

A LAW TO PROHIBIT ALL FORMS OF VIOLENCE INCLUDING PHYSICAL, SEXUAL, PSYCHOLOGICAL, DOMESTIC, HARMFUL TRADITIONAL PRACTICES; DISCRIMINATION AGAINST PERSONS AND TO PROVIDE MAXIMUM PROTECTION AND EFFECTIVE REMEDIES FOR VICTIMS AND PUNISHMENT OF OFFENDERS-2018



Kaduna State of Nigeria

Law No. 32 2018

(1st December 2018)

Date of Commencement

BE IT ENACTED by the House of Assembly of Kaduna State as follows: Enactment

PART I

PRELIMINARY

1. This Law may be cited as the Kaduna State Violence Against Persons (Prohibition) Law, 2018. Short Title
2. This Law shall come into operation on the1st..... day ofDecember..... 2018. Commencement
3. In this Law unless the context otherwise requires: Interpretation

"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;

"Accredited service provider" means governmental, non-governmental, faith based, voluntary and charitable

associations or institutions, Providing shelter, homes, counselling, legal, :financial, medical or other assistance to victims of domestic violence and are registered with the appropriate government Ministry under the provisions of this Law;

"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:

- (i) proceedings for the making, variation or discharge of a protection order, safety order or interim protection order;
- (ii) proceedings by way of appeal or case stated which are related to proceedings to which paragraph (i) applies;
- (iii) proceedings under this Law for compensation or award;

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

"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 and/or machine directed toward a person with the intention of inflicting bodily harm on such person and includes, but is not limited to, a gun, knife, stick, whip or other household appliance capable of inflicting bodily harm on a person;

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

- (i) they are or were married to each other, including marriages according to any law, custom or religion;
- (ii) 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;
- (iii) 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;

- (iv) they are family members related by consanguinity, affinity or adoption;
- (v) they are or were in an engagement, dating or customary relationship, including actual or perceived romantic, intimate or sexual relationship of any duration; or
- (vi) 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;

"Economic abuse" means forced financial dependence; denial of inheritance or succession rights, the unreasonable deprivation of economic or financial resources to which any person is entitled or which any person requires out of necessity, including household necessities, mortgage bond repayments or payment of rent in respect of a shared residence; the unreasonable disposal or destruction of household effects or other property in which any person has an interest;

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

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

"Emotional, verbal and psychological abuse" means a pattern of degrading or humiliating conduct towards any person, including repeated insults, ridicule or name calling; repeated threats to cause emotional pain; or 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 but is not limited to 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 stalking; repeatedly making telephone calls or inducing another person to make telephone calls to a person, whether or not conversation ensues; 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 and/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;

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

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

"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: thuggery, mugging, use of force to disrupt meetings, or the use of dangerous weapons that may cause bodily harm or injury;

"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/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. 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 whatsoever, as may be defined in this Law or any other enactments;
- (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 whatsoever, as may be defined in this Law or any other enactments;
- (c) acts of deprivation, withholding, replacing and or short-changing of entitlements, privileges, rights, benefits, examination or test marks/scores, and any other form of disposition capable of coercing any person to submit to sexual intercourse for the purpose of receiving reprieve thereto;

(d) any other action or inaction construed as sexual intimidation/harassment under any other enactments in force in Nigeria',

"Spousal/Partner 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/her will with the intention of causing bodily harm to that person,

"Stalking" means repeatedly 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 repeatedly following, pursuing or accosting any person in a manner which induces fear or anxiety;

"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 but is not limited to acid attack, hot water, hot 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 Federal Republic of Nigeria, for use in sexual acts, including sexual exploitation or pornography of any person;

"Victim" means any person or persons, who, individually or collectively, have suffered harm, including physical or mental injury, emotional suffering, economic loss or substantial impairment of their fundamental rights, through acts or omissions that are in violation of this Law and/or the criminal laws of the country, Victim also 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" in this Law, unless the context otherwise requires 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:

- (i) wrongful arrest and detention;
- (ii) assault;
- (iii) use of force without lawful authority;
- (iv) unlawful entry into the premises;
- (v) demolition of property without due processes;

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

PART II

OFFENCES

4. (1) Any person who wilfully or knowingly places a person in fear of physical injury commits an offence and is liable on conviction to imprisonment for a term of not less than Two (2) years or a fine of not less than Two Hundred Thousand Naira Only (₦200,000.00) or both. Wilfully Placing a Person
in Fear of Physical Injury
- (2) Any person who attempts to commit the offence as provided for in subsection (1) of this section is guilty of an offence and is liable on conviction to imprisonment for a term of not less than One (1) year or a fine of not less than Two Hundred Thousand Naira Only (₦200,000.00) or both.
- (3) Any person who aids, abets, or counsels another person to commit the offence provided for in subsection (1) of this section is guilty of an offence and is liable on conviction to imprisonment for a term of not less than

One (1) year or a fine of not less than Two Hundred Thousand Naira Only (₦200,000.00) or both.

(4) Any person who receives or assists another who has committed the offence provided for in subsection (1) of this section is an accessory after the fact and is liable on conviction to imprisonment for a term of not less than One (1) year or to fine of not less than Two Hundred Thousand Naira Only (₦200,000.00) or both.

5. (1) The circumcision or genital mutilation of the girl child or woman is hereby prohibited. Any person who performs female circumcision or genital mutilation or engages another to carry out such circumcision or mutilation commits an offence. Prohibition of Female Circumcision or Genital Mutilations

(2) Any person who commit the offence provided for in subsection (1) of this section is guilty of an offence and is liable on conviction to imprisonment for a term of not less than Four (4) years or a fine of not less than Two Hundred Thousand Naira Only (₦200,000.00) or both. Attempted Female Circumcision

(3) Any person who incites, aids, abets, or counsels another person to commit the offence provided for in subsection (2) of this section is guilty of the offence and is liable on conviction to imprisonment for a term of not less than Two (2) years or a fine of not less than One Hundred Naira Only (₦100,000.00) or both. Aiding Female Circumcision

6. (1) Whoever subjects any Person to harmful traditional practices commits an offence and is liable on conviction to imprisonment for a term of not less than Two (2) years or a fine of not less than Five Hundred Thousand Naira Only (₦500,000.00) or both. Harmful Traditional Practices

(2) Any person who incites, aids, abets, or counsels another person to commit the offence provided for in subsection (1) of this section is guilty of an offence and is liable on conviction to imprisonment for a term of not less than One (1) year or a fine of not less than Two Hundred Thousand Naira Only (₦200,000.00) or both. Aiding Harmful Traditional Practices

7. (1) Any marriage partner who forcefully evicts his/her partner from his/her home or refuses him/her access commits an offence and is liable on conviction to imprisonment for a term of not less than two years or a Forceful Ejection From Home

fine of not less than Three Hundred Thousand Naira Only (₦300,000.00) or both.

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

8. (1) Whoever deprives another of his/her liberty except pursuant to a court order commits an offence and is liable on conviction to imprisonment for a term of not less than two (2) years or a fine of not less than Five Hundred Thousand Naira Only (₦500,000.00) or both. Depriving a Person of his/her Liberty

(2) Any person who incites, aids, abets, or counsels another person to commit the offence as provided for in subsection (1) of this section is guilty of an offence and is liable on conviction to imprisonment for a term of not less than two (2) years or a fine of not less than Three Hundred Thousand Naira Only (₦300,000.00) or both. Aiding Deprivation

9. (1) Whoever 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 is liable on conviction to imprisonment for a term of not less than two (2) years or a fine of not less than Three Hundred Thousand Naira Only (₦300,000.00) or both. Damage to Property with Intent to Cause

10. (1) Any person who causes forced financial dependence or economic abuse of another commits an offence and is liable on conviction to imprisonment for a term not exceeding two years or a fine of not less than Five Hundred Thousand Naira Only (₦500,000.00) or both. Forced Financial Dependence or Economic Abuse

(2) Any person who attempts to commit the offence provided for in sub section (1) of this section is guilty of an offence and is liable on conviction to imprisonment for a term of not less than one (1) year or a fine of not less than Two Hundred Thousand Naira Only (₦200,000.00) or both. Attempted Forced Financial Dependence

(3) Any person who incites, aids, abets, or counsels another person to commit the offence as provided for in subsection (1) of this section is guilty of an offence and is Aiding Forced Financial Dependence

liable on conviction to imprisonment for a term of not less than one (1) year or a fine of not less than Two Hundred Thousand Naira Only (₦200,000.00) or both.

- (4) Any person who receives or assists another who to his/her knowledge committed the offence provided or in subsection (1) of this section above is an accessory after the fact and is therefore liable to imprisonment for a term of not less than one (1) year or a fine of not less than Two Hundred Thousand Naira Only (₦200,000.00) or both.

Accessory after the fact to
Forced Financial
Dependence

11. (1) Any person who forcefully isolates or separates another from family and friends commits an offence and is liable on conviction to imprisonment for a term of not less than six (6) months or a fine of not less than One Hundred Thousand Naira Only (₦100,000.00) or both.

Forced Isolation from
Family and Friends

- (2) Any person who attempts to commit the act of violence provided for in subsection (1) of this section is guilty of an offence and is liable on conviction to imprisonment for a term of not less than three (3) months or a fine of not less than One Hundred Thousand Naira Only (₦100,000.00) or both.

Attempted Forcefully
Isolation or Separation

- (3) Any person who incites, aids, abets, or counsels another person to commit the offence as provided for in subsection (1) of this section is guilty of an offence and is liable on conviction to imprisonment for a term of not less than three (3) months or a fine of not less than One Hundred Thousand Naira Only (₦100,000.00) or both.

Aiding Forced Isolation
or Separation

- (4) Any person who receives or assists another who to his/her knowledge committed the offence provided for in subsection (1) of this section is an accessory after the fact and is therefore liable to imprisonment for a term of not less than three (3) months or a fine of not less than One Hundred Thousand Naira Only (₦100,000.00) or both.

Accessory after the fact to
Forced Isolation or
Separation

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

Emotional, Verbal and
Psychological Abuse

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

Attempted
Emotional/Verbal/Psychological Abuse

(3) Any person who incites, aids, abets, or counsels another person to commit the act of violence as provided for in subsection (1) of this section is guilty of an offence and is liable on conviction to imprisonment for a term not exceeding six months or a fine not exceeding ₦100,000.00 or both.

(4) Any person who receives or assists another who to his/her knowledge committed the offence provided for in subsection (1) of this section is an accessory after the fact and is therefore liable to imprisonment for a term not exceeding six months or a fine not exceeding ₦100,000.00 or both.

13. (1) Any person who abandons a wife/husband, children or other dependent without any means of sustenance commits an offence and is liable on conviction to imprisonment for a term not exceeding three years or a fine not exceeding ₦500,000.00 or both.

Abandonment of Spouse,
Children and other
Dependent without
Sustenance

(2) Any person who attempts to commit the act of violence provided for in subsection (1) of this section is guilty of an offence and is liable on conviction to imprisonment for a term not exceeding two years or a fine not exceeding ₦200,000.00 or both.

(3) Any person who incites, aids, abets, or counsels another person to commit the act of violence as provided for in subsection (1) of this section is guilty of an offence and is liable on conviction to imprisonment for a term not exceeding two years or a fine not exceeding ₦200,000.00 or both.

(4) Any person who receives or assists another who to his/her knowledge committed the offence provided for in subsection (1) of this section is an accessory after the fact and is therefore liable to imprisonment for a term not exceeding two years or a fine not exceeding ₦200,000.00 or both.

14. (1) Any person who stalks another commits an offence and is liable on conviction to Imprisonment for a term not exceeding two years or a fine not exceeding ₦500,000.00 or both. Stalking
- (2) Any person who attempts to commit the act of violence provided for in subsection (1) of section is guilty of an offence and is liable on conviction to imprisonment for a term not exceeding one year or a fine not exceeding ₦200,000.00 or both. Attempted Stalking
- (3) Any person who incites, aids, abets, or counsels another person to commit the act of violence as provided for in subsection (1) of this section is guilty of an offence and is liable on conviction to imprisonment for a term not exceeding one year or a fine not exceeding ₦200,000.00 or both. Aiding Stalking
- (4) Any person who receives or assists another who to his/her knowledge committed the offence provided for in subsection (1) of this section is an accessory after the fact and is therefore liable to imprisonment for a term not exceeding one year or a fine not exceeding ₦100,000.00 or both. Accessory after the fact to Stalking
15. (1) Any person commits an offence if he intentionally administers a substance to, or causes a substance to be administered to or taken by another person with the intention of stupefying or overpowering that person so as to enable any person to engage in a sexual activity with that person. Administering a Substance with Intent
- (2) A person guilty of an offence under this section is, in addition to any other offence under this Law liable on conviction to imprisonment for a term not exceeding 10 years or a fine of ₦500,000.00 or both.
16. Incest means any person who knowingly and wilfully, has carnal knowledge of another, within the Prohibited Degrees of Consanguinity and Affinity. Provided that the consent was obtained by fraud or threat; and where the two parties consent both shall be guilty of this offence and shall be liable on conviction to a term of not less than five (5) years without an option of fine. Incest

17. (1) Any 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 of indecent exposure. Indecent Exposure
- (2) Any 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 guilty of an offence under this section is liable to upon conviction to imprisonment for a term of not less than one year or a fine not exceeding N500,000 or both.
18. (1) Any person who commits political violence as defined in the provisions of this Law, commits an offence and is liable on conviction to imprisonment violence for a term not exceeding four years or a fine not exceeding ₦500,000.00 or both. Political Violence
- (2) Any person who attempts to commit the act of violence provided for in subsection (1) of this section is guilty of an offence and is liable on conviction to imprisonment for a term not exceeding two years or a fine not exceeding ₦500,000.00 or both. Attempted Political Violence
- (3) Any person who incites, aids, abets, or counsels another person to commit the act of violence as provided for in subsection (1) of this section is guilty of an offence and is liable on conviction to imprisonment for a term not exceeding two years or a fine not exceeding ₦500,000.00 or both.
- (4) Any person who receives or assists another who to his/her knowledge committed the offence provided for in subsection (1) of this section is an accessory after the fact and is therefore liable to imprisonment for a term not exceeding two years or a fine not exceeding ₦500,000.00 or both.

PART III

APPLICATION FOR A PROTECTION ORDER

19. (1) The High Court of the state or any other court of competent jurisdiction shall hear and determine any application brought under this Law. Jurisdiction of the Court
Protection Order
- (2) An application for protection order may be made before any court following a complaint of violence by the complainant. A protection order granted by the Court shall be effective throughout the State and no time limit or prescription shall apply in relation to a person seeking to apply for such protection order.
20. (1) Any complainant may in the prescribed manner apply to the court for a protection order. Application for Protection
Order
- (2) 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.
- (3) Notwithstanding the provisions 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 must 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.

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

(5) The application and affidavits shall be filed in court.

21. (1) The court shall as soon as is reasonably possible consider an application submitted to it may, for that purpose, consider such evidences as it deems fit, including oral evidence or evidence by affidavit, which shall form part of the record of the proceedings.

Consideration of
Application and Issuing of
Interim Protection Order

(2) (a) 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 been serve notice of the proceedings contemplated in subsection (1) of this section, issue an interim protection order against the respondent, in the prescribed manner.

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

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

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

- (3) (a) An interim protection order must be served on the respondent in the prescribed manner and must call upon the respondent to show cause on the return date, specified in the order why a protection order should not be issued
- (b) A copy of the application referred to in section 30 (1) and the record of any evidence taken in terms of subsection (1) of this section shall be served on the respondent together with the interim protection order.
- (4) If the court does not issue an interim protection order in terms of subsection (2) of this section, the court shall direct the Registrar of the court to cause certified copies of the application concerned and any supporting affidavit to be served on the respondent in the prescribed manner, together with a prescribed notice calling on the respondent to show cause on the return date as specified in the notice why a protection order should not be issued.
- (5) The return dates referred to in subsections (3) (a) and (4) of this section may not be less than 5 days after service has been effected upon the respondent.
22. (1) If the respondent does not appear on a return date contemplated in section 31 (3) or (4), and if the court is satisfied that: Issuing of Protection Order
- (a) proper service has been effected on the respondent; and
- (b) the application contains prima facie evidence that the respondent has committed, is committing or that there is an imminent likelihood that he may commit an act of domestic violence, 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:
- (a) consider any evidence previously received in terms of section 31(1); and

- (b) consider such further affidavits or oral evidence as it may direct, which shall form part of the record of the proceedings.
- (3) The court may, on its own accord or on the request of the complainant, if it is of the opinion that it is just or desirable to do so, order that in the examination of 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) of this section, issue a protection order in the prescribed form if it finds, on a balance of probabilities, that the respondent has committed, is committing or that there is an imminent likelihood that he may commit an act of domestic violence.
- (5) Upon the issuing of a protection order the Registrar of the court shall forthwith 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 shall be served on the complainant.
- (6) The Registrar of the court shall forthwith 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 this Law, a protection order issued under this section remains in force until it is set aside, and the execution of such order shall not be automatically suspended upon the filing of an appeal.

23. (1) The court may, by means of protection order 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 interests of the complainant;
- (d) entering a specified part of such a shared household;
- (e) entering the complainant's residence;
- (f) entering the complainant's place of employment;
- (g) preventing the complainant from entering or remaining in the shared household or a specified part of the shared household;
- (h) alienating or disposing the shared household or encumbering same;
- (i) renouncing his rights in the shared household except in favour of the complainant; or
- (j) committing any other act as specified in the protection order.

(2) The court may impose any additional conditions, 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 must accompany the complainant to a specified place to assist with arrangements regarding the collection of personal property; or

- (c) directing the respondent to secure alternative accommodation for the complainant; or
 - (d) order a temporal relocation to any safe place as may be deemed fit in the interest of the complainant;
 - (e) approve a mediation channel upon submission by the complainant.
- (3) In ordering a prohibition, the court may impose on the respondent obligations as to the discharge of rent or mortgage payments having regard to the financial needs and resources of the complainant and the respondent.
- (4) The court may order the respondent to pay emergency monetary relief having regard to the financial needs and resources of the complainant and the respondent, and such order has the effect of a civil judgment of a court.
- (5) The court may issue any directions 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 conditions as it may consider appropriate.
- (7) The court may not refuse to issue a protection order; or to impose any condition or make any order which it is competent to impose or make under this section, merely on the grounds that other legal remedies are available to the complainant.
- (8) If the court is of the opinion that any provision of a protection order deals with a matter that should, in the interests of justice, be dealt with further in terms of any other relevant law, including the Matrimonial Causes Act, 1970, Cap. M7 Laws of the Federation, 2004, Child Welfare and protection Law 2018 the court must 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 in terms of such law.

24. (1) A police officer at the scene of an incident of violence or to whom a report of violence has been made shall have the duty of: Police Powers

(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/her rights to protection against violence and remedies available in terms of this Law;

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

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

(2) Any police officer may, without an order from the Court or a warrant of arrest, arrest:

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

(b) any person against whom 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:

- (a) to 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) to remove or supervise the removal of any dangerous weapon used in order to commit an act of violence as contemplated in this Law.
- (c) to perform any other act considered necessary in order to ensure the safety and well-being of the complainant.

25. (1) Whenever a court issues a protection order, the court shall make an order:

Warrant of Arrest upon Issuing of Protection 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.

(2) The warrant shall remain 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 and cancelled; or
- (b) lost or destroyed.

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

(b) If it appears to the police officer concerned that, there are reasonable grounds to suspect that the complainant may suffer imminent harm as a result

of the alleged breach of the protection order by the respondent, the police officer shall forthwith arrest the respondent for allegedly committing the offence referred to in Part I.

(c) If the police officer concerned is of the opinion that there are insufficient grounds for arresting the respondent in terms of paragraph (b), he or she shall forthwith hand a written notice to the respondent which:

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

(ii) 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; and

(iii) contains a certificate signed by the police officer concerned to the effect that he or she handed the original notice to the respondent and that he or she explained the import thereof to the respondent.

(d) The police officer shall forthwith forward a duplicate original of a notice referred to in paragraph (c) to the Registrar of the court concerned, and the mere production in the court of such a duplicate original shall be prima facie proof that the original thereof was handed to the respondent specified therein.

(5) In considering whether or not the complainant may suffer imminent harm, the police officer shall take into account-

(a) the risk to the safety, health or well-being of the complainant;

(b) the seriousness of the conduct comprising an alleged breach of the protection order; and

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

(6) Whenever a warrant of arrest is handed to a police officer 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.

26. (1) A complainant or a respondent may, upon written notice to the other party and the court concerned, apply for the variation or setting aside of a protection order in the prescribed manner.

Variation of Setting aside
of Protection Order

(2) If the court is satisfied that 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) of this section.

27. 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 commission;
- (ii) the person who brought the application;
- (iii) the respondent to that application;

(b) If the application for the order was made by a commissioner in any other case by:

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

- (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 circumstances.

28. (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 shall be guilty of an offence and shall be liable on summary conviction to a fine of not less than Three Hundred Thousand Naira Only (₦300,000.00) or to imprisonment for a term of not less than six months (6) 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) Any person who in an affidavit referred to in this section, wilfully makes a false statement in a material respect shall be liable upon conviction to a fine of not less than Two Hundred Thousand Naira Only (₦200,000.00) or, at the discretion of the court, to imprisonment for a term of not less than six months (6) or both.

Offences Relating to Protection Orders

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

Application and Forms of Protection Order

30. (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 instruments to which Nigeria is a party, every victim of violence as defined in section 1 of this Law, is entitled to the following rights:

Rights of Victims

- (i) (a) Every victim is entitled to receive the necessary materials, medical, psychological, social and legal assistance through governmental agencies' and/or non-governmental agencies providing such assistance.
- (b) Victims are entitled to be informed of the availability of legal, health and social services and other relevant assistance and be readily afforded access to them.
- (c) Victims are entitled to rehabilitation and re-integration programme of the State to enable victims to acquire, where applicable and necessary, pre-requisite skills in any vocation of the victim's choice and also in necessary formal education or access to micro credit facilities.
- (ii) (a) 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.
- (b) 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.
- (c) Any head of institution who violates the provisions of this subsection is guilty of an offence under this act and shall be liable on conviction to imprisonment for six months or a fine of N200, 000 or both.
- (iii) (a) No person may be present during any proceedings in terms of this Law except-
 - (i) Officers of the court;
 - (ii) the parties to the proceedings;

- (iii) any person bringing an application on behalf of the complainant in terms of section 31 (3);
 - (iv) any legal practitioner representing any party to the proceedings;
 - (v) accredited service provider;
 - (vi) witnesses;
 - (vii) not more than three persons for the purpose of providing support to the complainant;
 - (viii) not more than three persons for the purpose of providing support to the respondent; and
 - (ix) 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 my part of the proceedings.
- (b) Nothing in this subsection limits any other power of the court to hear proceedings in camera or to exclude any person from attending such proceedings.
- (2) (a) No person shall publish in any manner any information which might, directly or indirectly, reveal the identity of any party to the proceedings.
- (b) The court, if it is satisfied that it is in the interests of justice, may direct that any further information relating to proceedings held in terms of this Law shall not be published provided that no direction in terms of 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) Any person who contravenes the provisions of this subsection is guilty of an offence and is liable upon conviction to imprisonment for a term of not less than one year or to fine of not less than Two Hundred Thousand Naira Only ₦200,000.00 or both.

PART IV

SERVICE PROVIDERS

31. (1) Subject to such rules as may be made, any voluntary association registered under the Companies and Allied Matters Act 1990 or any other powers of 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 provide 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 responsible for woman Affairs and Social Development shall:
- (a) keep a register of all accredited service providers and circulate same to all police stations, protection officers and the courts; and
 - (b) draw up guidelines for the operation of the accredited service providers.
- (3) A service provider so registered under subsection (1) shall have the power to:
- (a) record the violence incidence report in the prescribed form if the aggrieved person so desires and forward a copy thereof 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.
 - (c) ensure that the aggrieved person is provided shelter in a shelter home, if 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.

32. (1) The appropriate government Ministry shall appoint such number of protection officers in each Area Council as it may consider necessary, to assist the court in the discharge of its duties under this Law to co-ordinate the activities of the police and the accredited service providers in his Area Council to ensure that the victims/survivors of violence:

Protection Orders

- (a) has easy access to accredited service providers;
- (b) has 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) is able to collect her belongings or properties from a shared household or her residence, if the complainant so requires;
- (d) is able to access the court for orders under this Law; or
- (e) has 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.

33. Annual report shall be submitted to the Governor on the implementation of this Law, and a copy of which would be deposited with the State Bureau for Statistics. Annual Report to be submitted to the Governor

34. A court may declare a person who has been convicted of a sexual offence a dangerous sexual offender if such person has been convicted for a sexual offence against; Dangerous Sexual Offenders

(a) a child without his Consent; or

(b) any adult without his Consent.

35. (1) Any offence committed or proceedings instituted before the commencement of this Law or under the provisions of the - General Saving

(a) Administrative of Criminal Justice of Nigeria;

(b) Penal Code;

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

SCHEDULE

**AFFIDAVIT, APPLICATION AND FORMS OF PROTECTION
ORDER FORM**

GENERAL FORM OF APPLICATION FOR PROTECTION ORDER

In the.....Court,

In the..... Division/District,

Suit No.....

Between: A. BComplainant *and*

C. D..... Respondent

APPLICATION FOR PROTECTION ORDER BY THE VICTIM

The Complainant applies that he/she be protected by the Honourable Court by the issuance of a protection order against the Respondent.

DATED this day of 2018

.....
Complainant/Complainant's Counsel

FORM 2

**GENERAL FORM OF APPLICATION FOR PROTECTION ORDER
BY A PERSON OTHER THAN THE VICTIM**

In the..... Court,

In the..... Division/District,

Suit No

Between

A. B Complainant

and

C. D..... Respondent

and

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

**APPLICATION FOR PROTECTION ORDER BY A PERSON
OTHER THAN THE VICTIM**

I, E.F. Guardian to A.B. the Complainant, hereby applies that AB be protected by the Honourable Court by the issuance of a Protection Order against the Respondent.

DATED this day of 20.....

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

FORM 3
AFFIDAVIT IN SUPPORT OF APPLICATION FOR PROTECTION ORDER

In the..... Court.

In the..... Division/District.

Suit No

Between

A. B Complainant

And

C.D..... Respondent

And

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

I, A.B.....

of hereby make oath
and state as follows:

1. That I am the Complainant/Guardian of the Complainant/ A Police Officer/ A Protection Officer/An Accredited Service Provider/ A Counsellor/ A Health Service Provider/Social Worker/Teacher etc

.....
DEPONDENT

Sworn to at Court Registry

DATED This day of 20.....

BEFORE ME
COMMISSIONER FOR OATHS

FORM 4

CONSENT TO APPLICATION FOR PROTECTION ORDER IN RELATION TO A PERSON NOT BEING A MINOR, MENTALLY RETARDED PERSON, UNCONSCIOUS OR A PERSON WHO THE COURT IS SATISFIED IS UNABLE TO PROVIDE CONSENT

In the..... Court,

In the..... Division/District,

Suit No

Between

A.B Complainant

And

C.D..... Respondent

And

E.F Guardian

CONSENT TO APPLICATION FOR PROTECTION ORDER

I, A.B..... Complainant in this case hereby consents to the application by EF, for the issuance of a Protection Order on my behalf.

Dated this day of 20.....

.....
Complainant

FORM 5

GENERAL FORM OF INTERIM PROTECTION ORDER

In the..... Court,

In the..... Division/District,

Suit No

Between

A.B Complainant

And

C.D..... Respondent

And

E.F
Guardian/Police Officer, etc

To: CD Respondent

INTERIM PROTECTION ORDER

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

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

You are hereby commanded to show cause on the day of the return date, why a protection order should not be issued against you.

THIS ORDER shall serve as a protection order for the Complainant until the return date.

Given under my hand this..... day of.....

.....
Judge/Magistrate

FORM 6

GENERAL FORM OF PROTECTION ORDER

In the..... Court,

In the..... Division/District,

Suit No

Between

A.B Complainant

And

C.D..... Respondent

And

E.F
Guardian/Police Officer, etc

To: CD Respondent

PROTECTION ORDER

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

AND WHEREAS there is prima facie evidence that you have committed an act or acts of domestic violence against the complainant, or that there is imminent likelihood of your committing such violence against the complainant; You are hereby prohibited from:
(insert whichever is appropriate)

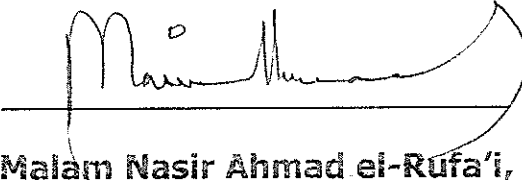
- (a) committing any act of domestic violence;
- (b) enlisting the help of another person to commit any such act;
- (d) entering a specified part of such a shared household;
- (c) entering a shared household: Provided that the court may impose this prohibition only if it appears to be in the best interests of the complainant;
- (e) entering the complainant's residence;
- (f) entering the complainant's place of employment;

- (g) preventing the complainant from entering or remaining in the shared household or a specified part of the shared household;
- (h) alienating or disposing the shared household or encumbering same;
- (i) renouncing his rights in the shared household except in favour of the complainant;
- (j) committing any other act as specified in the protection order; and/or
- (k) as the court deems fit.

Given under my hand this.....^{15th}.....day of.....^{December}..... 20

.....
Judge/Magistrate

DATED AT KADUNA this^{1st}..... day of*December*..... 2018.



Malam Nasir Ahmad el-Rufa'i,
Governor, Kaduna State.

EXPLANATORY NOTE

(This note does not form part of this Law and has no legal effect).

The purpose of this Law eliminate Violence in private and public life including physical, sexual, psychological, Domestic, Harmful traditional practices, Discrimination against persons and to provide protection and punishment of offenders.

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


HON. AMINU ABDULLAHI SHAGALI

(Speaker)


BELLO ZUBAIRU IDRIS Esq.

(Clerk to the Legislature)