) stalking;
(b) repeatedly making of telephone calls or inducing another person to make telephone calls to a person, whether or not conversation ensues; and
(c) repeatedly sending, delivering or causing the delivery of information such as letters, packages, facsimiles, electronic mails, text messages or other objects to any person;

"harmful traditional practices" means all traditional behavior, beliefs, attitudes or practices which negatively affect the health and fundamental rights of women, girls or any person and includes harmful widowhood practices, denial of inheritance or succession rights, female genital mutilation or female circumcision, forced marriage and forced isolation from family and friends; and or any customary practices that is repugnant to natural justice and good conscience;

"he" includes both gender;

"incest" means an indecent act or an act of having sexual intercourse with a person who is, to his knowledge, his daughter or son, grand-daughter or grand-son, sister or brother, mother or father, niece or nephew, aunt or uncle, grand-mother or grand-uncle or any close family relative;

"indecent exposure" means the intentional exposure of the genital organs, or substantial part thereof, with the intention of causing distress to the other party;

"intimidation" means the uttering or conveying of a threat or causing any person to receive a threat, which induces fear, anxiety or discomfort;

"perpetrator" means any person who has committed or allegedly committed an act of violence as defined in this Law;

"person" in this Law is as defined under section 18 of the Interpretation Law of Ondo State, 2006;

"physical abuse" means an intentional act or threatened act of causing injury or trauma to, or the infliction of pain on another person by way of bodily contact such as slapping, hitting, kicking and or beating;

"political violence" means any act of violence perpetrated in the course of political activities such as elections or electioneering campaigns and meetings 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 officer" means an officer appointed under Section 43 of this Law in relation to and for the purpose of this Law;

"protection order" means an official legal document signed by a Judge that restrains a person or group of persons from further abusive or violent behavior towards a victim;

"sexual abuse" means unwanted sexual activity not consented to by the victim, the perpetrator using force, making threats or taking advantage of the victim thereby violating, humiliating or degrading the sexual integrity of

"indecent exposure" means the intentional exposure of the genital organs, or substantial part thereof, with the intention of causing distress to the other party;

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"protection order" means an official legal document signed by a Judge that restrains a person or group of persons from further abusive or violent behavior towards a victim;

"sexual abuse" means unwanted sexual activity not consented to by the victim, the perpetrator using force, making threats or taking advantage of the victim thereby violating, humiliating or degrading the sexual integrity of

such victim or victims;

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

"sexual exploitation" occurs where a perpetrator, for financial or other reward, favour or compensation invites, persuades, engages or induces the services of a victim, or offers or performs such services to any other person;

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

"sexual intimidation" means:

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

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

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

(d) any other action or inaction construed as sexual intimidation or harassment under any other

enactment in force in Nigeria;

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

"spousal battery" means the intentional and unlawful use of force or violence upon his spouse, including the unlawful touching, beating or striking of one's spouse against his will causing bodily harm to the spouse;

"stalking" means repeatedly:

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

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

"State" means Ondo State of Nigeria;

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

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

"victim" :

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

(i) physical or mental injury;

(ii) emotional suffering;

(iii) economic loss; or

(iv) substantial impairment of their fundamental rights, through acts or omissions that are in violation of this Law or any criminal law 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 both private and public life, in peace time and in conflict situation;

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

"violence in the public sphere" means any act or attempted act perpetrated by State or non-State actors before, during and after elections, in conflict or war situations, which threatens the peace, security and wellbeing .of any person or the State 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;

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

PART II
SEXUAL OFFENCES

Rape

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

(a) he intentionally penetrate the vagina, anus or mouth or absorbs the penis of another person with any part of his body or any or anything else;

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

(c) the consent is obtained by force, or by 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 or memory or thinking of such person, or in the case of a married person, by impersonating his or her spouse.

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

(a) where the offender is less than eighteen (18) years of age, the offender is liable to sentence to Remand Home under probation.

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

(c) in the case of rape by a group of persons, the offenders are liable jointly and or severally to life imprisonment.

(3) A person who:

(a) 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 exceeding five (5) years or a fine not less than One Hundred Thousand Naira (₦100,000.00) or both;

(b) attempts to commit an act provided for in

subsection (1) of this section, commits an offence and is liable to communal sentences or a fine not less than Two Hundred Thousand Naira (₦200,000.00) or both;

(c) incites, aids, abets, or counsels another person to commit an act provided for in subsection (1) of this section, commits an offence and is liable on conviction to a term of imprisonment not exceeding four (4) years or to a fine not exceeding Two Hundred and Fifty Thousand naira (₦250,000.00) or both;

(d) receives or assists another person 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 not exceeding four (4) years or to a fine not exceeding Three Hundred Thousand naira (₦300,000.00) or both.

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

Indecent assault

4. (1) Any person who intentionally touches or penetrates the mouth of another person with any part of his body with intention for sexual gratification, commits the offence of indecent assault.

(2) Any person who indecently assaults another person, commits an offence under this Law and is liable to a term of imprisonment not exceeding five (5) years without an option of fine.

Register and publication of sexual offenders

5. The Attorney-General and Commissioner for Justice of the State shall maintain a register of sexual offenders which shall be accessible to the public and shall be published within four (4) months after conviction, when the window of appeal has expired or the conviction is affirmed by the final court to which the defendant appeals and period of further appeal has lapsed.

Willfully placing a person in fear of physical injury

6. (1) A person who:

(a) willfully or knowingly places a person in fear of physical injury commits the offence and is liable on conviction to community service under the Administration of Criminal Justice Law of Ondo State.

(b) attempts to commit the offence as provided for in subsection (1) of this section commits the offence and is liable on conviction to community service under the Administration of Criminal Justice Law of Ondo State.

(c) aids, abets or counsels another person to commit the offence as provided for in subsection (1) of this section commits the offence and is liable on conviction to community service under the Administration of Criminal Justice Law of Ondo State.

(2) A person who receives or assists another person who has committed the offence as provided for in subsection (1) of this section is an accessory after the fact and is liable on conviction to community service under the Administration of Criminal Justice Law of Ondo State.

Coercion

7. (1) A person who coerces another person 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 community service under the Administration of Criminal Justice Law of Ondo State.

(2) A person who compels another, by force or threat to engage in any sexual or related conduct to the detriment of the victim's physical or psychological wellbeing, commits an offence and is liable on conviction to a term of

imprisonment not exceeding five (5) years or to a fine not exceeding Five Hundred Thousand Naira (₦500,000.00) or both.

(3) 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 two (2) years or to a fine not exceeding Three Hundred Thousand Naira (₦300,000.00) or both.

(4) A person who incites, aids, abets or counsels another person to commit the offence provided for in subsection (1) of this section commits an offence and is liable on conviction to a term of imprisonment not exceeding two (2) years or to a fine not exceeding Three Hundred Thousand Naira (₦300,000.00) or both.

(5) A person who receives or assists another who, to his knowledge, committed the offence provided for in subsection (1) of this section commits an offence of accessory after the fact and is liable on conviction to a term of imprisonment not exceeding two (2) years or to a fine not exceeding Two Hundred Thousand Naira (₦200,000.00) or both.

Prohibition of female genital mutilation or circumcision

8. (1a) The genital mutilation or circumcision of the girl child or woman is hereby prohibited in Ondo State.

(b) A person or persons caught in such act should be reported to nearest Government Health Authorities/ Centres for credible examination or report and thereafter to the Law Enforcement Agencies for prosecution.

(2) A person who performs circumcision or genital mutilation, or engages another to carry out such act commits an offence and is liable on conviction to a term of imprisonment not exceeding four (4) years or to a fine not exceeding Two Hundred Thousand Naira (₦200,000.00) or both.

(3) Any person who indecently assault another person, commits an offence under that law and is liable on conviction to a term of imprisonment not exceeding five (5) years without an option of fine.

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

Obstructing investigation

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

(a) destroys, alters, mutilates or falsifies any book or document, dress or clothing which could serve as evidence or exhibits, or

(b) omits, or is privy to omitting, any material particular from any such document, book, dress or clothing,

commits a felony and is liable on conviction to a term of imprisonment not exceeding three (3) years or to a fine not exceeding Two Hundred Thousand Naira (₦200,000.00) or both.

Ejection from home

10. (1) A person who unreasonably or without lawful justification ejects his spouse from his home or refuses him access commits civil action and is liable to Community Services for one month with a fine of Three Hundred Thousand Naira (₦300,000.00) or both.

(2) A person who attempts to commit the offence provided for in subsection (1) of this section commits an offence and is liable on conviction to a term of imprisonment not exceeding one (1) year or to a fine not exceeding Two Hundred Thousand Naira (₦200,000.00) or both.

(3) A person who incites, aids, abets or counsels another person to commit the offence provided for in subsection (1) of this section commits an offence and is liable on conviction to a term of imprisonment not exceeding one (1) year or to a fine not exceeding Two Hundred Thousand Naira (₦200,000.00) or both.

(4) A person who receives or assists another who, to his knowledge, committed the offence provided for in subsection (1) of this section commits the offence of 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 Two Hundred Thousand Naira (₦200,000.00) or both.

Deprivation of personal liberty

11. (1) A person who deprives another of his personal liberty, except pursuant to a court order, commits an offence and is liable on conviction to a term of imprisonment not exceeding one (1) year or to a fine not exceeding One Hundred Thousand Naira (₦100,000.00) or both.

(2) A person who attempts to commit the offence provided for in subsection (1) of this section commits an offence and is liable on conviction to a term of imprisonment not exceeding six (6) months or to a fine not exceeding Fifty Thousand Naira (₦50,000.00) or both.

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

(4) A person who receives or assists another who, to his knowledge, committed the offence provided for in subsection (1) of this section commits the offence of 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 Fifty Thousand Naira (₦50,000.00) or both.

Damage to property with intent to cause distress

12. (1) A person who causes mischief or destruction or damage to the property of another with intent to cause or knowing that it is likely to cause distress or annoyance to the victim, commits an offence and is liable on conviction to a term of imprisonment not exceeding two (2) years or to a fine not exceeding Two Hundred Thousand Naira (₦200,000.00) or both.

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

(3) A person who incites, aids, abets or counsels another person to commit the offence provided for in subsection (1) of this section commits an offence and is liable on conviction to a term of imprisonment not exceeding one (1) year or to a fine not exceeding Two Hundred Thousand Naira (₦200,000.00) or both.

(4) A person who receives or assists another who, to his knowledge, committed the offence provided for in subsection (1) of this section commits the offence of 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 One Hundred Thousand Naira (₦100,000.00) or both.

Forced financial dependence or economic abuse

13. (1) A person who causes forced financial dependence or economic abuse to 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 Five Hundred Thousand Naira (₦500,000.00) of 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 Two Hundred Thousand Naira (₦200,000.00) or both.

(3) A person who incites, aids, abets or counsels another person to commit the offence provided for in subsection (1) of this section commits an offence and is liable on conviction to a term of imprisonment not exceeding two (2) years or to a fine not exceeding Five Hundred Thousand Naira (₦500,000.00) or both.

(4) A person who receives or assists another who, to his knowledge, committed the offence provided for in subsection (1) of this section commits the offence of accessory after the fact and is liable on conviction to a term of imprisonment not exceeding two (2) years or to a fine not exceeding Five Hundred Thousand Naira (₦500,000.00) of both.

Forced isolation or separation from family and friends

14. (1) A person who forcefully isolates or separates another from family and friends without reasonable causes commits an offence and is liable on conviction to a term of imprisonment not exceeding six (6) months or to a fine not exceeding One Hundred Thousand Naira (₦100,000.00) or both.

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

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

(4) A person who receives or assists another who, to his knowledge, committed the offence provided for in subsection (1) of this section commits the offence of 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 One Hundred Thousand Naira (₦100,000.00) or both.

Emotional, verbal and psychological abuse

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

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

(3) A person who incites, aids, abets or counsels another person to commit the offence provided for in subsection (1) of this section commits an offence and is liable on conviction to a term of imprisonment not exceeding one (1) year or to a fine not exceeding Two Hundred Thousand Naira (₦200,000.00) or both.

(4) A person who receives or assists another who, to his knowledge, committed the offence provided for in subsection (1) of this section commits the offence of 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 Two Hundred Thousand Naira (₦200,000.00) or both.

Harmful widowhood practices

16. (1) A person or persons who subjects a widow or widower to harmful traditional practices commits an offence and is liable on conviction to a term of imprisonment of not less than five (5) years without an option of fine.

(2) Such widow or widower shall for the purpose of the provision of this Section be issued with general form of interim protection order by a competent Court of Jurisdiction.

(3) A person or persons 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 three (3) years or to a fine of not less than Two Hundred Thousand Naira (₦200,000.00) or both.

(4) A person or persons who incites, aids, abets or counsels another person to commit the offence provided for in subsection (1) of this section commits an offence and is liable on conviction to a term of imprisonment of not less than five (5) years without an option of fine.

(5) A person or person who receives or assists another who, to his knowledge, committed the offence provided for in subsection (1) of this section commits the offence of accessory after the fact and is liable on conviction to a term of imprisonment of not less than five (5) years without an option of fine.

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

17. (1) A person who unreasonably or without any lawful justification 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 two (2) years or to a fine not exceeding Five Hundred Thousand Naira (₦500,000.00) or both.

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

(3) A person who incites, aids, abets or counsels another

person to commit the offence provided for in subsection (1) of this section commits an offence and is liable on conviction to a term of imprisonment not exceeding two (2) years or to a fine not exceeding Two Hundred Thousand Naira (₦200,000.00) or both.

(4) A person who receives or assists another who, to his knowledge, committed the offence provided for in subsection (1) of this section commits the offence of accessory after the fact and is liable on conviction to a term of imprisonment not exceeding two (2) years or to a fine not exceeding Two Hundred Thousand Naira (₦200,000.00) 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 Two Hundred Thousand Naira (₦200,000.00) or both.

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

(3) A person who incites, aids, abets or counsels another person to commit the offence provided for in subsection (1) of this section commits an offence and is liable on conviction to a term of imprisonment not exceeding one (1) year or to a fine not exceeding Two Hundred Thousand Naira (₦200,000.00) or both.

(4) A person who receives or assists another who, to his knowledge, committed the offence provided for in subsection (1) of this section commits the offence of 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 Two Hundred Thousand Naira (₦200,000.00) 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 One Hundred Thousand Naira (₦100,000.00) or both.

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

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

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

Spousal battery

20. (1) A person who batters his spouse for whatever reasons, commits an offence and is liable on conviction to a term of imprisonment not one (1) year or to a fine not exceeding One Hundred Thousand Naira (₦100,000.00) or to Community Service under the Administration of Criminal Justice Law for first offenders, and term of imprisonment not exceeding two (2) years or to a fine not exceeding Two Hundred Thousand Naira (₦200,000.00) or both for serial offenders.

(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 under the Administration of Criminal Justice Law.

(3) A person who incites, aids, abets or counsels another person to commit the offence provided for in subsection (1) of this section commits an offence and is liable on conviction to a fine of Fifty Thousand Naira (₦50,000.00) and community service for first offenders, and a term of imprisonment not exceeding two (2) years or to a fine not exceeding Two Hundred Thousand Naira (₦200,000.00) or both for serial offenders.

(4) A person who receives or assists another who, to his knowledge, committed the offence provided for in subsection (1) of this section commits the offence of accessory after the fact and is liable on conviction to a term of imprisonment not one (1) year or to a fine not exceeding One Hundred Thousand Naira (₦100,000.00) or to community service under the Administration of Criminal Justice Law for first offenders, and term of imprisonment not exceeding two (2) years or to a fine not exceeding Two Hundred Thousand Naira (₦200,000.00) or both for serial offenders.

Harmful traditional practices

21. (1) A person or persons who carries out harmful traditional practices on another commits an offence and is liable on conviction to a term of imprisonment not exceeding four (4) years or to a fine not exceeding Five Hundred Thousand Naira (₦500,000.00) or both.

(2) A person or persons 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 two (2) years or to a fine of not less than Three Hundred Thousand Naira (₦300,000.00) or both.

(3) A person or persons who incites, aids, abets or counsels another person to commit the offence provided for in subsection (1) of this section commits an offence and is liable on conviction to a term of imprisonment not exceeding four (4) years or to a fine not exceeding Five Hundred Thousand Naira (₦500,000.00) or both.

(4) A person or person who receives or assists another who, to his knowledge, committed the offence provided for in subsection (1) of this section commits the offence of accessory after the fact and is liable on conviction to a term of imprisonment not exceeding four (4) years or to a fine not exceeding Five Hundred Thousand Naira (₦500,000.00) or both.

Attack with harmful substance

22. (1) A person who uses chemical, biological or any other harmful liquid on another commits an offence and is liable on conviction to a term of life imprisonment without an option of fine.

(2) A person who attempts to commit the offence 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 option of fine.

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

(4) A person or person who receives or assists another who, to his knowledge, committed the offence provided for in subsection (1) of this section commits the offence of accessory after the fact and is liable on conviction to a term of imprisonment not exceeding twenty (20) years without option of fine.

Administering a substance with intent

23. (1) A person who intentionally administers a substance to, or conspires with another to administer 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 him to engage in sexual activity with that person, commits an offence under this Law.

(2) A person who commits an offence, provided for in sub section (1) of this Law is, in addition to any other offence under this Law, liable on conviction to a term of life imprisonment without option of fine.

(3) Any 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 fourteen (14) without option of fine.

(4) A person or persons who incites, aids, abets or counsels another person to commit the offence provided for in subsection (1) of this section commits an offence and is liable on conviction to a term of imprisonment not exceeding fourteen (14) without option of fine.

(5) A person or person who receives or assists another who, to his knowledge, committed the offence provided for in subsection (1) of this section commits the offence of accessory after the fact and is liable on conviction to a term of life imprisonment without option of fine.

Political violence

24. (1) A person or group of persons who carries out political violence as defined under this Law, commits an offence and is liable on conviction to a term of imprisonment not exceeding five (5) years or to a fine not exceeding Two Million Naira (₦2,000,000.00) or both.

(2) A person or group of persons 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 two (2) years or to a fine of not less than Five Hundred Thousand Naira (₦500,000.00) or both.

(3) A person or group of persons who incites, aids, abets or counsels another person to commit the offence provided for in subsection (1) of this section commits an

offence and is liable on conviction to a term of imprisonment not exceeding two (2) years or to a fine not exceeding Five Hundred Thousand Naira (₦500,000.00) or both.

(4) A person or group of persons who receives or assists another who, to his knowledge, committed the offence provided for in subsection (1) of this section commits the offence of accessory after the fact and is liable on conviction to a term of imprisonment not exceeding four (4) years or to a fine not exceeding One Million Naira (₦1,000,000.00) or both.

Incest

25. A person who knowingly and willfully has carnal knowledge of another within the prohibited degrees of consanguinity and affinity contained in the Schedule to this Law with or without consent, commits incest and is liable on conviction to a minimum term of:

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

(b) where the two (2) parties consent to commit incest, provided that the consent was not obtained by fraud or threat, five (5) years imprisonment without an option of fine.

Indecent exposure

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

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

(3) A person who commits an offence under this section is liable on conviction to a term of imprisonment of not less than one (1) year or option of fine not exceeding Three Hundred Thousand Naira (₦300,000.00) or both.

PART III
JURISDICTION OF THE COURT

Jurisdiction

27. The Magistrate Court and the State High Court shall have jurisdiction to hear and grant any application under this Law.

Application for Protection Order

28. (1) An application for a protective order may be made before the 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 Court for a protection order.

(3) If the complainant is not represented by a Legal Practitioner, then 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 where a criminal offence has been committed under this Law.

(4) Notwithstanding the provisions of any other law, the application for protection order may be brought on behalf of the complainant by any other person, including a Police Officer, a Protection Officer, an Accredited Service Provider, a Counsellor, Health Service Provider, Social Worker, Teacher, Parent or Guardian 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 enactment, 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 a supporting affidavit by persons who have knowledge of the matter may accompany the application.

(6) The application and supporting affidavits 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 Section 32 (6) of this Law and may, for that purpose, consider such additional evidence as it deems fit, including oral evidence or evidence by affidavit, which shall form part of the record of the proceedings.

(2) If the Court is satisfied that there is prima facie evidence that the respondent is committing, has committed or that there is imminent likelihood that he may commit an act of violence, then 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, together with a notice calling on the respondent to show cause on the return date specified in the order, why a protection order should not be issued against him.

(4) A copy of the application referred to in Section 30 of this Law and the record of any evidence taken under Sub-section (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 Sub-section (2) of this Section, then the Court

shall direct the Registrar of the Court to cause the certified true copies of the application and any supporting affidavit to be served on the respondent in the prescribed manner, together with a notice calling on the respondent to show cause on the return date specified in the notice, why a protection order should not be issued against him.

(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 against him.

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

Issuing of Protection Orders

30. (1) If the respondent does not appear on a return date contemplated in Section 30 (3) or (5) of this Law, and if the Court is satisfied that:

(a) proper service has been effected on the respondent, and

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

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

(a) any evidence previously received under Section 30 (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) A respondent who is not represented by a Legal Practitioner is entitled to cross-examine the complainant.

(4) The Court shall, after a hearing as contemplated in Sub-section (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 issuance of a protective 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 35 (1) (a), to be served on the complainant.

(6) The Registrar of the Court shall, in the prescribed manner, forward certified copies of any protection order and of the warrant of arrest contemplated in Section 35 (1) (a) to the Police Station of the complainant's choice.

(7) Subject to the provisions of Section 32(1) of this Law, a protection order issued under this Section remains in force until it is set aside, and the execution of such an order shall not be automatically suspended upon the filing of an appeal.

Powers of the Court in respect of Protective Orders

31. (1) the Court may, by means of a protective order referred to in Section 29 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 residence or premises 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 a shared residence or premises;

(e) entering the complainant's residence;

(f) entering the complainant's place of employment or business;
(g) preventing the complainant from entering or remaining in the shared residence or premises or a specified part of the shared residence or premises;
(h) alienating or disposing the shared residence or premises or encumbering same;
(i) renouncing his rights in the shared residence or premises except in favour of the complainant; or
(j) committing any other act as specified in the protective 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 arms 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 temporary relocation to any safe place as may be deemed fit in the interest of the complainant; or
(e) approve a mediation channel upon submission by the complainant.

(3) In ordering a prohibition order under Sub-section (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 interest of any child, it may:

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

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

(7) The Court shall 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 enactment, including the Matrimonial Causes Act, Cap. M7, Laws of the Federation of Nigeria, 2004 and Child Rights Law of the State, 2007, then 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 enactment.

Dangerous sexual offenders

32. The Court may declare a person who has been convicted of a sexual offence a dangerous sexual offender if such a person has:

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

(b) been convicted of a sexual offence against a child or a minor.

Powers of the police and other security agencies

33. (1) A Police Officer, Civil Defence, Amotekun Corps, Vigilante Members etc at the scene of an incident of violence or as soon as is 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 rights to protection against violence and remedies available in terms of this Law;
(e) explaining to the victim his rights to lodge a criminal complaint in addition to any remedy provided for under this Law;
(f) accompanying the victim to the victim's residence to collect his personal belongings.

(2) A Police Officer and other Security Agencies may, without an order from the Court or a warrant of arrest, arrest any person whom:
(a) he suspects upon reasonable grounds to have committed any offence under Part II of this Law; and
(b) a complaint has been made for having committed any offence under Part II of this Law.

(3) A Police Officer and other Security Agencies carrying out his duties under this Law shall have the power to:
(a) remove or supervise the removal of a person excluded from 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 the respondent and convicted offenders; and
(d) perform any other act considered necessary in order to ensure the safety and wellbeing of the complainant.

Warrant of arrest upon the issuance of protection order

34. (1) Whenever a Court issues a protection order, the Court may make an order:

(a) authorizing the issuance of a warrant for the arrest of the respondent in the prescribed form; and

(b) suspending the execution of such warrant subject to compliance with any prohibition, condition, obligation or order imposed under Section 32 of this Law.

(2) The warrant referred to in Sub-section (1) (a) of this Section shall remain in force until 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 existing warrant of arrest is required for 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 that there are reasonable grounds to suspect that the complainant may suffer imminent harm as a result of the alleged breach of the protection order by the respondent, then the Police Officer shall forthwith arrest the respondent for allegedly committing the offence referred to in Part II of this Law.

(6) The arresting Officer in executing the warrant of arrest under Sub-section (5), shall hand a written notice

to the respondent which:

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

(b) calls upon the respondent to appear before the Court, and on the date and at the time specified in the notice, on a charge of committing the offence referred to in Section 32 (1); and

(c) contains a certificate signed by the Police Officer to the effect that he served the original notice to the respondent and that he explained the import thereof to the respondent.

(7) The arresting Officer shall forward a duplicate original of a notice referred to in Sub-section (6) of this Section to the Registrar of the Court, and the mere production in the Court of such a duplicate original shall be prima facie proof that the original was served on the respondent specified therein.

(8) In considering whether or not the complainant may suffer imminent harm as contemplated in Sub-section (5) of this Section, the Police Officer shall take into account the:

(a) risk to the safety, health or wellbeing of the complainant;

(b) seriousness of the conduct of the respondent in the alleged breach of the protection order; and

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

(9) Whenever a warrant of arrest is handed to a Police Officer under Sub-section (4) of this Section, the Police Officer shall inform the complainant of his right to simultaneously lay a criminal complaint against the respondent, and where applicable, explain to the complainant how to lay such a complaint.

Variation or setting aside a protection order

35. (1) A complainant or a respondent may, upon a written notice to the other party and the Court, apply for the variation or setting aside of a protection order referred to in Section 31 of this Law.

(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 once the protection order is varied or set aside as contemplated in Sub-section (1) of this Section.

Discharge

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

(a) the applicant;

(b) any person mentioned in Section 29 (4) of this Law;

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

Offences relating to protection orders

37. (1) A respondent who contravenes 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 from entering or remaining in such a place, commits an offence and is liable, on summary conviction, to a fine not exceeding One Hundred Thousand Naira (₦100,000.00) or to a term of imprisonment not exceeding three (3) months or both.

(2) The provisions of Sub-section (1) of this Section shall apply 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.

(3) A person who, in an affidavit referred to Section 29 of this Law, willfully makes a false statement in a material respect, commits an offence and is liable on conviction to a fine not exceeding Two Hundred Thousand Naira (₦200,000.00) or, at the discretion of the Court, to a term of imprisonment not exceeding six (6) months.

Application and forms of protection order

38. 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 of violence

39. (1) In addition to the rights guaranteed under Chapter IV of the Constitution of the Federal Republic of Nigeria, 1999 (as amended), or any other International Human Rights instrument to which Nigeria is a party, every victim of violence, as defined in Section 3 of this Law, is entitled to the following rights:

(a) to receive free comprehensive medical services and issuance of medical report without cost, psychological, social and legal assistance through Governmental 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 programmes of the State to enable victims to acquire, where applicable and necessary, pre-requisite skills in any vocation of the victim's choice and also in necessary formal education or access to micro credit facilities;

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

(3) No complainant of any offence under this Law shall be expelled, disengaged, suspended or punished in any form whatsoever for compliance with the provisions of this Law.

(4) Any Head of Institution who violates the provisions of this Section commits an offence and is liable on conviction to a term of imprisonment for six (6) months or to a fine of Two Hundred Thousand Naira (₦200,000.00) or both.

(5) No person may be present during any proceedings under this Law except:

(a) officers of the Court;

(b) parties to the proceedings;

(c) any person bringing an application on behalf of the complainant under Section 29 (3) of this Law;

(d) any Legal Practitioner representing any party to the proceedings;

(e) accredited service provider;

(f) witnesses;

(g) not more than three (3) persons for the purpose of providing support to the complainant;

(h) not more than three (3) persons for the purpose of providing support to the respondent; and

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

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

Prohibition of publication of certain information

40. (1) No person shall publish in any manner any information which might, directly or indirectly, jeopardize the proceedings of the Court.

(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 Sub-section shall

apply 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 of imprisonment not exceeding one (1) year or to a fine not exceeding Two Hundred Thousand Naira (₦200, 000.00) or both.

PART IV
ESTABLISHMENT OF THE SEXUAL ASSAULT REFERRAL CENTRES AND SHELTERS FOR VICTIMS OF VIOLENCE

Establishment of the Sexual Assault Referral Centres

41. (1) There shall be established Sexual Assault Referral Centres in the State.

(2) The Sexual Assault Referral Centres shall provide the following free services:

(a) screening and preventive treatment for HIV and sexually transmitted diseases;
(b) collection and processing of forensic evidence;
(c) support for victims going through the legal process;
(d) issuance of a comprehensive medical report;
(e) treatment and care of child victims of sexual abuse;
(f) rehabilitation, counseling and psycho-social support for victims, parents, family members and partners; and
(g) education and information for community and professional groups.

Establishment of Shelters for Victims of Violence

42. (1) There shall be established shelters for Victims of Violence in the State

(2) The shelters shall function as Rehabilitation Centres and shall provide the following free services:

(a) Safe and comfortable accommodation in a serene environment for victims of violence;
(b) Immediate needs of survivors of violence including feeding, clothing and recreational activities for

children;

(c) Skill acquisition training such as tailoring and fashion designing;

(d) Rehabilitation, counseling and psycho-social support for victims until they are ready to be re-integrated back into the Community.

PART V
SERVICE PROVIDERS

Registration and powers of service providers

43. (1) Subject to such rules as may be made, any voluntary association registered under the Companies and Allied Matters Act, 2004 by the Corporate Affairs Commission or under any other enactment for the time being in force, with the objective of protecting the rights and interest of victims of violence by any lawful means including providing legal aid, medical, financial or other assistance, shall submit to be registered by the appropriate State Ministry as a service provider for the purposes of this Law.

(2) The Ministry of Women Affairs and Social Development shall:

(a) keep a register of all accredited Service Providers and circulate same to all Police Stations, Protection Officers and the Courts; and

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

(3) A Service Provider so registered under Sub-section (1) of this Section shall have the power to:

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

(b) get the aggrieved person medically examined and forward a copy of the Medical Report to

the Protection Officer and the Police Station within the locality or area where the violence took place; and

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

(4) No suit, prosecution or other legal proceedings shall lie against any Service Provider who is, or who is deemed to be acting under this Law, provided it is done in good faith or intended to be done in the exercise of the powers or discharge of his functions under this Law.

Protection Officers

44. (1) The Ministry of Women Affairs and Social Development shall appoint such number of Protection Officers in each Local Government Area of the State as it may consider necessary, to assist the Court in the discharge of its duties under this Law so as to co-ordinate the activities of the Police and the Accredited Service Providers in each Local Government Area, and ensure that 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 residence, if the complainant so requires;

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

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

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

PART VI
ESTABLISHMENT OF THE ONDO STATE AGENCY AGAINST GENDER BASED VIOLENCE (OSAA-GBV)

Establishment of the Ondo State Gender-Based Violence Agency

45. (1) There is hereby established a body to be known as the Ondo State Agency Against Gender Based Violence (hereinafter referred to as "the Agency").

(2) The Agency shall be a body corporate with perpetual succession and a common seal and shall have power to sue and be sued in its corporate name.

(3) The Agency shall have power to acquire, hold and or dispose of movable and immovable property for the purpose of its functions under this law.

(4) The Agency shall have a Governing Board.

Composition of the Governing Board

(5) The Governing Board may consist of the following members all of whom shall be appointed by the Governor.

(a) a full-time chairman who may be the Wife of the Governor;
(b) a full-time Executive Secretary of the Agency who will serve as the Secretary to the Board;
(c) a representative of the following Ministries, Departments and Agencies who shall be part-time members:

(i) Women Affairs and Social Development
(ii) Justice
(iii) Health

(iv) Ondo State Primary Health Care Development Agency

(v) Education, Science and Technology.

(vi) Child Rights Protection Experts

(vii) National Orientation Agency

(viii) Ondo State Agency for the Welfare of Persons with Disabilities

Law Enforcement Agency

(ix) Nigerian Police Force, Nigeria Security and Civil Defence Corps

(x) International Federation of Women Lawyers

(xi) Justice Development and Peace Centre (JDPC)

(xii) Two representatives of Civil Society Organizations: Child Protection Network (CPN)

Functions

46. The Agency shall:

(a) draw up policies and programmes to ensure the elimination of all forms of sexual and gender-based violence in the State.
(b) ensure maximum protection for victims of sexual and gender-based violence.
(c) provide effective remedies for victims including but not limited to medical, shelter, psychological and psychosocial.
(d) increase public awareness on sexual and gender-based violence.
(e) provide emergency services as it relates to sexual and gender-based violence.
(f) ensure the prosecution of all sexual and gender-based violence cases
(g) source for financial assistance and contributions

from the Federal, State and Local Government as well as from the organized Private Sector and International Donors.

(h) monitor and evaluate all Gender-Based Violence Programmes in the State.

(i) Co-ordinate and supervise activities for the establishment and operations of the Sexual Assault Referral Centers and Shelters for victims of violence.

Structure of the Agency

47. There shall be the following Departments and Units at the Agency:

(i) Finance and Administration;
(ii) Accounts

(iii)Sexual Assault Referral Centre (SARC) Services; Emergency Response Unit, Sexual Health Unit, Counselling Unit
(iv) Survivors' Welfare and Social Rehabilitation; Skill Acquisition Unit, Shelter Management and Survivor Reintegration Unit
(v) Planning, Research and Statistics; ICT Unit, Community Sensitization Unit
(vi) Legal Services; Investigation and Security Unit, Grievances Redress Unit, and
(vii)Any other Department or Unit as may be recommended by the Board to fulfill the functions of the Agency

Resignation

48. Any member of the Board shall be paid such allowance that determine by the Board. Being a public officer may resign his appointment in writing to the Chairman.

Allowances referred to Ondo State House of Assembly for review

49. Members of the Board shall be paid such allowances as may be determined by the Board.

50. Members of the Agency who are not Public Officers may hold Office for three (3) years and may be appointed for another term of three (3) years.

Tenure of office

review

51. (1) The Agency shall establish a Sex Offenders' Register which shall be maintained in the Office of the Attorney-General and Commissioner for Justice of the State and the Agency in line with Section (5) of this Law.

Sex Offenders' Register

52. (1) There shall be an Executive Secretary of the Agency who shall be a Law Officer or Social Worker and who shall be appointed by the Governor on the advice of the Head of Service.

(2)The Executive Secretary shall be responsible for the execution of the policy of the Agency and the day-to-day running of the affairs of the Agency.

Appointment of Executive Secretary to the Agency

(3) The Executive Secretary shall hold Office for a term of four (4) years and may subject to satisfactory performance be re-appointed for another term of four (4) years.

(4) Subject to this Section, the Secretary shall hold Office on such terms as to emoluments and otherwise as may be specified in the instrument of appointment.

Removal of Officer/Executive Secretary

53. (1) Notwithstanding any provision in this Law, the Executive Secretary or any member of the Board may be removed from the Office by the Governor upon recommendation of the Chairman.

Service in the Agency

54. (1) Service in the Agency shall be approved service for the purpose of pensions in accordance with Ondo State Civil Service Regulations

(2) The Board shall, accept on posting from the Civil or Public Service in the State or appointment by the Governor such number of employees as may, in the opinion of the Agency, be necessary in the discharge of any of its functions under this Law.

55. (1) The Agency shall be funded through:

(a) such money as may be appropriated to the Agency

by the Ondo State House of Assembly.

(b) such money as may from time to time be provided for the Agency by any Public, Private or International Organizations by way of grants, support assistance; and

(c) any other donations.

Funds for the Agency

56. (1) The Agency shall accept gifts of land, money or other property upon such term and conditions if any as may be specified, by the person or organization making the gift.

(2) The Agency shall not accept any gift if the conditions attached by the person or organization making the gift to the acceptance thereof are inconsistent with the aims and objectives of the Agency.

Powers to accept gifts

57. (1) All sums of money received in the name of the Agency shall be paid into such Banks as may be approved by the Board;

(2) The signatories of the said account shall be as determined by the Financial Regulations of Ondo State.

Bank Account

58. The common seal of the Agency shall not be affixed to any document except in pursuance of a resolution duly passed at a meeting of the Board and recorded in the minutes of such meeting.

Authentication of Document

59. The Board shall make regulations for the appointment, discipline, promotion, transfer and dismissal of the staff of the Agency in line with the Civil Service Regulations of the Ondo State.

Regulations

60. Whenever the Board desires to obtain the advice of any person on any matter, the Board may co-opt such person to be a member during such meeting and the person so co-opted shall have all the rights and privileges of a member except that he shall not vote on any question or count towards the quorum of such meeting.

Co-option of a member

61. The Chairman shall preside at any meeting of the Board and in his absence the Executive Secretary shall preside on his behalf.

Presiding at a meeting

62. (1) The Executive Secretary shall submit to the Board not later than 31st December in each financial year, an estimate of its expenditure and income during the next financial year.

Annual Estimates and Accounts

(2) The Agency shall keep proper accounts and records in respect of each financial year and shall cause its accounts to be audited by the Office of the State Auditor General not later than two (2) months from the end of each financial year.

63. The Agency shall prepare and publish an Annual Report of its activities not later than two (2) months of the current year.

Annual Report/Auditing

64. (1) For the purpose of carrying out the functions conferred on the Agency under this Law, the Agency, subject to existing Laws:

Power to obtain information

(a) shall have a right of access to all the records of any of the organs to which this Law applies;

(b) may by notice in writing served on any person in charge of any such organs require that person to furnish information on such matters as may be specified in the notice.

(2) It shall be the duty of any person required to furnish information pursuant to Sub-section (1)(b) of this Section to comply with the Notice within a stipulated time.

65. (1) The Board may make Standing Orders regulating its meetings.

(2) The quorum at a meeting of the Board shall consist of the Chairman, the Executive Secretary and two-third (2/3) Board Members of the Agency.

Proceedings

(3) Subject to the provisions of the applicable Standing Order, the Board shall meet quarterly or any other time when the need arises.

Quorum

(4) The validity of any decision of the Board thereof shall not be affected by:

(a) any vacancy in the membership of the Board; or

(b) any defect in the appointment of a member of the Board.

(5) Any member of the Agency who has a personal interest in any arrangement entered into or proposed to be considered by the Agency shall disclose his interest to the Agency and shall not vote on any question relating to the arrangement.

PART VII
MISCELLANEOUS PROVISIONS

General savings

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

(a) the Criminal Code Law of Ondo State; or

(b) any other enactment or regulations relating to any act of violence defined by Section 2 of this Law shall, as the case may require, be enforced or continue to be enforced by the provisions of this Law.

(2) This Law shall supercede any other enactment on any similar offences or proceedings.

SCHEDULE

AFFIDAVITS, APPLICATIONS 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, on behalf of the Complainant hereby apply that A.B be protected by the Honourable Court by the issuance of a Protection Order against the Respondent.

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

E.F.

Guardian/Social Worker/Police Officer, etc.

FORM 3

AFFIDAVIT IN SUPPORT OF APPLICATION FOR PROTECTION ORDER

In the.....Court

In the.....Division/District

Suit No.....

Between

A.B.....Complainant

and

C.D.....Respondent

E.F.....Respondent

I, A.B.....of.....hereby make oath and state as follows:

1. That I am the Complainant/Guardian of the Complainant/a Police Officer/a Protection Officer/an accredited Service Provider/a Counsellor/a Health Service Provider/a Social Worker/a Teacher, etc.

.....

DEPONENT

Sworn to at the.....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/Social Worker/Police Officer, etc

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

and

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

To: C.D.....Respondent

INTERIM PROTECTION ORDER

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

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

You are hereby commanded to show cause on the.....day of.....20...., 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.....20....

.....

Judge/Magistrate

FORM 6

GENERAL FORM OF PROTECTION ORDER

In the.....Court

In the.....Division/District

Suit No.....

Between

A.B.....Complainant

and

C.D.....Respondent

and

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

To: C.D.....Respondent

PROTECTION ORDER

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

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

You are hereby prohibited from: (insert whichever is appropriate)

(a) committing any act of domestic violence;
(b) enlisting the help of another person to commit any such act;
(c) entering a shared residence or premises 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 a shared residence or premises;
(e) entering the complainant's residence;
(f) entering the complainant's place of employment or business;

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

(h) alienating or disposing the shared residence or premises or encumbering same;

(i) renouncing his rights in the shared residence or premises except in favour of the complainant;

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

(k) as the Court deems fit.

GIVEN under my hand this.....day of.....20.....

.....

Judge/Magistrate

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

Rt.Hon.(Prop) Oloyelogun Bamidele David
Speaker, Ondo State House of Assembly.

Adeyelu Michael Bode
Clerk of the House.

Ondo State House of Assembly
Governor's Assent
I hereby signify my Assent to the Bill

Governor's Seal

Arakunrin Oluwarotimi O. Akeredolu, SAN
Governor, Ondo State of Nigeria

Dated this 14th day of July 2021