A LAW TO PROHIBIT VIOLENCE AGAINST PERSONS AND TO PROVIDE PROTECTION AND REMEDIES FOR VICTIMS AND PUNISHMENT OF OFFENDERS AND FOR RELATED MATTERS

LAW NO.....6.....2021

ENACTED by the Sokoto State House of Assembly as follows:

PART I – PRELIMINARY

Citation

1. This Law may be cited as the Violence against Persons (Prohibition) Law, 2021.

Interpretation

2. In this Law:

"Abandonment of women, children and other persons" means deliberately leaving women, children and other persons, under the perpetrator's care, destitute and without any means of subsistence;

"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 grounds;

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

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

(a) They are or were married to each other, including marriages according to any law, custom or religion;
(b) They live or have lived together in a relationship in the nature of marriage, although they are not or were not married to each other except in the case of persons of Islamic faith
(c) They are the parents of a child or children or are the persons who have or had a parental responsibility for that child or children;
(d) They are family members related by consanguinity, affinity, adoption or fosterage; or
(e) They share or recently shared the same residence.

"Domestic violence" means any act perpetrated on any person in a domestic relationship – where such act causes imminent harm to the safety, health or well-being of any person;
"Economic abuse" includes –

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

"Emotional, verbal and psychological abuse" includes a pattern of degrading or humiliating conduct towards any person, including –

(a) repeated insults;
(b) repeated threats to cause emotional pain; or
(c) the repeated exhibition of obsessive possessiveness, which is of such a nature as to constitute a serious invasion of such person's privacy, liberty, integrity or security;

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

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

(a) Stalking;
(b) repeatedly making telephone calls or inducing another person to make telephone calls to a person, whether or not conversation ensues; and
(c) repeatedly sending, delivering or causing delivery of information such as letters, telegrams, packages, facsimiles, electronic mail, text messages or other objects to any person.

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

"Incest" 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, granddaughter or son, sister or brother, mother or father, niece or nephew, aunt/uncle, grandmother or granduncle;

"Indecent exposure" means the intentional exposure of the genital organs, or a substantial part thereof, with the intention of causing distress to the other party;
"Intimidation" means the uttering or conveying of a threat or causing any person to receive a threat, which induces fear, anxiety or discomfort;

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

"Persons" in this Law is as defined in the Interpretation Law under section 2, Cap. 71, Laws of Sokoto State, 1996;

"Physical abuse" means acts or threatened acts of physical aggression towards any person such as slapping, hitting, kicking and beating;

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

"Sexual assault" means the intentional and unlawful touching, striking or causing of bodily harm to an individual in a sexual manner without his or her 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 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 passing examination, securing employment, business patronage, obtaining any favor in any form, as defined in this Law or any other enactment;

(b) the actual demand for sexual intercourse with either a male or female under any guise, as a condition for passing examination, securing employment, business patronage and or obtaining any favor in any form, as defined in this Act 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 a person, including the unlawful beating or striking 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 the victim 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;
(c) repeatedly calls your phone, including hang-ups;
(d) sends unwanted gifts, letters, texts, or emails;
(e) monitors your phone calls or computer use, possibly through spyware;
(f) uses technology, like hidden cameras or global positioning systems (GPS), to track where you go;
(g) threatens to hurt the victim, family, friends, or pets.

"State" means Sokoto 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, or oil;
"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 the criminal laws of the country; and

(b) Includes the immediate family or dependants of the direct victim and any other person who has suffered harm in intervening to assist victims in distress;

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

Sexual assault referral center

3. (1) There is established for the State a sexual assault referral center under the coordination of the Ministries of Justice, Women and Children Affairs, Health and Social Welfare.

(2) The center shall be responsible for providing medical and psycho-social services, reporting and referral of cases and interim shelter for survivors.

SGBV offences response team

4. (1) There is established for the State a Sexual and Gender Based Violence Offences Response Team in each of the 3 Senatorial Districts to provide legal, medical, emergency assistance, counseling and psychological and psycho-social support to survivors

(2) The Team shall comprise of:-

(a) representative of the Ministry of Justice
(b) representative of the Ministry of Women and Children Affairs
(c) representative of the Ministry of Social Welfare
(d) representative of the Ministry of Health
(e) representative of the Nigeria Police Force
(f) representative of the Nigeria Security and Civil Defense Corps
(g) three representatives of Civil Society Organizations, including Women groups.

(3) The Team shall be responsible for monitoring of the Sexual and Gender Based Violence cases in the State.

PART II – OFFENCES

Rape

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

(a) He or she intentionally penetrates the vagina, anus, or mouth of another person without consent or against the will of that person;

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

(2) Sexual intercourse by a person with his own spouse is not rape

(3) Penetration is not limited only to penetration by penile shaft but includes penetration by any part of the body, object or anything else

(4) When a court is trying the offence of rape, corroboration shall be immaterial.

(5) Whoever commits rape shall be punished with imprisonment for life or for a term of not less than 21 years provided that:

(a) where the offender is 14 years of age but not up to 18 years, the offender shall be liable to imprisonment for a term which shall not be more than 14 years.

(b) where the offender is below 14 years is liable to imprisonment for not less than 12 years

(6) In the case of rape by a group of persons, the offenders are jointly liable to a term of imprisonment of not less than 25 years imprisonment without an option of fine.

(7) Any person who rapes a child shall be liable to imprisonment for life.

Sexual offenders register

6. (1) A register for convicted sexual offenders shall be maintained and made accessible to the public by the Ministry of Justice, provided that where a convict is pardoned or dies his name be removed from the register forthwith.

(2) The entry of name of the convict in the register shall only be made after the final determination of his appeal or where he files no appeal and the time for appeal has elapsed.

Inflicting physical injury on a person

7. A person who willfully causes or inflicts physical injury on another person by means of any weapon, substance or object, commits an offence and is liable on conviction to a term of imprisonment not exceeding 5 years or a fine not less than N200,000.00 or both.

Willfully placing a person in fear of physical Injury

8. A person who willfully or knowingly places another person in fear of physical injury commits an offence and is liable on conviction to a term of imprisonment not exceeding 2 years or to a fine not less than N100,000:00 or both.

Offensive conduct

9. A person who compels another, by force or threat, to engage in any conduct or act, sexual or otherwise, to the detriment of the victim's physical or psychological well-being commits an offence and is liable on conviction to a term of imprisonment not less than 5 years or to a fine not less than N500, 000.00 or both.

Prohibition of FGM

10. (1)The circumcision or genital mutilation of the girl child or woman is prohibited.

(2) 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 4 years or to a fine not less than N200,000.00 or both.

Frustrating investigation

11. Any 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 enactment:

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

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

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

Willfully making false statement

12. A person who willfully makes false statement, whether oral or documentary, in any judicial proceeding under this Law or with the aim of initiating investigation or criminal proceedings under this Law against another person commits an offence under this Law and is liable on conviction to a fine of N200, 000 or a term of imprisonment not less than 12 months.

Forceful eviction from home

13. 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 2 years or to a fine not exceeding N300,000 or both.

Depraving a person of his liberty

14. A person who unlawfully deprives another of his or her personal liberty, except pursuant to a court order commits an offence and is liable on conviction to a term of imprisonment not less than 3 years or to a fine not less than N300,000.00 or both.

Damage to property with intent to cause distress

15. A person who causes destruction or damage to property of another with intent to cause or knowing that it is likely to cause distress to the victim, commits an offence and is liable on conviction to a term of imprisonment not less than 2 years or to a fine not exceeding N300, 000.00 or both.

Forceful financial dependence or economic abuse

16. A person who causes forced financial dependence or economic abuse of another commits an offence and is liable on conviction to a term of imprisonment not exceeding 2 years or to a fine not exceeding N200,000.00 or both.

Forced isolation from family and friends

17. A person who forcefully isolates or separates another from family and friends without just cause commits an offence and is liable on conviction to a term of imprisonment not exceeding 6 months or to a fine not exceeding N100,000.00 or both.

Verbal and psychological abuse

18. A person who causes verbal and psychological abuse on another commits an offence and is liable on conviction to a term of imprisonment not exceeding 1 year or to a fine not exceeding N200, 000.00 or both.

Harmful widowhood practices

19. A person who subjects a widow to harmful traditional practices commits an offence and is liable on conviction to a term of imprisonment not exceeding 2 years or to a fine not exceeding N500.000.00 or both.

Abandonment of spouse, children and dependents

20. A person who abandons a wife or husband, children or other dependents without any means of sustenance commits an offence and is liable on conviction to a term of imprisonment not exceeding 3 years or to a fine not exceeding N500,000.00 or both, and in addition pay compensation for expenses incurred in the upkeep of the abandoned person.

Stalking

21. A person who stalks another commits an offence and is liable on conviction to a term of imprisonment not exceeding 2 years or to a fine not exceeding N150,000.00 or both.

Sexual intimidation

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

Spousal battery

23. A person who batters his or her spouse commits an offence and is liable on conviction to a term of imprisonment not less than 1 year or to a fine not less N200, 000.00 or both.

Harmful traditional and cultural practices

24. A person who carries out harmful traditional or cultural practices on another commits an offence and is liable on conviction to a term of imprisonment not exceeding 4 years or to a fine not exceeding N500,000.00 or both.

Attack with harmful substance

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

Administering a substance with intent

26. (1) A person commits an offence if he intentionally administers a substance to, or causes a substance to be administered to or taken by, or bewitched, another person with the intention of stupefying or overpowering that person so as to enable any person to engage in a sexual activity with that person.

(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 not exceeding 10 years or a fine not exceeding N500, 000.00 or both.

Incest

27. 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 10 years imprisonment without an option of fine.

Indecent exposure

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

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

(3) A person who-commits an offence under this section is liable upon conviction to a term of imprisonment of not less than 2 years or to a fine not exceeding N500, 000.00 or both.

Attempt to commit offence

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

Aiding and abetting

30. Whoever incites, aids, abets or counsels another person to commit an offence under this Law is guilty of an offence and if the offence was in consequence of the abetment shall be punished with the punishment provided for that offence.

Accessory after the fact

31. Whoever receives or assists another who to his/her knowledge committed an offence under this Law is an accessory after the fact and is liable to imprisonment for a term not exceeding the maximum punishment prescribed for that offence.

Conspiracy

32. Whoever conspires with another to commit an offence under this Law, shall be punished in the same manner as if he abetted such offence.

PART III - ORDERS

Compensation for victims

33. In all offences created by this Law, the Court shall in addition to penalties provided for the offences, award appropriate compensation to the victim as it may deem fit in the circumstance.

Protection orders

34. The court shall in deserving cases and situations grant order(s) whether interim or interlocutory, prohibitory or mandatory to protect a woman or child pending or after the determination of a case.

MADE AT SOKOTO THIS ....7th.....DAY OF .....July..... 2021

A.

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

ABDULRAZAK SHEHU
CLERK TO THE HOUSE

B.

I ASSENT THIS .....13TH..... DAY OF .....July..... 2021

AMINU WAZIRI TAMBUWAL
GOVERNOR,
SOKOTO STATE OF NIGERIA

C.

I WITHHOLD MY ASSENT THIS.....DAY OF.....2021

AMINU WAZIRI TAMBUWAL
GOVERNOR,
SOKOTO STATE OF NIGERIA

D.

Passed again by the Sokoto State House of Assembly by two-third majority this

..... Day of 2021

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Speaker,
Sokoto State House of Assembly