



# **EKITI STATE GENDER-BASED VIOLENCE (PROHIBITION) LAW, 2011**

**NO. 21 OF 2011**





*...Ilẹ̀ Iyì, Ilẹ̀ Èyẹ̀*

## **EKITI STATE OF NIGERIA**

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**A LAW PROHIBITING GENDER-BASED VIOLENCE IN EKITI-STATE AND  
OTHER MATTERS CONNECTED**

**THERE WITH.**

**NO. 21 2011**

**EKITI STATE OF NIGERIA**

Commencement (        )

Enacted by the Ekiti State House of Assembly as follows:

**1. CITATION**

This Law may be cited as the GENDER –BASED VIOLENCE  
(PROHIBITATION) LAW, 2011

**2. INTERPRETATION/DEFINITION**





**A. GENDER-BASED VIOLENCE MEANS:**

- I. Violence that affects a person or group of persons disproportionately because of their sex.
- II. Any act that inflicts physical, mental or sexual harm or suffering, threats of such acts, coercion and other deprivation of liberty.
- III. All acts of violence whether those acts occur in the public sphere or in the private sphere.
- IV. All acts of violence which impair or nullify the enjoyment of human rights and fundamental freedoms under general international law or under human rights conventions as discrimination.

These rights and freedoms include:

- (a) The right to life;
- (b) The right not to be subjected to torture or to cruel, inhuman or degrading treatment or punishment;
- (c) The right to equal protection according to humanitarian norms in times of international or internal armed conflict;
- (d) The right to liberty and security of person;





- (e) The right to equal protection under the law;
- (f) The right to equality in the family;
- (g) The right to the highest standard attainable of physical and mental health;
- (h) The right to just and favorable conditions of work.

## **B. TYPES OR FORMS OF GENDER-BASED VIOLENCE**

Gender-Based violence shall include:

- I. Threats to commit, or acts liable to result in **Physical abuse**, which includes slapping, beating, arm twisting, stabbing, straggling, burning, choking, kicking, threats with an object or weapon, murder and traditional practices which are harmful health and well being;
- II. Sexual abuse which includes forceful engagement of another person in a sexual conduct that abuses, humiliates or degrades the other person or otherwise defiles another person's sexual integrity or a sexual contact by a person aware of being infected with Human Immunodeficiency Virus (HIV) or any other Sexual Transmitted Diseases (STD) with another without that other person being given prior information of the infection;





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- III. Psychological abuse which includes any behavior that make another person fell constantly unhappy, miserable, humiliated, ridiculed, afraid, jittery, or depressed or to feel inadequate or worthless.
- IV. Economic abuse which includes such as the denial of funds, refusal to contribute financially, denial of food and basic needs and controlling access to health care and employment.
- V. Any act which attempts or results in degrading people physically, psychologically, economically or emotionally.
- VI. Behaviour or conduct that in any way:
  - a) harms or may harm another person:
  - b) endangers the safety, health or well-being of another person:
  - c) undermines another person's privacy, integrity or security, or
  - d) detracts or is likely to detract another person's dignity and worth as a human being
- VII. All acts of domestic violence perpetrated by intimate partners and family members.

These include:

- (a) All acts of violence occurring within the family and interpersonal relationship:



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- (b) Dating relationship and relationships akin to a family relationship or a relationship in a domestic situation that exist or has existed between a complainant and respondent and includes a relationship where the complainant:
- (i) is presently married or was married to the respondent, cohabits with the respondent in a relationship in the nature of a marriage even if they are not or were not married to each other or could not or cannot be married to each other:
  - (ii) is engaged to the respondent, courting the respondent or is in an actual or perceived romantic, intimate, or cordial relationship not necessarily including a sexual relationship with the respondent, and both are parents of the child, are expecting a child together or are foster parents of a child;
  - (iii) is a blood relationship to the respondent or is adopted by the respondent and respondents are family members related by consanguinity,
  - (iv) is a house help in the household of the respondent; or is in a relationship determined by the court to be a domestic relationship.







**C. RAPE MEANS:**

Unlawful carnal knowledge of a woman/man or girl/boy without their consent or if consent is obtained by force or by means of threats or intimidation of any means of false fraudulent representation as to the spouse.

**D. SEXUAL ASSAULT MEANS:**

Causing another person to engage in a sexual activity by threatening or placing that person in fear, engaging in a sexual act if that person is incapable of declining participation in or communicating unwillingness to engage in that sexual act.

**E. VIOLENCE AGAINST WOMEN MEANS:**

I. Any act of gender-based violence that results in or is likely to result in physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation or liberty, whether occurring in public or private life;

II. A combination of any of the following:

(i) Willfully placing or attempting to place a woman or girl in fear of physical injury which includes slapping, beating, arm twisting, stabbing, strangling, burning, choking, kicking, threats with an object or weapon and murder;





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- (ii) Coercing a woman or girl by force or threats to engage in any act, sexual or otherwise, to the detriment of her physical or psychological well being;
- (iii) Traditional practices harmful to women such as female genital mutilation, attempting or aiding the mutilation of a woman or girl-child's genitals;
- (iv) Indecently assaulting a woman or girl;
- (v) Raping a woman or girl.
- (vi) Committing incest with a woman or girl;
- (vii) Marrying or giving an under-age girl into marriage;
- (viii) Sexually harassing a woman or girl;
- (ix) Sexually assaulting a woman or girl;
- (x) Sexually exploiting or enslaving a woman or girl;
- (xi) Sexually abusing a woman or girl;
- (xii) Forcing a woman or girl into prostitution, slavery or trafficking;
- (xiii) Depriving a woman of her liberty;
- (xiv) Denying a woman of economic benefit without just cause;
- (xv) Exposing any woman or girl to forced labour;



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- (xvi) Forcing any woman to isolate herself from family and friends;
- (xvii) Inflicting any emotional abuse on a woman;
- (xviii) Abandoning wife or children without any means of subsistence;
- (xix) Stalking or intimidating woman or girl;
- (xx) Inflicting any domestic violence on a woman or girl;
- (xxi) Imposition of dress codes under any guise;
- (xxii) Criminalizing pregnancy outside marriage;
- (xxiii) Trafficking in women and girls.

## **STRATEGY FOR CONTROLLING/ELIMINATING GENDER-BASED VIOLENCE**

### **3. PROHIBITION OF GENDER – BASED VIOLENCE**

- (a) The use of violence in any form of setting is hereby prohibited.
- (b) No person shall engage in any form of gender-based violence.





#### 4. OFFENCES AND PENALTY

- (a) Any person who engages in gender-based violence commits an offence and is liable on summary conviction to a fine of not less than fifty thousand naira (~~₦~~50,000) or a term of imprisonment of not less than two years or to both.
- (b) Any person who attempts to commit any of the offences under Section 2A – E of this Law commits an offence and is liable on summary conviction to a fine of not less than fifty thousand naira (~~₦~~50,000) or a term of imprisonment of not less than two years or to both.
- (c) Any person who aids, incites or counsels another person to commit any of the offences in Section 2A-E of this Law is deemed to have taken part in the commission of the offence and upon conviction shall be liable to imprisonment for a minimum of two (2) years or a minimum fine of ~~₦~~50,000.00 or both fine and imprisonment.
- (d) Any person who commits the offence of rape shall on conviction be liable to imprisonment for a minimum of seven years and a maximum of fourteen years without an option of fine.





- (e) The Court in addition to inflicting a fine or a prison term may order the offender in a case of violence to pay compensation to the victim as the court may deem fit.

## 5. DESIGNATED COURT

The Chief Judge shall designate a court for the purpose of hearing cases of violence against women and the girl child brought pursuant to the provisions of this Law.

## 6. LODGING OF COMPLAINT WITH THE POLICE

- (a) A victim or witness of gender-based violence or any other person with information about gender-based violence may lodge a complaint with the police.
- (b) In the case where the victim of such violence is a child, he/she may be assisted by a next of kin/guardian to lodge a complaint on the violence.
- (c) A protection officer, a social worker, or health care giver shall lodge a complaint about any form of gender-based violence where the intervention is in the interest of the victim.





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- (d) In situation where the victim is not able to lodge a complaint, a member of the victim's family/guardian shall lodge a complaint on behalf of the victim.
  
- (e) In case of death of the victim of a gender-based violence, the personal representatives of the deceased person or a member of his/her family or any person willing and competent to represent the deceased may lodge a complaint.
  
- (f) A complaint about gender-based violence shall be lodged with the Police at any of the places where:
  - (i) the offender resides,
  - (ii) the victim resides,
  - (iii) the gender-based violence took place or is taking place,
  - (iv) the victim is residing temporarily, where the victim has left his or her usual place of abode.

## 7. POLICE ASSISTANCE

A police officer shall respond promptly to a request by a witness or victim of gender-based violence for assistance from such violence and shall offer the protection that the circumstances of the case or the person who made the report require.



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## 8. RECEIPT OF COMPLAINT BY POLICE AND FREE MEDICAL TREATMENT

A. The Police Officer that receives a complaint of any act of gender-based violence shall:

(a) First take the victim to the hospital to see a medical practitioner and the medical practitioner shall help the victim in the following ways:-

- (i) By screening for domestic violence;
- (ii) By documenting abuse in the medical record;
- (iii) By safeguarding evidence;
- (iv) By providing counseling services;
- (v) By making referrals to appropriate social and legal services;

(b) The medical practitioner shall provide victims with information about the full spectrum of intervention and option available and shall support them in making the decisions the woman thinks is best.



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- B. The police officer shall then:
- (a) conduct interviews with all parties involved in the violence and must extend the interviews to witnesses of the violence, including children;
  - (b) record the complaint in details and on request, provide an extract of the occurrence to the victim in a language the victim understands;
  - (c) ensure the safety of the victim by assisting her to a place of safety as the circumstances of the case or as the victim requires where the victim expresses concern about safety;
  - (d) protect the victim to enable the victim retrieve personal belongings where applicable;
  - (e) assist and advise the victim to preserve evidence.

## 9. **ARREST BY POLICE**

- A. A police officer may arrest a person for an offence of gender-based violence with a warrant issued under this Law or without a warrant.



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- B. The police officer shall use his discretion to arrest any person suspected of having committed any of the offences listed under Section 2A-E of this Law.
- C. A police officer may also arrest any person against whom a complaint of having committed any of the offences listed in Section 2A-E has been made.

Such arrest can be made without a court order or warrant of arrest where:

- (a) an act of violence is committed in the presence of the police officer,
  - (b) the police officer is obstructed by the person in the execution of police duties; or
  - (c) the person has escaped or attempted to escape from lawful custody.
- D. A police officer may arrest a person without warrant on reasonable suspicion that the person:



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- (a) has committed an offence of gender-based violence, or
- (b) is about to commit an offence of gender-based violence and there is no way to prevent the commission of the offence.

## 10. **ARREST WITHOUT WARRANT BY PERSON OTHER THAN POLICE OFFICER**

- A. Any person other than a police officer may arrest without warrant,  
  
another person if that other person commits an act of gender-based violence in the presence of the person.
  
- B. A person other than a police officer may arrest without warrant, another person where the person has reasonable suspicion that the other person has committed an offences of gender-based violence.

## 11. **PROTECTION ORDER**

The designated court may in the exercise of its jurisdiction issue a Protection Order.



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## 12. APPLICATION FOR PROTECTION ORDER

- A. An application for a Protection Order may be made before the court following a complaint of gender-based violence as defined under section 2A-E of this Law.
- B. The following persons or agencies may apply for a Protection Order before the court. The Court will only accept applications from the categories listed below:
- (a) The Complainant;
  - (b) The Gender-based Violence Management Committee;
  - (c) The Police;
  - (d) A relation of the victim or guardian;
  - (e) A Social worker or health worker;
  - (f) A representative of a relevant Civil Society Organization;
  - (g) Any person who witnesses the act of violence.



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### 13. PROTECTION ORDER PREVENTING GENDER-BASED VIOLENCE

A person referred to in this Law; as the applicant, may apply to Court for a Protection Order to prevent:

1. another person, referred to in this Law as the respondent,
2. a person associated with the respondent, or
3. both a respondent and a person associated with the respondent from carrying out a threat of gender-based violence against the applicant or to prevent the respondent, an associated respondent or both from further committing similar acts which constitute gender-based violence against the applicant.

### 14. PROCEDURE FOR PROTECTION ORDER

The application may be filed in a Court situated where;

- (a) the applicant resides, carries on business or is employed;
- or





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- (b) the respondent resides, carries on business or is employed; or
- (c) the act of gender-based violence occurred or is occurring;
- (d) the application shall be made ex-parte supported by an affidavit of the applicant or any person unless the Court otherwise orders it to be on notice.
- (e) A Court before which criminal proceedings in relation to gender-based violence is pending may on its own will, considering the circumstances of the case, or on an application by the victim issue a Protection Order in respect of the victim.

## 15. CONDUCT OF PROCEEDINGS

- (a) Proceedings for a Protection Order shall be held in private in the presence of the Parties, their lawyers and any other person permitted by the Court to be present;
- (b) Where the Court is of the view that the presence of the respondent is likely to have a serious adverse effect on the victim or a witness, the Court may take the steps that it considers necessary to separate the



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respondent from the victim or the witness, without sacrificing the integrity of the proceedings.

- (c) An application for a Protection Order shall be heard by the Court within a period of ten days after the filling of the application;
- (d) The Court may request a social or psychological enquiry report or both a social and psychological enquiry report on any of the parties to the proceedings and the report shall be prepared and submitted to the Court by a Social Welfare Officer or a Clinical Psychologist as appropriate.
- (e) The report shall contain details of the circumstances of the gender-based violence, an assessment of the effect of the violence and any other information considered expedient by the Social Welfare Officer or the Clinical Psychologist.

## 16. INTERIM PROTECTION ORDER

- A. Subject to the provisions of Section 12 the court may issue an Interim Protection Order on the application for a survivor or violence against women or the girl child in circumstances where there is reasonable cause to believe that, unless the order is issued, the





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applicant or dependent of applicant shall be at risk of acts of violence by the respondent defendant.

- B. (a) Where an application is made to the Court, the Court shall issue an Interim Protection Order if it considers the order to be in the best interest of the applicant.
- (b) In determining whether it is in the best interest of the applicant to issue an Interim Protection Order, the Court shall consider:
- (i) whether there is risk of harm to the applicant or a relation or friend of the applicant if the order is not made immediately;
  - (ii) whether it is likely that the applicant will be deterred or prevented from pursuing the application if an order is not made immediately; and
- (iv) whether there is reason to believe that the respondent is deliberately evading service of notice of the proceedings and applicant shall be prejudiced by the delay involved in effecting service.



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C. (a) In the proceedings for the grant of an Interim Protection Order

- (i) The application shall be made ex-parte unless the Court otherwise orders it to be on notice, supported by an affidavit of the applicant or any person knowledgeable about the matters concerned and can be heard by the Judge in chambers;
- (ii) Such application must be heard within 24 hours of being filed;
- (iii) The return date on the Interim Protection Order should not be more than 14 days from the date the Interim Order is made and a copy of it must be given to the respondent.
- (iv) An Interim Protection Order shall be for a period of not more than two months.

(b) The court shall when making an Interim Protection Order, where the respondent is already before the court, call upon the respondent to appear within the period of two months to show cause why the Interim Order shall not be made final.



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- (c) Where the respondent, without reasonable cause, fails to appear before the court, the order shall become final.

## 17. GRANT OF PROTECTION ORDER

- (a) The Court may issue a Protection Order to prohibit a respondent from committing or threatening to commit an act of gender-based violence personally or otherwise against an applicant or a relation or a friend of the applicant.
- (b) The Protection Order may prohibit the respondent from:
- (i) physically assaulting or using physical force against the applicant or any relation or friend of the applicant;
  - (ii) forcibly confining or detaining the applicant or a relation or a friend of the applicant;
  - (iii) depriving the applicant access to adequate food, water, clothing and shelter;
  - (iv) forcing the applicant to engage in a sexual conduct;



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- (v) engaging in a sexual conduct that abuses, humiliates or degrades the applicant or otherwise violates the applicant's sexual integrity;
- (vi) depriving or threatening to deprive the applicant of:
  - economic or financial resources to which the applicant is entitled by law including salaries, household mortgage repayments or rent payments in respect of shared accommodation, and
  - household chattels required by the applicant as a matter of necessity;
- (vii) contacting the applicant at work or other places frequented by the applicant;
- (viii) contacting the applicant by telephone or any form of communication;
- (ix) disposing of or threatening to dispose of movable or immovable property in which the applicant has a material interest;
- (x) destroying or damaging, or threatening to destroy or damage property in which the applicant has a material interest;
- (xi) hiding or hindering the use of property in which the applicant has a material interest;



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- (xii) threatening to abuse the applicant;
- (xiii) harassing the applicant;
- (xiv) entering the applicant's residence without consent, where the parties do not share common residence;
- (xv) emotionally, verbally or psychologically abusing the applicant;
- (xvi) coming within fifty metres of the applicant; or
- (xvii) doing an act which the court considers is not in the best interest of the applicant.

## 18. DURATION OF FINAL PROTECTION ORDER

A final Protection Order issued by a Court shall not exceed twelve months in the first instance but may for good cause shown, be extended, modified or rescinded by the Court on a motion by a party to the original proceeding.

## 19. CONDITIONS OF PROTECTION ORDER

- (a) A Protection Order may:
  - (i) bring the respondent to be of good behaviour;



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- (ii) direct the respondent to seek counseling or other rehabilitative service,
  - (iii) direct the respondent to relocate and continue to pay any rent, mortgage payment and maintenance to the applicant;
  - (iv) require the respondent to relinquish property to the applicant and pay the applicant for damage caused to the property of the applicant; and
  - (v) require the respondent to pay for medical expenses incurred by the victim as a result of the gender-based violence.
- (b) The Court shall make any other order that it considers necessary for the health, safety and welfare of the applicant having regard to the recommendation in a social and psychological enquiry report.
- (c) A Court may not refuse to issue a Protection Order or impose any other condition solely on the ground that other legal remedies are available to the applicant.





## 20. PROVISION FOR TRAINING

- (i) There shall be training on regular basis for Judges, Law Enforcement Officers, Counselors, Medical Officers, Social Welfare Officers and other major stakeholders to equip them on how to effectively handle cases of gender-based violence.
- (ii) There shall training on regular basis for members of the Community to increase people's awareness of gender-based violence and to encourage them on how such violence could be handled and eradicated.
- (iii) There shall be a Rehabilitative Centre to aid in rehabilitating perpetrators of gender-based violence.

## 21. REFERENCE TO FAMILY COURT

- (a) Where there is a need for special protection for a child, the Court shall refer matters concerned with the temporary custody of a child in a situation of gender-based violence to a Family Court.
- (b) Any matter connected with gender-based violence in which a child is the perpetrator shall be referred to the designated Court.





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## 22. EXTENSION OF PROTECTION ORDER TO OTHER PERSONS

- A. The court may extend a Protection Order to a person specified in the order other than the applicant, if the Court is satisfied that:
- (a) the respondent is engaging in or has engaged in behaviour which would amount to Gender-Based violence against the person specified in the order; referred to as the specified person;
  - (b) the respondent's behaviour towards the specified person is due, in whole or in part to the applicant's relationship with the specified person; or
  - (c) the extension of the protection order is necessary for the protection of the specified person.

## 23. OCCUPATION ORDER

- (a) Where the Court in issuing a Protection Order considers it expedient to issue an Occupation Order, the Court may issue the Order requiring the respondent to vacate matrimonial home or any other specified home.
- (b) The Court shall issue the Order only after the consideration of a social and a psychological enquiry report prepared by a Social Welfare Officer and a Clinical Psychologist.



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- (c) The Court shall consider the effect of the Order or omission of the Order on the health, education and development of the family where the applicant and the respondent are in a marital relationship.
- (d) A landlord shall not evict an applicant solely on the basis that the applicant is not a party to a lease where the Court gives exclusive occupation of the residence which is the subject of the lease to the applicant.

#### 24. **POWER TO DISCHARGE PROTECTION ORDER**

- (a) A Court may discharge a Protection Order on an application on notice by an applicant or a respondent.
- (b) The Court may discharge the order even if the Order is;
  - (i) for the benefit of a specified person other than the applicant, or
  - (ii) against an associated respondent.
- (c) Where an Order is for the benefit of a specified person or against an associated respondent, either of them may apply for the order to be discharged in so far as it applies to them.





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- (d) An application may be made under this section for the discharge of an Interim Order in which case the Court shall fix a hearing date as soon as practicable but not later than thirty days after the filing of the application unless there are special circumstances.

## 25. CONTRAVENTION OF A PROTECTION ORDER

- (a) A person who contravenes a Protection Order commits an offence and is liable on summary conviction to a fine of not less than ~~₦~~20,000.00 and not more than ~~₦~~50,000.00 or to a term of imprisonment of not less than one month and not more than two years or to both.
- (b) Any person not being a first offender, convicted of an offence of contravening a Protection Order is liable on summary conviction to a fine of not less than Fifty thousand Naira (~~₦~~50,000.00) and not more than five hundred thousand naira (~~₦~~500,000.00) or to a term of imprisonment of not less than three years or to both.

## 26. MISCELLANEOUS PROVISION

- (1) The Court shall support reconciliation:
- (a) (i) in respect of gender-based violence which is not aggravated or does not require a sentence that is more than two years,



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- (ii) the complainant expresses the desire to have the matter settled out of Court,
- (b) in either situation, the Court shall refer the case for settlement by an alternative dispute resolution method, or
- (2) Where the Court is of the opinion that the case can be amicably settled, the Court may with the consent of the complainant refer the case for settlement by an alternative dispute resolution method.
- (3) Where a case is referred for settlement, the court shall in addition;
  - a. Refer the complainant and the respondent for counseling.
  - b. Where necessary, require the respondent to receive psychiatric help, or
  - c. In consultation with the Department of Social Welfare appoint a probation officer to observe and report on the subsequent conduct of the respondent to the Court.
  - d. Where a probation officer appointed reports that the respondent as engaged in any act of gender-based violence after the settlement, the respondent shall be brought before the Court and prosecuted under Section 24.





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## 27. **TRAINING OF LAW ENFORCEMENT AGENTS**

There shall be provision for capacity building for law enforcement agencies and Social workers involved in the control and elimination of any gender-based violence act.

## 28. **PUBLICATION OF PROCEEDINGS**

- a) Except with the order of the Court, a person shall not publish a report of the proceedings under this Law, other than criminal proceedings.
- b) The reporters shall protect the identity of the victim.

## 29. **CRIMINAL CHARGES AND PROTECTION**

The institution of a criminal charge arising from acts of Gender-Based Violence shall be in addition to and shall not affect the rights of an applicant to seek a Protection Order under this Law.

## 30. **CIVIL CLAIM FOR DAMAGES**

Criminal Proceedings under this Law shall be in addition to and shall not derogate from the Right of a person to institute a civil action for damages.



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### 31. **PROCEDURAL RULES FOR GENDER-BASED VIOLENCE**

The rules of the specific Court shall, where action under the Law is instituted, apply as appropriate to the Provision of this Law.

### 32. **ESTABLISHMENT OF FUND**

There is established by this Law a Gender-Based Violence Support Fund

### 33. **OBJECTIVES OF THE FUND**

The proceeds of the Fund shall be applied:

- (a) towards the basic materials support of victims of Gender-Based violence;
- (b) for caring for affected dependants of Gender-Based violence;
- (c) for any matter connected with the rescue, rehabilitation and re-integration of Victim of Gender-based violence;
- (d) towards the construction of shelters from victim of Gender-Based violence in different local government areas;
- (e) for training and capacity building of persons connected with the provision of shelter, rehabilitation and re-integration.





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#### 34. **SOURCES OF MONEY FOR THE FUND**

The monies for the Fund shall include:

- (a) Voluntary contributions to the Fund from individuals, organizations and the private sector,
- (b) Monies approved by the State House of Assembly for payment into the Fund, and
- (c) Monies from any other source approved by the government.

#### 35. **MANAGEMENT OF THE FUND**

- (1) The Fund shall be managed by the Committee established to oversee the affairs of Gender-Based Violence Support Fund.
- (2) Monies for the Fund shall be paid into a bank account opened for the purpose by the Committee as approved.

#### 36. **ACCOUNTS, AUDIT AND FINANCIAL YEAR**

- (a) The Committee shall keep books of account for the Fund and proper records in relation to them, in the form approved by the State Auditor- General.



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- (b) The Committee shall submit the accounts of the Fund for auditing as appropriate.
  
- (c) The financial year of the Fund shall be the same as the financial year of the Government.

### 37. **ANNUAL REPORT OF THE FUND**

- (a) The Commissioner for Women Affairs, Social Development and Gender Empowerment shall within one month after receipt of the audit report, submit an annual report to the House of Assembly, covering the activities and operations of the Fund for the year to which the report relates.
  
- (b) The annual report shall include:
  - i. The audited accounts of the Fund and the Auditor-General's report on the account of the Fund, and
  
  - ii. Other information that the Commissioner may consider necessary.



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## 38. ESTABLISHMENT OF GENDER-BASED VIOLENCE

### MANAGEMENT COMMITTEE

There is established by this Law, a Gender-Based Violence Management Committee.

- (a) The Management Committee shall consist of:
- i. The Chairperson who shall be nominated by the Governor,
  - ii. The Vice Chairperson who is the Commissioner responsible for Women Affairs, Social Development and Gender Empowerment, or the representative of that Commissioner,
  - iii. One representative of the Chief Judge of the State not below the level of Chief Magistrate,
  - iv. One representative of the Attorney General not below the level of a Director,
  - v. One Nominee from the State House of Assembly Committee on Women and Children,
  - vi. One representative from the Ministry of Local Government not below the rank of a Deputy Director,
  - vii. One representative from the Ministry of Health not below the rank of a Deputy Director,



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- viii. One representative from the Ministry of Education not below the rank of a Deputy Director,
- ix. One representative from the Police Service not below the rank of Assistant Superintendent,
- x. The Director of Social Welfare in the Ministry of Women Affairs Social Development and Gender Empowerment,
- xi. The Director of Women Affairs and Gender Empowerment,
- xii. Two representatives of relevant civil society organizations and with a focus on related issues,
- xiii. Two persons nominated by the Governor.

(b) The Permanent Secretary of the Ministry or a representative of the Permanent Secretary shall be Secretary to the Committee,

(c) The members of the Management Committee other than the Commissioner, the Permanent Secretary and the Directors in the Ministry of Women Affairs, Social Development and Gender Empowerment shall be nominated by the institutions concerned.





### 39. **FUNCTIONS OF THE MANAGEMENT COMMITTEE**

The Management Committee shall:

- (a) Make recommendations for the State Plan of Actions against Gender-based violence, monitor and report on the progress of the State Plan of Action through the Commissioner;
- (b) Advise the Commissioner on Policy matters under this law;
- (c) Propose and promote strategies to prevent and combat gender-based violence;
- (d) Liaise with government agencies and organizations to promote the rehabilitation and re-integration of victims of Gender-Based violence;
- (e) Prepare guidelines for disbursement from the Fund;
- (f) Manage the Fund;







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- (g) Conduct research on national, international and regional development into standards for dealing with matters of Gender-Based violence and
- (h) Deal with any matter concerned with Gender-Based violence.

#### 40. **MEETINGS OF MANAGEMENT COMMITTEE**

The Management Committee shall meet at least once every three months. The quorum at a meeting of the Management Committee shall be five members.

- (a) The Chairperson or her representative shall convene the meetings of the Management Committee. In the absence of the Chairperson, a member of the Management Committee elected by the members present among the members shall preside.
- (b) Matters before the Management Committee shall be decided by a majority of the members present by voting and in the event of equality of votes, the person presiding shall have a casting vote.
- (c) The Management Committee may co-opt a person to attend its meeting but the co-opted person may not vote on a matter for decision by the Management Committee.
- (d) Subject to the provisions of this section, the Management Committee may determine the procedure for its meeting.



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#### 41. **ALLOWANCES**

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Members of the Management Committee shall be paid allowances approved by the Chairman of the Committee in consultation with the Commissioner for Women Affairs, Social Development and Gender Empowerment.

#### 42. **SECRETARIAT OF THE MANAGEMENT BOARD**

(a) The Management Committee shall have a secretariat.

(b) The Secretariat of the Management Committee shall be located at the Ministry of Women affairs, Social Development and Gender Empowerment, which shall provide the facilities and personnel for the performance of the functions of the Management Committee.

#### 43. **PROVISION FOR COUNSELING AND SUPPORT SERVICES**

a. There shall be counseling and support services to victims of Gender-Based violence in strategic places such as police stations, Hospitals and other locations that could be easily accessed by the victims.

b. Therefore, a police officer, a medical officer, and/or a social worker shall inform the victim of his or her rights and any services including support and counseling services which may be available.





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- c. A victim of Gender-Based violence who is assisted by the police to obtain medical treatment is entitled to free medical treatment from the State.
  
- d. In case of emergency or a life-threatening situation, a victim of Gender-Based violence may receive free medical treatment pending a complaint to the police and the issuance of a report.

#### 44. **REGULATIONS**

The Attorney-General and Commissioner for Justice on the advice of the Commissioner for Women Affairs, Social Development and Gender Empowerment may make regulations to:

- a. Provide forms necessary for the purpose of this Law;
  
- b. Prescribe the training of the police and court officials on Gender Based Violence in consultation with the relevant institutions;
  
- c. Provide for education and counseling of victims and perpetrators of Gender-Based Violence;
  
- d. Provide for education and counseling in domestic relationships;



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- e. Prescribe shelter for victims in consultation with the relevant institutions;
- f. Provide for enhancement of social welfare services for the victims;  
Provide the modalities for the provision of free medical treatment for the victims;
- g. Provide financial assistance to victims of Gender-based violence in case of imprisonment of a spouse; and
- h. Provide for effective implementation of this Law.

45. **MONITORING AND EVALUATION OF THE  
IMPLEMENTATION OF GENDER-BASED VIOLENCE LAW**

Continuous monitoring and evaluation of the implementation of this Law shall be conducted to ensure the fulfillment of legal obligations, allow for compilation of best practices and to identify gaps in the Law.



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

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**MR. BEN. AKINTUNDE FAMOYEGUN**

*Clerk of the House of Assembly*

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**Rt. Hon. (Dr.) Adewale A. Omirin**

*Speaker of the House*



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## **Governor's Assent**

**I hereby signify my assent to this Bill**

**DR. KAYODE FAYEMI**

**Executive Governor of Ekiti State**

**MADE AT ADO EKITI THIS 25<sup>th</sup> DAY OF Nov, 2011**

