

ZAMFARA STATE OF NIGERIA

VIOLENCE AGAINST PERSON (PROHIBITION) LAW 2022

LAW NO……..2022 (1444 A.H)

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ENACTED by the Zamfara State House of Assembly as follows:

PART I – PRELIMINARY

Citation

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

2. **Interpretation**

In this Law:

"Abandonment of women, children and other persons" means deliberately leaving women, children and other persons, under the perpetrators' 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 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 repayment, 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" include 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 passiveness, which 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 pattern of conduct that includes fear of harm or impairs the dignity of a person including-

(a) Stalking;
(b) Repeatedly making telephone calls or including another person to make telephone call to a person, whether or not conversation ensure; and
(c) Repeatedly sending, delivering or causing delivery of information, such as letters, telegrams, packages, facsimiles, electronic mail, text messages or other object 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, 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 means masculine or famine gender;

"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 induce 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 of a passing examination, securing employment, business patronages, 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 constructed 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 victims 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; or
(c) Repeatedly making calls on phone, including hang-ups;
(d) Sends unwanted gifts, letters, texts, or emails; or
(e) Monitors phone calls or computer use, possibly through spyware;
(f) Uses technology, like hidden cameras or global positioning systems (GPS), to tract where you go; or
(g) Threatens to hurt the victim, family, friends, or pets.

"State" means Zamfara 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, pouring of hot water, or oil on another person;

"Victims"

(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 emotions that are in violation of this Law or the criminal laws of the country; and
(b) Includes the immediate family or defendants 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 situation;

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 of sexual and gender-based violence and interim, shelter for supervisors.

Sexual and Gender Based Violence (SGBV) offences response teams

4. (1) There is established for the State a sexual and Gender Based Violence Offences Response Team in each of the three Senatorial Districts to provide legal, medical, emergency assistance, counseling and psychological and psycho-social support to survivors.
   (2) The source of funds of the center shall be and not limited to funds from Government, International donors and private individuals;
   (3) The Teams shall comprise of-
   a) Representatives of the Ministry of Justice as Chairman
   b) Representatives of the Ministry of Women and Children Affairs.
   c) Representatives of the Ministry of Health
   d) Representatives of the Nigeria Police Force
   e) Representatives of the Nigeria Security and Civil Defense Corps

f) Representatives of federation of state women lawyers
g) Representatives of Civil Society Organizations.
h) Representatives of State Hisbah Commission
i) Representatives of Ministry for Social Welfare
j) Representative of Ministry of Education
k) Representatives of Traditional Rulers as Secretaries

(4) The Team shall be responsible for following;

a) Provision of legal, psycho-social and humanitarian services to the victims of gender based violence;
b) Counseling, guidance, rehabilitation and general management of the victims of gender based violence;
c) Monitoring, reporting and general management of cases of gender based violence;
d) Provision of emergency and psychological support to victims of gender based violence;
e) Public enlightenment and general sensitization on gender based violence offences and
f) Any other function as may determine by the team for general success of their activities.

(5) The Attorney General shall appoint a State counsel not below the rank of a Director as Coordinator of the centre who shall submit annual report to the State House Assembly on the implementation of this law, the activities of the centre and SGBV as provided in section 4 of this Law.

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 or with consent when;
(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 in accordance with the provisions of the State Penal Code Law:

(a) Where the offender is 14 years of age but not up to 18 years, the offender shall be punished in accordance with the State Penal Code Law;
(b) Where the offender is below 14 shall be punished in accordance with the State Penal Code Law

(6) In the case of rape by a group, the offenders are jointly liable shall be punished in accordance with the State Penal Code Law

(7) Any person who rape a child shall be punished in accordance with the State Penal Code Law.

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 dies or repented and did not commit same or similar offence, after five years of the conviction, 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 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.
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 victims 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 Female Genital Mutilation (FGM)

10. (1) The circumcision or genital mutilation of the girl child or woman prohibited,
(2) A person who performs female circumcision or genital mutilation or engages another to carryout 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 one 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 N200,000.00 or a term of imprisonment not less than 12 months.

Illegally eviction from home

13. A person who illegally 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 find not exceeding N300,000 or both.

Depriving 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 and 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 mends 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 one year or to a fine not exceeding N200,000.00 or both.

Harmful widowhood practice

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 three 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 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

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

Sexual Intimidation

23. A person who intimidates another commits an offence and is liable on conviction to term of imprisonment not exceeding 1 year or to a fine not exceeding 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 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 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 hi a sexual activity with that person

(2) A person who commit 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 prohibition degrees of consanguinity and affinity with or without consent, commits incest and shall be punished in accordance with the State Penal Code Law.

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 and 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 punished 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 commits 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. (1) The court shall in deserving cases and situation grant order(s) whether interim or interlocutory, prohibition or mandatory to protect a woman or child pending or after the determination of the case.

(2) The court may, by means of protection order referred to in subsection (1) of this section prohibit the respondent from:

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

(i) Renouncing his or her rights in the shared household except in favour of the complainant; or
(j) Committing any other act as specific in the protection order.

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

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

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

(4) The Court any order the respondent to pay emergency monetary relief having regard to the financial needs the respondents to pay emergency monetary relief having and such order has the effect of 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 well-being of the complainant.

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

(a) Refuse the respondent contact with such child; or
(b) Order contact with such child on such condition as it may consider appropriate.

(7) The Court may not refuse to issue a protection order or impose any condition or make any order which it 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 deal with a matter that should, in the interests of Justice, be dealt with further under any other relevant law, including Matrimonial Causes Act, Cap. M7 Laws of the Federation, 2004, Child's Protection Law, the Court shall order that such a provision shall be in force for such limited period as the court determines, in order to afford the party concerned the opportunity to seek appropriate relief under such law.

PART IV

Jurisdiction of Courts

35. The High Court of the State or any other court as may be specified by the Chief Judge shall have the jurisdiction to hear and grant any application brought under this Law.
36. 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 Right Instrument to which Nigeria is a party, every victim of violence, as defined under section 2 of this Law, is entitled to the following rights:
a). Received the necessary materials, comprehensive Legal, Medical, Psychological and Social assistance through Governmental and non-Governmental Organisations providing such assistance.
b. To be informed of the availability of Legal, health, Social services and other relevant assistance and be readily afforded access to them.
c. Rehabilitation and re-integration programmed of the State to enable victims to acquire, where applicable and necessary pre-requisite skills in any vocation of the victim's choice and also in necessary formal education or access to micro credit facilities.
d. Any rules and or regulations made by any institution or organization prohibiting or restraining the reporting of offences or complain with the provisions of this Law, shall to the extent of inconsistencies be null and void and
e. No complainant of any offence under this Law shall be expelled, disengaged, suspended or punished in any form whatsoever by virtue of the action of compliance with the provisions of this Law.

PART V

Consequential Amendment

37. (1) Any offence committed or proceedings instituted before the commencement of this Law under the provision of the

(a) Penal code LFN 2004

(b) Criminal procedure code LFN 2004 and

(c) Any other law or regulation relating to any act of violence defined by this Law shall be as the case may be required to be enforce or continue to be enforced by the provision of this Law.

(2) Any provision of this law shall supersede any other provision on similar offence in the penal code and criminal procedure code.

MADE AT GUSAU THIS ……. DAY OF ……. 2022 (1444 A.H)

This printed impression has been carefully compared by me with the Bill for **VIOLENCE AGAINST PERSON (PROHIBITION) LAW 2022 (1444 A.H),** Which was passed by the Zamfara State House of Assembly and found by me to be a true and correct printed copy of the said Bill.

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SHEHU SA'IDU
CLERK TO THE HOUSE

ASSENTED TO BY ME THIS……..DAY OF…….2022
…….DAY OF ……1444 A.H.

……

HON. BELLO MUHAMMAD MON
(*MATAWALLEN MARADUN****)***
GOVERNOR, ZAMFARA STATE