

Assented to by me this.....day of.....20.....

.....
SENATOR ABIOLA AJIMOBİ
HIS EXCELLENCY, THE EXECUTIVE GOVERNOR



Oyo State of Nigeria

No.9

**A LAW TO PROHIBIT VIOLENCE AGAINST WOMEN IN PUBLIC
AND PRIVATE LIFE, HARMFUL TRADITIONAL PRACTICE,
AND PRESCRIBE PUNISHMENT FOR THE OFFENDERS AND
OTHER MATTERS CONNECTED THEREWITH**

Date of Commencement ()

Enactment **ENACTED** by the House of Assembly of Oyo State
of Nigeria as follows:

**PART 1
PRELIMINARY**

Short Title 1. This Law is cited as Violence Against Women
Law, 2016.

Interpretation 2. In this Law-

“abuse” includes a pattern of degrading or
humiliating conduct towards a woman;

“accessory” means somebody who aids another person in committing a crime or avoiding arrest but has not participated in the crime;

“accessory before the fact” someone who helps an offender before a crime;

“battery” includes the intentional and unlawful use of force or violence on a woman, unlawful touching, beating or striking with the intention of causing bodily harm;

“circumcision or genital mutilation” means cutting off all or part of the external private organs of a woman other than on medical ground,

“Court” includes the High Court and Magistrate Court of the State, or any other court that may be vested with jurisdiction by the House;

“Commissioner” means Commissioner of the State charged with the responsibility for Women Affairs, Community Development, Social Welfare and Poverty Alleviation;

“Constitution” means the 1999 Constitution of the Federal Republic of Nigeria;

“criminal responsibility” means liability to punishment for an offence;

“damage to property” means the willful or reckless destruction of property belonging to a woman or in which she has a vested interest;

“dangerous weapon” means any instrument or machine directed towards a woman with the intention of inflicting bodily harm;

“desertion” means deliberately leaving of women, children or other person under the perpetrator’s care without any means of subsistence;

“discrimination” includes any distinction, exclusion, restriction or any differential treatment based on sex and whose objectives or effects are to compromise or destroy the recognition of a woman;

“exploitation” means taking undue advantage of a woman;

“economic abuse” means-

- (a) forced financial dependence;
- (b) denial of inheritance or succession rights;
- (c) unreasonable deprivation of economic or financial resources to which any woman is entitled or requires out of necessity, such as-
 - (i) household necessities,
 - (ii) mortgage bond repayment; and
 - (iii) payment of rent in respect of a shared residence; or
- (d) unreasonable disposal or destruction of household effect or other property in which a woman has an interest.

“emotional, verbal and psychological abuse” means a pattern of degrading or humiliating conduct towards any woman, including repeated-

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

“Government” means the Government of Oyo State of Nigeria;

“Governor” means the Governor of Oyo State of Nigeria;

“grievous harm” means any harm which seriously or permanently injures the health or likely to injure the health, or which extends to permanent disfigurement or serious injury to any internal or external organ member or sense of a woman;

“harassment” means engaging in a pattern of conduct that induces the fear of harm or impair the dignity of a woman including repeatedly-

- (a) watching, or loitering outside of or near the building or place where the woman resides, works, carries on business, studies and place of recreation;
- (b) making telephone calls or inducing another person to make telephone calls to the woman, whether or not conversation ensues; and
- (c) sending, delivering or causing the delivery of letters, telegrams, packages, facsimiles, electronic mail or other objects to the woman;

“harmful traditional practices” includes all behavior, attitudes, practices in relation to a tradition or custom which negatively affects the fundamental rights, dignity, physical or emotional wellbeing of a woman such as harmful widowhood practices, denial of inheritance or succession rights, female genital mutilation or female circumcision, forced marriage and forced isolation from family and friends;

“House” means the House of Assembly of the State;

“incest” means sexual relations between family members or close relatives including children related by adoption;

“indecent exposure” means the intentional exposure of the genital organs, or a substantial part thereof, with the intention of causing distress to the other woman;

“intimidation” means the uttering or conveying of a threat or causing any woman to receive a threat, which induces fear, anxiety or discomfort;

“isolation from family and friends” includes preventing a woman from leaving the home or from having contact with family members, friends or the outside community;

“Judge” means a judge of the High Court;

“law officer” means the Attorney-General of the State and all state counsel working with him;

“maim” means the destruction or permanent disabling of any internal or external sense or organ;

“Ministry” means Ministry of Women Affairs, Community Development, Social Welfare and Poverty Alleviation;

“offence” means any act or omission which renders the person doing the act or making the omission liable to punishment under this Law or under any other enactment;

“perpetrator” means any person who has committed or allegedly committed an act of violence as defined in this Law;

“Police Officer” or “member of the Nigeria Police Force” has the same meaning as defined under the Police Act;

“private” means not connected with, owned by or paid for by the government;

“public” means connected with, owned or paid for by government;

“rape” is as defined in section 357 of the Criminal Code Cap. 38 Vol.II of the Laws of Oyo State 2000;

“registrar” means the Registrar of the High Court or Magistrate Court;

“sexual abuse” includes any conduct which violates, humiliates or degrades the sexual integrity of any woman;

“sexual assault” includes the intentional and unlawful touching, striking or causing of bodily harm to a woman in a sexual ‘manner without her consent;

“sexual exploitation” occurs where a perpetrator, for financial, favour, compensation or other reward, invites, persuades, engages or induces the services of

a victim or offers or performs such services to any other person;

"sexual harassment" includes 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 such as physical, verbal or non—verbal conduct;

"sexual intimidation" includes -

(a) any action or circumstances which amount to demand for sexual intercourse with a woman under any guise, as a condition for passing examination, securing employment, business patronage or obtaining any favour in any form; or

(b) the actual demand for sexual intercourse with a woman under any guise, as a condition for passing examination, securing employment, business patronage or obtaining any favour in any form; or

(c) acts of deprivation, withholding, replacing or short-changing of entitlements, privileges, rights, benefits, examination or test marks or scores, and any other form of disposition capable of coercing any person to submit to sexual intercourse for the purpose of receiving reprieve; or

(d) any other action or inaction construed as sexual intimidation or harassment under any other enactment in force in Nigeria.

"spousal or partner battery" means the intentional and unlawful use of force or violence upon a woman, including the unlawful touching, beating or striking of a woman against her consent with the intention of causing bodily harm;

"stalking" means repeatedly -

(a) watching, or loitering outside of or near the building or place where a woman resides, works, carries on business, studies or happens to be; or

(b) following, pursuing or accosting a woman in a manner which induces fear or anxiety;

"State" means Oyo State of Nigeria;

"torture" includes any act by which severe pain or suffering, whether physical or mental is intentionally inflicted on a woman;

"victim" means-

(a) any woman who has suffered harm, including physical or mental injury, emotional suffering, economic loss or substantial impairment of her rights through acts or omissions that violate this Law; or

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

“violence” means any act or attempted act, which causes or may cause any woman physical, sexual, psychological, verbal emotional or economic harm whether this occurs in private or public life, in peace time and in conflict situations;

“violence against women” means 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; and

“woman” means any person of the female gender of any age.

PART 2 OFFENCES AND PENALTIES

Inflicting 3.(1) Any person who willfully or recklessly cause physical or inflicts physical injury on a woman by means of any injury on a dangerous weapon, chemical or biological substance or woman object or any other harmful liquid is guilty of an offence and liable on conviction to imprisonment for a minimum of five years.

Attempted (2) Any person who attempts to commits the offence infliction under this section is guilty of an offence, and liable on of physical conviction to imprisonment for a term not exceeding six injury. months or to a fine of N200,000.00 or to both.

Aiding the (3) Any person who incites, aids, abets or counsels another infliction of person to commit the offence under this section is guilty physical of an offence and liable on conviction to imprisonment injuring. for a term not exceeding five years.

Accessory after the fact of inflicting physical injury. (4) Any person who receives or assists another person who to his knowledge has committed an offence under this section is an accessory after the fact and is guilty of an offence and liable on conviction to imprisonment for a term not exceeding five years.

(5) The court may award appropriate compensation against the offender in favour of the woman as it may deem fit in the circumstance.

Coercion. 4. Any person who coerces another person to engage in any act to the detriment of the physical or psychological wellbeing of a woman is guilty of an offence and liable on conviction to imprisonment for a term of three years or a fine of ₦50,000.00

Offensive 5.(1) Any person who compels a woman by force, conduct, or threat to engage in any conduct or sexual act or otherwise, to the detriment of the physical or psychological wellbeing of the woman is guilty of an offence and liable on conviction to imprisonment for a term of twenty-five years.

Attempted offensive conduct. (2) Any person who attempts to commit the offence under this section is guilty of an offence and liable on conviction to imprisonment for a term not exceeding five years.

Aiding offensive conduct. (3) Any person who incites, aids, abets or counsels another person to commit the offence under this section is guilty of an offence and liable on conviction to imprisonment for a term not exceeding three years.

Accessory after the fact to offensive conduct.

(4) Any person who receives or assists another who to his knowledge has committed an offence under this section is an accessory after the fact and is guilty of an offence and liable on conviction to imprisonment for a term not exceeding one year or a fine of =N=200,000.00 or both.

Indecent assault on a woman. **6.**

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

- (a) he intentionally penetrates the vagina or anus or mouth of a woman with any other part of his body or anything else without the consent of the woman to the penetration; or
- (b) the consent is obtained by force or means of treat or intimidation of any kind or by fear of harm or by means of false and fraudulent representation as to the nature of the act or the use of any substance or additive capable of taking away the will of the woman or in case of a married woman by impersonating her spouse.

(2) A person convicted of an offence under subsection (1) of this section is liable to imprisonment for life except-

- (a) where the offender is less than 14 years, the offender is liable to a maximum of 14 years imprisonment;
- (b) in all other cases, to a minimum of 12 years imprisonment without an option of fine.
- (c) in the case of rape by a group of persons, the offenders are liable jointly and severally to imprisonment for life with hard labour.

(3) The court may award appropriate compensation to the victim as it may deem fit in the circumstance

(4) The Court shall maintain a register of convicted offenders under this Law which shall be accessible to the public.

- Defilement of a girl. **7.** (1) Any person who has unlawful carnal knowledge of a girl under the age of 11 years is guilty of a felony and liable on conviction to imprisonment for life with hard labour.
- Attempted defilement. (2) Any person who attempts to have unlawful carnal knowledge of a girl under the age of 11 years is guilty of a felony and is liable to imprisonment for 14 years.
- Defilement of girls under thirteen and above eleven. **8.** Any person who –
 (a) has or attempts to have unlawful carnal knowledge of a girl being of or above 11 years of age but below the age of 13 years;
 or
 (b) knowing a girl to have mental disorders, has or attempts to have unlawful carnal knowledge of her;
 is guilty of a misdemeanor and liable to imprisonment for 14 years without an option of fine.
- Prohibition of female circumcision or genital mutilation. **9.** (1) The circumcision or genital mutilation of a woman is hereby prohibited.
- Offence of female circumcision or genital mutilation. (2) Any person who performs female circumcision or genital mutilation or engages another to carry out such circumcision or mutilation is guilty of an offence and liable on conviction to imprisonment for a term not exceeding four years or to a fine of #100,000 or both.

Attempted female circumcision.

(3) Any person who attempts to commit the offence under this section is guilty of an offence and liable on conviction to imprisonment for a term not exceeding two years or to a fine of ₦80,000.00 or both.

Aiding female Circumcision. under this section is guilty of an offence and liable on conviction to imprisonment for a term not exceeding two years or a fine of ₦80,000.00 or both.

(4) Any person who incites, aids, abets or counsels another person to commit the offence

Accessory after the fact of female circumcision.

(5) Any person who receives or assists another person to commit the offence under this section is an accessory after the fact and is guilty of an offence and liable on conviction to imprisonment for a term not exceeding six months or a fine not exceeding ₦50,000 or both.

Frustrating investigation. **10.**

Any person with intent to conceal an offence or frustrate the investigation or prosecution of offenders under this Law, who-

- (a) destroys, alters, mutilates or falsifies any books or documents, dress or clothing which could serve as evidence or exhibits; or
- (b) omits, or is privy to omitting any material particular from any such document, book, dress, or clothing;

is guilty of a felony and liable on conviction to imprisonment for a term not exceeding three years or a fine not exceeding ₦100,000.00 or both.

- Willfully making false statement. **11.** Any person who willfully makes false statement, whether oral or documentary, in any judicial proceedings under this Law with the aim of initiating investigation or criminal proceedings against another person is guilty of an offence and liable on conviction to imprisonment for a term not exceeding five years or a fine of N80,000.00.
- Forceful ejection from home. **12.** (1) Any person who forcefully evicts a woman from her home or her matrimonial home or refuses her access thereto, except by order of court is guilty of an offence and liable on conviction to imprisonment for a term not exceeding three years or a fine of N200,000.00 or both.
- Attempted forceful ejection. (2) Any person who attempt to commit the offence under this section is guilty of an offence and liable on conviction to imprisonment for a term not exceeding one year or a fine not exceeding N50,000.00 or both.
- Aiding forceful ejection. (3) Any person who incites aids, abets or counsels another person to commit the offence under this section is guilty of an offence and liable on conviction to imprisonment for a term not exceeding one year or a fine of ~~N~~50,000.00 or both.
- Accessory after the fact to forceful ejection. (4) Any person who receives or assists another person who to his knowledge has committed an offence under this section is an accessory after the fact and is liable on conviction to imprisonment for a term not exceeding one year or a fine of ~~N~~50,000.00 guilty of an offence and or both.
- Damage to property with intent to cause harm. **13.** (1) Any person who causes mischief, destruction or damage to property of a woman with intent to cause or knowing that it is likely to cause "harm" to the woman is guilty of an offence and liable on conviction to imprisonment for a term not exceeding two years or a fine not exceeding ~~N~~100,000.00 or both.

Attempted destruction of property.	(2) Any person who attempt to commit the offence underthis section is guilty of an offence and liable on conviction to imprisonment for a term not exceeding three months or a fine not exceeding ₦50,000.00.
Aiding destruction of property.	(3) Any person who incites, aids, abets or counsels another person to commit the offence under this section is guilty of an offence and liable on conviction to imprisonment for a term not exceeding one year or a fine of ₦50,000.00 or both.
Accessory after the fact to destruction of property.	(4) Any person who receives or assists another person who to his knowledge has committed an offence under this section is an accessory after the fact and is guilty of an offence and liable on conviction to imprisonment for a term not exceeding one year or a fine not exceeding ₦50,000.00 or both.
Forced financial dependence or economic abuse.	14. (1) Any person who causes forced financial dependence or economicabuse of a woman is guilty of an offence and liable on conviction to imprisonment for a term not exceeding Two years or a fine not exceeding ₦100,000.00 or both.
Attempted forced financial dependence.	(2) Any person who attempt to commit the offence under this section is guilty of an offence and liable on conviction to imprisonment for a term not exceeding one year or a fine not exceeding ₦50,000.00 or both.
Aiding forced financial dependence.	(3)Any person who incites, aids, abets or counsels another person tocommit the offence under this section is guilty of an offence and liable on conviction to imprisonment for a term not exceeding one year or a fine not exceeding #50,000.00 or both.

- Accessory after the fact to forced financial dependence. (4) Any person who receives or assists another person who to his knowledge has committed an offence under this section is an accessory after the fact and is guilty of an offence and liable on conviction to imprisonment for a term not exceeding six months or a fine of ₦30,000.00 or both.
- Deprivation of entitlement. **15.** Any person who deprives a woman of her entitlement on account of her sexuality or on the basis that the woman is not ready to do the unlawful, inordinate biddings of that person is guilty of an offence and liable on conviction to imprisonment for a term of seven years or a fine of ₦200,000.00 or both.
- Forced isolation or separation from family. **16.** (1) Any person who forcefully isolates or separate a woman from family is guilty of an offence and liable on conviction to imprisonment for a term not exceeding six months or a fine of ₦30,000.00 or both.
- Attempted forced isolation or separation. (2) Any person who attempt to commit the offence under this section guilty of an offence and liable on conviction to imprisonment for a term not exceeding three months or a fine of not exceeding ₦20,000.00 or both.
- Aiding forced isolation or separation. (3) Any person who incites, aids, abets or counsels another person to commit the offence under this section is guilty of an offence and liable on conviction to imprisonment for a term not exceeding three months or a fine not exceeding ₦20,000.00 or both.
- Accessory after the fact to forced isolation or separation. (4) Any person who receives or assists another person who to his knowledge has committed the offence under this section is an accessory after the fact and is guilty of an offence and liable on conviction to imprisonment for a term not exceeding three months or a fine not exceeding ₦20,000.00 or both.

- Harmful widowhood practices. 17.(1) Any person who subjects a widow to harmful traditional practices is guilty of an offence and liable on conviction to imprisonment for a term not exceeding five years with hard labour or a fine not exceeding ₦250,000.00 or both.
- Attempted harmful widowhood practices. (2) Any person who attempts to commit the offence under this section is guilty of an offence and liable on conviction to imprisonment for a term not exceeding two years or a fine not exceeding ₦100,000.00 or both.
- Aiding harmful widowhood practices. (3) Any person who incites aids, abets or counsels another person to commit the offence under this section is guilty of an offence and liable on conviction to imprisonment for a term not exceeding one year or a fine not exceeding ₦50,000.00 or both.
- Accessory after the fact to person who commits harmful widowhood practices. (4) Any person who receives or assists another person who to his knowledge has committed an offence under this section is an accessory after the fact and is guilty of an offence and liable on conviction to imprisonment for a term not exceeding six months or a fine of ₦50,000.00 or both.
- Desertion of spouse without sustenance. 18. (1) Any man who deserts his wife without any means of sustenance is guilty of an offence and liable on conviction to imprisonment for a term of not exceeding three years or a fine not exceeding ₦150,000.00 or both.
- Attempted desertion. (2) Any person who attempts to commit the offence under this section is guilty of an offence and liable on conviction to imprisonment for a term not exceeding one year or a fine not exceeding ₦80,000.00 or both.

Aiding desertion. (3)Any person who incites aids, abets or counsels another person to commit the offence under this section is guilty of an offence and liable on conviction to imprisonment for a term not exceeding one year or a fine not exceeding ₦50,000.00 or both.

Accessory after the fact to desertion. (4)Any person who receives or assists another person who to his knowledge has committed an offence under this section is an accessory after the fact is guilty of an offence and liable on conviction to imprisonment for a term not exceeding six month or a fine of ₦30,000.00 or both.

Stalking.19. (1)Any person who stalks a woman with the purpose of forcing her to have sex or cause her bodily harm is guilty of an offence and is guilty of an offence and liable on conviction to imprisonment for a term not exceeding six months or a fine not exceeding ₦50,000.00 or both.

Accessory after the fact to stalking. (2)Any person who receives or assist another who to his knowledge has committed the offence under this section is an accessory after the fact and is guilty of an offence and liable on conviction to imprisonment for a term not exceeding three months or a fine not exceeding ₦20,000.00 or both.

Indecent exposure. 20. Any person who indecently exposes himself exposure. in the open in the presence of an opposite sex is guilty of an offence and liable on conviction to imprisonment for a term of three months or a fine of ₦50,000.00 or both.

Sexual Harassment. **21.** Any person who, being in a position of authority, be it a director or any such other officer of a corporation, company, government office or any establishment, repeatedly sends, delivers letters or electronic mail to a woman in order to induce fear of harm and anxiety, unwelcome sexual advances or requests or otherwise is guilty of an offence and liable on conviction to a term of imprisonment not exceeding three years or a fine not exceeding ₦250,000.00 or both.

Aiding sexual harassment. (2) Any person who incites, aids, abets or counsels another person to commit the offence under this section is guilty of an offence and liable on conviction to imprisonment for a term not exceeding one year or a fine not exceeding in the ₦100,000.00 or both.

Accessory after the fact to sexual harassment. (3) Any person who receives or assists another person who to his knowledge has committed an offence under this section is an accessory after the fact and is guilty of an offence and liable on conviction to imprisonment for a term not exceeding six months or a fine of exceeding ₦50,000.00 or both.

Spousal battery. **22.** (1) Any person who batters his spouse or lover is guilty of an offence and liable on conviction to imprisonment for a term not exceeding three years or a fine not exceeding ₦100,000.00 or both.

Attempted spousal battery. (2) Any person who attempts to commit the offence under this section is guilty of an offence and liable on conviction to imprisonment for a term not exceeding one year or a fine not exceeding ₦50,000.00 or both.

Aiding spousal battery.	(3)Any person who incites, aids, abets or counsels another person to commit the offence under this section is guilty of an offence and liable on conviction to imprisonment for a term not exceeding one year or a fine not exceeding N50,000.00 or both.
Accessory after the fact to spousal battery.	(4)Any person who receives or assists another person who to his knowledge has committed an offence under this section is an accessory after the fact and is guilty of an offence and liable on conviction to imprisonment for a term not exceeding one year or a fine not exceeding N50,000.00 or both.
Harmful traditional practices.	23. (1)Any person who carries out a harmful traditional practice on a woman is guilty of an offence and liable on conviction to imprisonment for a term not exceeding four years or a fine not exceeding N100,000.00 or both.
Attempted harmful traditional practices.	(2)Any person who attempts to commit the offence under this section is guilty of an offence and liable on conviction to imprisonment for a term not exceeding two years or a fine not exceeding N80,000.00 or both.
Aiding harmful traditional practices.	(3)Any person who incites aids, abets or counsels another person to commit the offence under this section is guilty of an offence and liable on conviction to imprisonment for a term not exceeding two years or a fine not exceeding N80,000.00 or both.

- Accessory after the fact to harmful traditional practices. (4)Any person who receives or assists another person who to hisknowledge has committed an offence under this section is an accessory after the fact and is guilty of an offence and liable on conviction to imprisonment for a term not exceeding one year or a fine not exceeding ~~₦~~30,000.00 or both.
- Administering a substance with intent to stupefy. **24.** (1)Any person who administers a substance to, or causes a substance to be administered to, or taken by a woman with the intention of stupefying or overpowering the woman so as to engage in sexual activity with the woman is guilty of an offence.
- (2)Any person found guilty of an offence under this section is liable on conviction to imprisonment for a term not exceeding ten years or a fine not exceeding ~~₦~~250,000.00 or to both.
- Incest. **25.**(1)Any person who knowingly and willfully has carnal knowledge of a woman who is a blood relation or has any kind of kinship ties to the person without her consent, or with her consent where such consent is obtained by fraud or threat is guilty of an offence and is liable on conviction to imprisonment for a term not exceeding five years.
- (2)Where the two parties consent to commit the offence under this section, they are both guilty of an offence and are both liable on conviction to the punishment provided for in subsection (1) of this section.
- Attempted incest. (3)Any person who attempt to commit the offence under this section is guilty of an offence and liable on conviction to imprisonment for a term not exceeding two years or a fine not exceeding ~~₦~~100,000.00 or both.

- Sexual discrimination. **26.** (1) Any person who discriminates against a woman on account of her gender, pregnancy, childbirth or any other condition whatsoever is guilty of an offence and liable on conviction to a fine not exceeding ₦200,000.00.
- Aiding sexual discrimination. (2) Any person who incites, aids, abets or counsels another person to commit the offence under this section is guilty of an offence and liable on conviction to a fine not exceeding ₦100,000.00.
- Accessory after the fact to sexual discrimination. (3) Any person who receives or assists another person who to his knowledge committed an offence under this section is an accessory after the fact and is guilty of an offence and liable on conviction to a fine not exceeding ₦50,000.00.
- Sexual exploitation. **27.** (1) Any person who sexually exploits a woman for his or other person's economic gain is guilty of an offence and liable on conviction to imprisonment for a term of twenty-one years or a fine not exceeding ₦2,000,000.00
- Aiding or sexual to exploitation of an (2) Any person who incites, aids, abets or counsels receives or in any way assist another person commit the offence under this section is guilty offence and liable on conviction to imprisonment for a term of fourteen years or a fine not exceeding ₦1,000,000.00.
- (3) Without prejudice to the foregoing provisions, the premises or property where and with which the offence under this section was committed shall be forfeited to the Government.

PART 3

JURISDICTION

28. Jurisdiction. (1) The High Court and the Magistrate Court shall have jurisdiction over offences under this Law.

(2) where the punishment for an offence does not exceed 2 years imprisonment, the Magistrate shall have jurisdiction.

(3) when the punishment for an offence exceeds 2 years imprisonment the High Court shall have jurisdiction.

29. Application for protection order. (1) An application for a protection order may be made before the Court, following a complaint of violence by the complainant and no time limit or prescription shall apply in relation to a person seeking to apply for such protection order.

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

(3) Where the complainant is not represented by counsel, the police officer with whom a complaint of violence has been lodged or the Registrar of Court shall inform the complainant of-

(a) his right to a counsel; and

(b) the right to lodge a criminal complaint against the respondent if a criminal offence has been committed under this Law.

(4) 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 wellbeing of the complainant:

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

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

The application may be accompanied by a supporting affidavit sworn to by persons who has knowledge of the facts of the matter.

- (5)(a) 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.
- (b) The application may be accompanied by a supporting affidavit sworn to by persons who have knowledge of the facts of the matter

Consideration of application. **30.**

(1)The Court shall as soon as is reasonably possible, consider an application submitted to it under section 29 of this Law and may, for that purpose, consider such additional evidence as it deems fit, including oral evidence or evidence by affidavit, which shall form part of the record of the proceedings.

(2)If the Court is satisfied that there is prima facie evidence that the respondent is committing or 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 given notice of the proceedings contemplated in subsection (1) of this section, issue an interim protection order against the respondent, in the prescribed manner.

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

(4) A copy of the application referred to in section 29 of this Law and the record of any evidence taken under subsection (1) of this section shall be served on the respondent together with the interim protection order.

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

(6) The return dates referred to in subsections (3) and (5) of this section shall not be less than 5 days after service has been effected upon the respondent.

Issuing of protection order. **31.**

(1) If the respondent does not appear on a return date contemplated in section 30 (3) or (5) of this Law, and if the Court is satisfied that –

(a) proper service has been effected on the respondent; and

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

(2) If the respondent appears on the return date in order to oppose the issuing of a protection order, the court shall proceed to hear the matter and consider-

(a) any evidence previously received under section 30 (1) of this Law; and

(b) 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, or 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, in the prescribed manner, cause-

(a) the original of such order to be served on the respondent; and

(b).a certified copy of such order, and the original warrant of arrest contemplated in section 34 (l) (a),to be served on the complainant.

(6)The Registrar of the Court shall, in the prescribed manner, forward certified copies of any protection order and of the warrant of arrest contemplated in section 34 (l) (a) to the police station having jurisdiction.

(7)Subject to section 32 (7) 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.

Court's power 32.
in respect of
protection order.

(1)The Court may, by means of a protection order referred to in section 29 or 30 of this Law, prohibit the respondent from-

(a) committing any act or further act of domestic violence; or

(b)enlisting the help of another person to commit any such act; or

(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; or

(d) entering a specified part of such a shared household; or

(e) entering the complainant's residence; or

(f) entering the complainant's place of employment; or

(g) preventing the complainant from entering or remaining in the shared household or a specified part of the shared household; or

(h) alienating or disposing the shared household or encumbering same; or

(i) renouncing his rights in the shared household except in favor of the complainant; or

(j) committing any other act as specified in the protection order

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

(a) to seize arms or dangerous weapons in the possession or under the control of the respondent; or

(b) that a police officer shall 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) of a temporal relocation to any safe place as may be deem fit in the interest of the complainant; or

(e) approving a mediation channel upon submission by the complainant.

(3)In ordering a prohibition under subsection 1 (c) of this section, 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 direction to ensure that the complainant's physical address is not disclosed in any manner, which may endanger the safety, health or well-being of the complainant.

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

(a) refuse the respondent contact with such child; or

(b) order contact with such child on such conditions as it may consider appropriate.

(7)The Court may not refuse to issue a protection order or impose any condition or make any order which 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 under any other relevant law, the Court shall order that such a provision shall be in force for such limited period as the court determines, in order to afford the party concerned the opportunity to seek appropriate relief under such law.

Power of Police.33. (1)A police officer at the scene of an incident of violence or as soon thereafter as reasonably possible or to whom a report of violence has been made, shall have the duty of-

- (a) assisting a victim of violence to file a complaint regarding the violence;
- (b) providing or arranging safe transport for the victim to an alternative residence, safe place or shelter where such is required;
- (c) providing or arranging transportation for the victim to the nearest hospital or medical facility for treatment of injuries where such treatment is needed;
- (d) explaining to the victim his rights to protection against violence and remedies available in terms of this Law;
- e) explaining to the victim that he has the right to lodge a criminal complaint in addition to any remedy provided under this Law; and
- (f) accompanying the victim to victim's residence to collect personal belongings.

(2)A police officer may, without an order from the Court or a warrant of arrest, arrest any person whom-

- (a) he suspects upon reasonable grounds to have committed any of the offences under Part 2 of this Law; and
- (b) a complaint has been made for having committed any of the offences under Part 2 of this Law.

(3)A police officer in carrying out his duties under this Law shall have the power to-

- (a) remove or supervise the removal of a person excluded from a shared residence where the court has issued such an order under this Law;

(b) remove or supervise the removal of any dangerous weapon used in order to commit an act of violence as contemplated in this Law;

(c) collect and store fingerprints including DNA of accused and convicted offenders; and

(d) perform any other act considered necessary in order to ensure the safety and well-being of the complainant.

Warrant of arrest 34. (1)Whenever a Court issues a protection order, upon issuing of protection order. the court shall make an order-

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

(b) suspending the execution of such warrant subject to compliance with any prohibition, condition, obligation or order imposed under section 32 of this Law.

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

(3)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 his protection and that the existing warrant of arrest has been-

(a) executed or cancelled; or

(b) lost or destroyed.

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

(5) If it appears to the police officer concerned that 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 2 of this Law.

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

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

(b) calls upon the respondent to appear before a court, and on the date and at the time specified in the notice, on a charge of committing the offence referred to in section 37 (1); and

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

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

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

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

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

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

(9)Whenever a warrant of arrest is handed to a police officer under subsection (4) of this section, 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.

Variation or
setting aside of
protection order.

35. (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.

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

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

Discharge.**36.**Where a protection order has been made, upon an application by the Commissioner in respect of any dependent person, any of the following persons may apply to have it discharged-

- (i) the Commissioner; or
- (ii) the person who was the applicant for the order; or
- (iii).the respondent to that application for the order and the Court, upon hearing any such application, shall make such order, as it considers appropriate in the circumstances.

Offences relating **37.** (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 is a guilty of an offence and is liable, on summary conviction, to imprisonment for a term not exceeding six months or fine not exceeding #100,000.00 or both.

(2)Subsection (1) of this section shall be without prejudice to any punishment or sanction as to contempt of court or any other liability, whether civil or criminal that may be incurred by the respondent concerned.

(3) A person who, in an affidavit, willfully makes a false statement in a material respect commits an offence and is liable on conviction to imprisonment for a term not exceeding six months or a fine not exceeding #80,000.00.

Rights of victim.38.

(1) In addition to the rights guaranteed in the Constitution or any other international human rights instrument to which Nigeria is a party, every victim of violence, as defined in Part I of this Law is entitled to the following rights to-

(a) receive the necessary materials, comprehensive medical, psychological, social and legal assistance through governmental agencies or non-governmental agencies providing such assistance;

(b) be informed of the availability of legal, health and social services and other relevant assistance and be afforded ready access to them; and

(c) rehabilitation and re-integration programme of the State to requisite skills in any vocation of the victim's choice and also in necessary formal education or access to micro credit facilities.

(2) Any rules and or regulations made by any institution or organization prohibiting or restraining the reporting of offences or complaint under this Law, shall, be null and void.

(3) 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 this Law.

(4) Any head of institution who violates this section is guilty of an offence and liable on conviction to imprisonment for a term of six months or a fine of ₦100,000 or both.

(5) No person may be present during any proceedings under this Law except-

- (a) officers of the Court;
- (b) the parties to the proceedings;
- (c) any person bringing an application on behalf of the complainant;
- (d) any legal practitioner representing any party to the proceedings;
- (e) accredited service provider;
- (f) witnesses;
- (g) not more than 3 persons for the purpose of providing support to the complainant;
- (h) not more than 3 persons for the purpose of providing support to the respondent; and
- (i) any other person whom the Court permits to be present provided that the court may, if it is satisfied that it is in the interests of justice, exclude any person from attending any part of the proceedings.

(6) Nothing in this section limits any other power of the Court to hear proceedings in camera or to exclude any person from attending such proceedings.

Prohibition of publication of certain information.

(7) (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 interest of justice, may direct that any further information relating to proceedings held under this Law shall not be published, provided that no direction under this subsection applies in respect of the publication of a bonafide law report which does not reveal the identities of the parties to the proceedings or of any witness at such proceedings.
- (c) A person who contravenes this subsection is guilty of an offence and liable on conviction to a term of imprisonment for a term not exceeding one year or a fine not exceeding ₦200,000.00 or both.

**PART 4
ADMINISTRATION**

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| Creation of Gender Violence Unit. | 39. (1) There shall be created in the Ministry, the Gender Violence Unit (hereinafter in this Law referred to as the “Unit”) which shall be headed by a coordinator. |
| Appointment of coordinator. | (2) The coordinator shall be an officer of the Ministry not below level 12 and shall be appointed by the Commissioner. |
| | (3) The Commissioner shall assign to the coordinator such number of officers for the purpose of rendering required assistance and support to the coordinator for the performance of the functions of the Unit. |
| | (4) The officers so assigned under subsection (3) of this section shall be known as “protection officers”. |

Functions of
the Unit.

- 40.** The Unit shall have the following functions-
- (a) take complaints of violence against a person in breach of this Law;
 - (b) report such complaints to the Police;
 - (c) assist the Police and other authorities in the investigation and prosecution of an offence under this Law;
 - (d) render logistics and material assistance to any woman who has suffered any form of act of violence prohibited under this Law;
 - (e) keep records of women who have lodged complaints at the Unit; and;
 - (f) perform such other functions and responsibilities as may be necessary to give full effect to the general purpose and intendment of this Law.

Registration and
powers of service
provider.

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

(2) The Ministry shall cause to –

- (a) keep a register of all accredited service providers and circulate same to all police stations 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) of this section 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 to the Unit;

(b) get the aggrieved person medically examined and forward a copy of the medical report to the protection officer and the police station within the locality of which the violence act took place; and

(c) ensure that the victim of gender-based violence is provided shelter in a shelter home, if she so requires and forward a report of the lodging of the victim 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.

Regulations. **42.** The Commissioner may make regulations in respect of the provisions of this Law for the effective implementation of same.

This printed impression has been carefully compared by me with the Law which has been passed by the Oyo State House of Assembly and found by me to be a true and correct printed copy of the Law.

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Paul Ishola Bankole mni
Clerk of the State House of
Assembly

.....
Rt. Hon. Adesina Michael Adeyemo
Speaker of the State House of
Assembly

