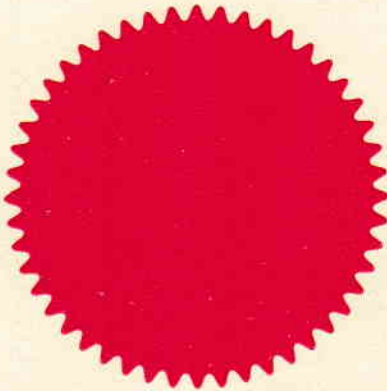


# Violence Against Persons (Prohibition) Law, 2020

I assent this 15<sup>th</sup> day of October 2020



*A. A. Raq.*  
ABDULRAHMAN ABDULRAZAQ  
Governor,  
Kwara State of Nigeria.

Kwara State of Nigeria  
Law No.      of 2020

A Law To Eliminate Violence In Private And Public Life, To Provide Maximum Protection And Effective Remedies For Victims And Punishment Of Offenders In The State And For Other Connected Purposes.

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

Administering a substance with intent to aid sexual activity.

(2) A person who commits an offence under this section, in addition to any other punishment under this Law, liable on conviction to a term of imprisonment not exceeding 10 years or a fine not exceeding N500,000 or both.

3. (1) A person who wilfully 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 exceeding N200,000.00 or both.

Inflicting physical injury on a person.

(2) The Court may award appropriate compensation to the victim as it may consider fit in the circumstance.

4. 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 wellbeing commits an offence and is liable on conviction to a term of imprisonment not exceeding 5 years or to a fine not exceeding N200,000.00 or both.

Wilfully placing a person in fear of physical injury.

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

Female circumcision or genital mutilation 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 exceeding N200,000.00 or both.

6. Any person who, with the intent to defraud or conceal an offence or frustrate the investigation and prosecution of offenders under this Law or under any other enactment –

Frustrating investigation.

- (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; or
- (c) begs or appeals to the victim, police or prosecution 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 or both.

7. A person who wilfully 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 term of imprisonment not exceeding 12 months or to a fine not exceeding N200,000 or both.

Wilfully making false statement.

8. 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 N300,000.00 or both.

Forceful ejection from home.

9. A person who deprives another of his or her liberty, except pursuant to a Court Order commits an offence and is liable on conviction to a term of imprisonment not exceeding 2 years or to a fine not exceeding N500,000.00 or both.

Unlawful restraint.

10. A person who causes mischief or destruction or damage to 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 it is liable on conviction to a term of imprisonment not exceeding 2 years or to a fine not exceeding N300,000.00 or both.

Damage to property with intent to cause distress.

11. 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 1 year or to a fine not exceeding N200,000.00 or both.

Forced financial dependence or economic abuse.

12. A person who forcefully isolates or separates another from his or her family and friends commits an offence and is liable on conviction to a term of imprisonment not exceeding 2 years or to a fine not exceeding N300,000.00 or both.

Forced isolation or separation from family and friends.

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|---|---|
| <p>13. A person who causes emotional, verbal and psychological abuse on another commits an offence and is liable on conviction to a term of imprisonment not exceeding 1 year or to a fine not exceeding N200,000.00 or both.</p>                               | <p>Emotional, verbal and psychological abuse.</p>                               |
| <p>14. 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.</p>  | <p>Harmful widowhood practices.</p>   |
| <p>15. 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.</p> | <p>Abandonment of spouse, children and other dependents without sustenance.</p> |
| <p>16. 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 N200,000.00 or both.</p>   | <p>Stalking.</p>  |
| <p>17. 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.</p>   | <p>Intimidation.</p>  |
| <p>18. A person who batters his or her spouse 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.</p>  | <p>Spousal battery.</p>   |
| <p>19. A person who carries out harmful traditional practices 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.</p>  | <p>Harmful traditional practices.</p>   |
| <p>20. A person who uses chemical, biological or any other harmful liquid on another commits an offence and is liable on conviction to life imprisonment without an option of fine.</p>   | <p>Attack with harmful substance.</p>   |
| <p>21. A person who commits political violence commits an offence and is liable on conviction to a term of imprisonment not exceeding 4 years or to a fine not exceeding N500,000.00 or both.</p>   | <p>Political violence.</p>  |
| <p>22. A state actor who commits political violence commits an offence and is liable on conviction to a term of imprisonment not exceeding 4 years or to a fine not exceeding N1,000,000.00 or both.</p>  | <p>Violence by State actors.</p>  |



23. A person who knowingly and wilfully has sexual intercourse with another within the prohibited degrees of consanguinity and affinity as defined under incest in Section 46 with or without consent, commits an offence and is liable on conviction to a minimum term of -

Incest.

- (a) 10 years imprisonment without an option of fine; or
- (b) where the two parties consent to commit incest, provided that the consent was not obtained by fraud or threat, 5 years imprisonment without an option of fine.

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

Indecent exposure.

(2) A person who intentionally exposes his or her genital organs, or a substantial part thereof, and induces 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 not exceeding 2 years or to a fine not exceeding N100,000 or both.

25. (1) A person who attempts to commit an offence or cause an offence to be committed and in such attempt does any act towards the commission of the offence, shall be guilty of attempt to commit such offence and liable, where the offence is punishable by imprisonment, for a term which may extend to one half of the longest term for that offence or with such fine as is provided for the offence or with both.

Attempts to commit offence.

(2) Where a person is convicted under subsection (1) to an offence punishable with life imprisonment, he shall be liable to imprisonment for a term which may extend to 14 years imprisonment.

26. A person who instigates another to commit an offence or intentionally abets, aids or facilitates by any act or omission the commission of an offence under this Law is guilty of an offence and liable to the same punishment provided for the offence abetted.

Abetment of offence.



27. A person who knowing or having reason to believe that an offence has been committed under this Law, causes any evidence of the commission of the offence to disappear with the intention of screening the offender from legal punishment, or with a like intention of intending to prevent his arrest gives an information respecting the offence which he knows or believes to be false or harbors or conceals a person whom he knows or has reason to believe to be the offender shall be punished with imprisonment for a term which may extend to five years and shall also be liable to fine.

Screening.

28. (1) When two or more persons agree to commit an offence under this Law and one or more of such persons does any overt act to effect the object of the agreement, each shall be guilty of conspiracy to commit that offence and liable, where the offence is punishable by imprisonment, for a term which may extend to one half of the longest term for that offence or with such fine as is provided for the offence or with both.

Conspiracy to  
commit  
offence.

(2) Where a person is convicted under subsection (1) to an offence punishable with life imprisonment, he shall be liable to imprisonment for a term which may extend to 14 years imprisonment.

## **PART II - JURISDICTION OF THE COURT**

29. The High Court of Kwara State shall have the jurisdiction to hear and grant any application brought under this Law.

Jurisdiction.

30. (1) An application for a protection order may be made before the High 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.

Application for protection  
order.

(2) Any complainant may, in the prescribed manner, apply to the Court for a protection order.

(3) If the complainant is not represented by counsel, the police officer with whom a complaint of violence has been lodged shall inform the complainant of the remedies he or she may be entitled to under this Law including the right to lodge a Criminal complaint against the respondent if a criminal offence has been committed under this Law.

(4) Notwithstanding the provision of any other law, the application 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 or teacher who has interest in the well-being of the complainant.

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

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

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

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

31. (1) The Court shall as soon as is reasonably possible, consider an application to it under section 30 and may, for that purpose, consider such additional evidence as it deems fit, including oral evidence by affidavit, which shall form part of the record of the proceedings.

Consideration of application.

(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 domestic violence, the Court shall, notwithstanding the fact that the respondent has not given notice of the proceedings contemplated in subsection (1) issue an interim protection order against the respondent, in the prescribed manner.

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

(4) A copy of the application referred to in section 30 and the record of any evidence taken under subsection (1) shall be served on the respondent together with the interim protection order.

(5) If the Court does not issue an interim protection order under subsection (2) the Court shall direct the Registrar of the Court to cause certified copies of the application concerned and any supporting affidavit to be served on the respondent in the prescribed manner, together with a prescribed notice calling on the respondent to show cause on the return date, specified in the notice, why a protection order should not be issued.

(6) The return dates referred to in subsections (3) and (5) may not be less than 5 days after service has been effected on the respondent.

32. (1) If the respondent does not appear on a return date contemplated in section 31 (3) or (5), and if the Court is satisfied that

Issuing a protection order.

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

(2) If the respondent appears on the return date in order to oppose the issuing of a Protection Order, the Court shall proceed to hear the matter and consider —

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

(3) The Court may, on its own accord or on the request of the complainant, if it is of the opinion that it is just or desirable to do so, order that in the examination of witnesses, including the complainant, a respondent who is not represented by a legal practitioner-

- (a) is not entitled to cross-examine directly a person who is in a domestic relationship with the respondent, and
- (b) shall put any question to such a witness by stating the question to the Court, and the Court is to repeat the question accurately to the witness.



(4) The Court shall, after a hearing as contemplated in subsection (2) issue a protection order in the prescribed form if it finds, on a balance of probabilities, that the respondent has committed, is committing or there is an imminent likelihood that he may commit an act of domestic violence.

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

- (a) the original of such order to be served on the respondent; and
- (b) A certified copy of such order, and the original warrant of arrest contemplated in Section 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 33 (7), a Protection Order issued under this section remains in force until it is set aside, and the execution of such order shall not be automatically suspended upon the filling of an appeal.

33. (1) The Court may, by means of Protection Order referred to in Section 31 or 32, prohibit the respondent from –

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

Court's powers  
in respect of  
protective order.



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

- (a) to seize any arm or dangerous weapon in the possession or under the control of the respondent;
- (b) that a police officer shall accompany the complainant to a specified place to assist with arrangements regarding the collection of personal property;
- (c) directing the respondent to secure alternative accommodation for the complainant;
- (d) directing 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 under subsection 1 (c) 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 judgement 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 interest of any child, it may –

- (a) refuse the respondent contact with such child; or
- (b) order contact with such child on such conditions as it may consider appropriate.

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

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

34. (1) A police officer, at the scene of an incident of violence or as soon thereafter as reasonably possible or to whom a report of violence has been made, shall have the duty of –
- (a) assisting a victim of violence to file a complaint regarding the violence;
  - (b) providing or arranging safe transport for the victim to an alternative residence, safe place or shelter where such is required;
  - (c) providing or arranging transportation for the victim to the nearest hospital or medical facility for treatment of injuries where such treatment is needed;
  - (d) explaining to the victim his or her rights to protection against violence and remedies available in terms of this Law;
  - (e) explaining to the victim that he or she has the right to lodge a criminal complaint in addition to any remedy provided under this Law; and
  - (f) accompanying the victim to the victim's residence to collect personal belongings.
- (2) A police officer may, without an order from the Court or a warrant of arrest, arrest any person whom –
- (a) he or she suspects upon reasonable grounds to have committed any of the offences under Part 1; and
  - (b) a complaint has been made for having committed any of the offences under Part 1.
- (3) A police officer in carrying out his or her duties under this Law shall have the power to –
- (a) remove or supervise the removal of a person excluded from a shared residence where the Court has issued such an order under this Law;
  - (b) remove or supervise the removal of any dangerous weapon used in order to commit an act of violence as contemplated in this Law;
  - (c) collect and store fingerprints including DNA of accused and convicted offenders; and
  - (d) perform any other act considered necessary in order to ensure

the safety and well-being of the complainant.

35. (1) Whenever a Court issues a Protection Order, the Court shall make an order –

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

(b) suspending the execution of such warrant subject to compliance with any prohibition, condition, obligation or order imposed under section 30.

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

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

(a) executed or cancelled; or

(b) lost or destroyed.

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

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

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

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

(b) calls upon the respondent to appear before a Court, and on the date and at the time specified in the notice, on a charge of committing the offence referred to in section 31 (1); and

(c) contains a certificate signed by the police officer concerned to the effect that he or she handed the original notice to the

Warrant of  
Arrest Upon  
Issuing of  
Protection  
Order.



respondent and that he or she explained the import thereof to the respondent.

(7) The police officer shall forward a duplicate original of a notice referred to in subsection (6) to the Registrar of the Court concerned, and the mere production in the Court of such a duplicate original shall be a prima facie proof that the original was handed to the respondent specified therein.

(8) In considering whether or not the complainant may suffer imminent harm, as contemplated in subsection (5), the police officer shall take into account the –

- (a) risk to the safety, health or well-being of the complainant;
- (b) seriousness of the conduct comprising an alleged breach of the Protection Order; and
- (c) length of time since the alleged breach occurred.

(9) Whenever a warrant of arrest is handed to a police officer under subsection (4) the police officer shall inform the complainant of his or her right to simultaneously lay a criminal charge against the respondent, if applicable; and explain to the complainant how to lay such a charge.

36. (1) A complainant or a respondent may, upon written notice to the other party and the Court concerned, apply for the variation or setting aside of the Protection Order referred to in section 30 in the prescribed manner.

Variation or  
setting aside  
protection order.

(2) If the Court is satisfied that a good cause has been shown for the variation or setting aside of the Protection Order, it may issue an order to this effect, provided that the Court shall not grant such an application to the complainant unless it is satisfied that the application is made freely and voluntarily.

(3) The Registrar of the Court shall forward a notice as prescribed to the complainant and the respondent if the Protection Order is varied or set aside as contemplated in subsection (1).

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

Discharge.

- (a) if the application for the order was made by a



commissioner in respect of any dependent person by –

- (i) the commissioner,
- (ii) the person who brought the application, or
- (iii) the respondent to that application;

(b) if the application for the order was made by a commissioner in any other case by virtue of section 30 –

- (i) the commissioner,
- (ii) the person who was the applicant for the order, or
- (iii) the respondent to that application;

(C) in any other case: –

- (i) the person who was the applicant for the order, or
- (ii) 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 circumstance.

38. (1) A respondent who contravened an interim Protection Order or a protection order, or while an interim Protection Order is in force, refuses to permit the applicant or any dependent person to enter and remain in the place to which the order relates or does any act for the purpose of preventing the applicant or such dependent person from so entering or remaining commits an offence and is liable, on summary conviction, to a term of imprisonment not exceeding 6 months or to fine not exceeding N300,000.00 or both.

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

(3) A person who, in an affidavit referred to in this section, wilfully makes a false statement in a material respect commits an offence and is liable on conviction to a fine not exceeding N200,000.00 or, at the discretion of the Court, to a term of imprisonment not exceeding 6 months.

Offences  
relating to  
protection  
orders.

39. The affidavit, application and forms of Protection Order referred to in this part of the Law shall be in accordance with the Regulations made under this Law.

Application and form of protection Order..

40. (1) In addition to the rights guaranteed under Chapter IV of the Constitution of the Federal Republic of Nigeria, 1999, or any other International Human Rights Instrument to which Nigeria is a Party, every victim of violence, as defined in section 46, is entitled to the following rights –

Right of Victims.

- (a) to receive the necessary materials, comprehensive medical, psychological, social and legal assistance through governmental agencies or non-governmental agencies providing such assistance;
- (b) to be informed of the availability of legal, health and social services and other relevant assistance and be readily afforded them;
- (c) to rehabilitation and reintegration programme of the State to enable victims to acquire, where applicable and necessary, pre-requisite skills in any vocation of the victim's choice and also in necessary formal education or access to micro credit facilities;
- (d) any rules and or regulations made by any institution or organization prohibiting or restraining the reporting of offences or complaint with the provisions of this Law, shall, to the extent of the inconsistencies be null and void; and
- (e) no complainant of any offence under this Law shall be expelled, disengaged, suspended or punished in any form whatsoever by virtue of the action of compliance with the provisions of this Law.

(2) Any head of institution who violates the provisions of this subsection is guilty of an offence and is liable on conviction to a term of imprisonment not exceeding 6 months or to a fine not exceeding N100,000 or both.

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

- (a) officers of the Court;
  - (b) the parties to the proceedings;
  - (c) any person bringing an application on behalf of the complainant under section 31 (3);
  - (d) any legal practitioner representing any party to the proceedings;
  - (e) accredited service provider;
  - (f) witnesses;
  - (g) not more than 3 persons for the purpose of providing support to the complainant;
  - (h) not more than 3 persons for the purpose of providing support to the respondent; and
  - (i) any other person whom the Court permits to be present provided that the court may, if it is satisfied that it is in the interests of justice, exclude any person from attending any part of the proceedings.
- (4) Nothing in this section limits any other power of the Court to hear proceedings in camera or to exclude any person from attending such proceedings.

### **PART III - SERVICE PROVIDERS**

41. (1) No person shall publish in any manner any information which might, directly or indirectly, reveal the identity of any party to the proceedings.

(2) The Court, if it is satisfied that it is in the interest of justice, may direct that any further information relating to proceedings held under this Law shall not be published provided that no direction under

Prohibition of  
publication of  
certain Information.

this subsection applies in respect of the publication of a bona fide law report which does not mention the names or reveal the identities of the parties to the proceedings or of any witness at such proceedings.

(3) A person who contravenes the provisions of this subsection 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.

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

Registration and  
Powers of  
Service  
Providers.

(2) The Ministry 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 subsection (1) shall have the power to –

- (a) record the violence incident report in the prescribed form if the aggrieved person so desires and forward a copy to the Magistrates and the Protection Officer having jurisdiction in the area where the violence took place;
- (b) get the aggrieved person medically examined and forward a copy of the medical report to the Protection Officer and the police station within the locality of which the violence act took place; and
- (c) ensure that the aggrieved person is provided shelter in a



shelter home, if he or she so requires and forward a report of the lodging of the aggrieved person in the shelter home to the Police station within the locality of which the violence act took place.

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

43. (1) The Ministry shall appoint such number of Protection Officers in each Local Government Area Council as it may consider necessary, to assist the Court in the discharge of its duties under this Law to coordinate the activities of the police and the accredited service providers in his or her Local Government Area Council to ensure that the victims or survivors of violence: –

Protection  
Officer.

- (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 household or residence, if the complainant so requires;
- (d) are able to access the Court for orders under this Law; or
- (e) have access to every possible assistance in the service of interim Protection Order on the respondent, and the enforcement of any order that may 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 Court a portion of the wages or salaries or debt due to or accrued to the credit of respondent or monies in any bank account operated by the respondent, which amount may be adjusted towards the emergency monetary relief payable by the respondent.

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

Coordinator for prevention of Domestic Violence.

45. (1) A Court may declare a person who has been convicted of a sexual offence a dangerous sexual offender if such person has –

Dangerous Sexual Offenders.

- (a) more than one conviction for a sexual offence;
- (b) been convicted of a sexual offence which was accompanied with violence; or
- (c) been convicted of a sexual offence against a child.

#### **PART IV – INTERPRETATION**

46. In this Law unless the context otherwise requires –

Interpretation

**"Abandonment of spouse, children and dependents"** means deliberately leaving spouse, children and dependents, under the perpetrator's care, without any means of subsistence;

**"accredited service provider"** means governmental, non-governmental, faith based, voluntary and charitable associations or institutions providing shelter, homes, counselling, legal, financial, medical services or other assistance to victims of domestic violence and are registered with the appropriate Government Ministry under the provisions of this Law;

**"Child's Rights Law"** means the Kwara State Child's Rights Law Cap. K6 Laws of Kwara State;

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

**"civil proceedings"** means

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

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

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

**"Court"** means both the Magistrates Court and High Court;

**"Child's Rights Law"** means Kwara State Child's Right Law CAP K6

**"damage to property"** means the wilful 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 toward a person with the intention of inflicting bodily harm on such person and includes a gun, knife, stick, whip or other household appliance capable of inflicting bodily harm on a person;

**"DNA"** means Deoxyribonucleic Acid;

**"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;
- (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 or adoption;
- (e) they are or were in an engagement, dating or customary relationship, including actual or perceived romantic, intimate or sexual relationship of any duration; or
- (f) 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 harm or may cause imminent harm to the safety, health or well-being of any person;

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

- (a) loss of earnings;
- (b) medical and dental expenses;
- (c) relocation and accommodation expenses;
- (d) household necessities; or
- (e) legal fees related to obtaining and serving the protection order.

**"emotional, verbal and psychological abuse"** means a pattern of degrading or humiliating conduct towards any person, including –

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

**"forced financial dependence; or economic abuse"** means

- (a) denial of inheritance or succession rights,
- (b) the unreasonable deprivation of economic or financial resources to which any person is entitled or which any person requires out of necessity, including –

- (i) household necessities,
  - (ii) mortgage bond repayments,
  - (iii) or payment of rent in respect of a shared residence;  
or
- (c) the unreasonable disposal or destruction of household effects or other property in which any person has an interest;

**"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 behaviour, attitudes or practices, which negatively affect the fundamental rights of women, girls, or any person and includes harmful widowhood practices, denial of inheritance or succession rights, 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 or 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;

**"Ministry "** means the Ministry charged with the responsibility for Social Development.

**"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 Act under section 18, Cap. 192, Laws of the Federation of Nigeria, 2004;

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

**"political violence"** means any act or attempted act of violence perpetrated in the course of political activities, such as elections, and includes any of the following acts –

(a) thuggery;

(b) mugging;

(c) use of force to disrupt meetings; or

(d) the use of dangerous weapons that may cause bodily harm or injury;

**"Protection Officer"** means an officer appointed under Section 43 in relation to and for the purpose;

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

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



**"sexual assault"** means the 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 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 female under any guise, as a condition for 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 Kwara State.

**"spouse"** means husband or wife as recognised under the Matrimonial Causes Act, Islamic and Customary Law;

**"spousal battery"** means the intentional and unlawful use of force or violence upon a person, including the unlawful touching, 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 such 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 actors"** means group of persons; structured or organised institutions and agencies;

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

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

**"Victim"** means -

- (a) any person or persons, who, individually or collectively, have suffered harm, including -
  - (i) physical or mental injury,
  - (ii) emotional suffering,
  - (iii) economic loss, or
  - (iv) substantial impairment of their fundamental rights, through acts or omissions that are in violation of

this Law or the criminal laws of the 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, emotional or economic harm whether this occurs in private or public life, in peace time and in conflict situations;

**"violence in the private sphere"** means any act or attempted act perpetrated by a member of the family, relative, neighbour 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 the State or non-State actors before, during and after elections, in conflict or war situations, which threatens peace, security and well-being of any person or the nation as a whole;

**"violence perpetrated by non-State actors"** includes

- (a) wrongful arrest and detention;
- (b) assault;
- (c) use of force without lawful authority;
- (d) unlawful entry into the premises; or
- (e) demolition of property without due processes;

**"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.



43. This Law may be cited as the Violence Against Persons  
(Prohibition) Law, 2020.

Citation.

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



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Clerk to the House