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A LAW TO PROHIBIT ALL FORMS OF VIOLENCE INCLUDING PHYSICAL, SEXUAL, PSYCHOLOGICAL, DOMESTIC, POLITICAL, HARMFUL TRADITIONAL PRACTICES; DISCRIMINATION AGAINST PERSONS AND TO PROVIDE MAXIMUM PROTECTION AND EFFECTIVE REMEDIES FOR VICTIMS AND PUNISHMENT OF OFFENDERS BAUCHI STATE 2022

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A LAW TO PROHIBIT ALL FORMS OF VIOLENCE INCLUDING PHYSICAL, SEXUAL, PSYCHOLOGICAL, DOMESTIC, POLITICAL, HARMFUL TRADITIONAL PRACTICES; DISCRIMINATION AGAINST PERSONS AND TO PROVIDE MAXIMUM PROTECTION AND EFFECTIVE REMEDIES FOR VICTIMS AND PUNISHMENT OF OFFENDERS – 2022

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A LAW TO PROHIBIT ALL FORMS OF VIOLENCE INCLUDING PHYSICAL, SEXUAL, PSYCHOLOGICAL, DOMESTIC, POLITICAL, HARMFUL TRADITIONAL PRACTICES; DISCRIMINATION AGAINST PERSONS AND TO PROVIDE MAXIMUM PROTECTION AND EFFECTIVE REMEDIES FOR VICTIMS AND PUNISHMENT OF OFFENDERS – 2022

Enactment: **ENACTED** by the House of Assembly of Bauchi State as Follows:

Commencement: **1.** This Law shall come into operation on the 9th day of December, 2022

PART I
OFFENCES

Rape: (1) A person is said to commit rape who, save in the case referred to in **Sub-Section (2)** Has sexual intercourse with a person in any of the following circumstances:

a) Against his will: or
b) Without his consent; or
c) With his consent, when his consent has been obtained by putting him in fear of death or of hurt; or
d) With his consent, when the person knows that he is not the person's spouse and that the consent is given because the person believes that he is another man to whom he is or believes himself to be lawfully married; or
e) With or without his consent, when he is of unsound mind.

(2) a) Sexual intercourse by a person with his own spouse is not rape.
b) Penetration is not limited only to penetration by penile shaft, but
includes penetration by any object including the use of finger(s).

Punishment for Rape (3) (a) Whoever commits rape, shall upon conviction be punished with imprisonment for life.

(b) A group of persons jointly liable for Rape shall upon conviction be sentenced to minimum of 20 years imprisonment without an option of fine.

(c) A person who has carnal knowledge of a minor shall upon conviction be sentenced to death by hanging.

2. (a) When a court is trying the offence of rape, medical report shall be immaterial.

(b) A Register for convicted sexual offenders shall be maintained by the Court Registry and accessible to the public.

(c) A person who conceals the offence of Rape commits offence and shall be treated as an accessory after the fact and upon conviction be liable to one (1) year imprisonment or a fine of N 500,000 or both.

Willfully placing a person in fear of physical Injury:

3. (1) A person who willfully or knowingly places a person in fear of physical injury commits an offence and is liable upon conviction to imprisonment for a term not less than One (1) year or a fine of N 200,000 or both.

(2) A person who aids, abets, or counsels another person to commit the offence provided for in **Sub-Section(1)** of this section is guilty of an offence and is liable upon conviction to imprisonment for a term of not less than One (1) year or a fine of N 200,000 or both.

(3) A Person who receives or assists another who has committed the offence provided for in **Sub-Section(1)** of this section is an accessory after the fact and is liable upon conviction to imprisonment for a term of not less than One (1) year or to fine of N 200,000 or both.

Prohibition of Female Circumcision or Genital

4. (1) The circumcision or genital mutilation of the girl child or women is hereby prohibited, any person who performs female circumcision or genital mutilation or engages another to carry out such circumcision or mutilation commits an offence.

(2) Person who commit the offence provided for in **Sub-Section (1)** of this section is guilty of an offence and is liable upon conviction to imprisonment for a term of

not less than Four (4) years or a fine of N 200,000 or both.

(3) Person who incites, aids, abets, or counsels another person to commit the offence provided for in **Sub-Section (2)** of this section is guilty of the offence and is liable upon conviction to imprisonment for a term of not less than One (1) years or a fine of N 100,000 or both.

Harmful Traditional Practices:

5. (1) Whoever subjects any person to harmful traditional practices commits an offence and is liable on conviction to imprisonment for a term of not less than Two (2) years or a fine of not less than N 500,000 or both.

Aiding Harmful Traditional Practices:

(2) A person who incites, aids, abets, or counsels another person to commit the offence provided for in **Sub-Section (1)** of this section is guilty of an offence and is liable upon conviction to imprisonment for a term of not less than One (1) year or a fine of N 200,000 or both.

Damage to Property with Intent to Cause distress:

6. Whoever causes mischief or destruction or damage to property of another with intent to cause or knowing that it is likely to cause distress or annoyance to the victim commits an offence and is liable upon conviction to imprisonment for a term of not less than Two (2) years or a fine of N 300,000 or both.

Forced Financial dependence or Economic Abuse:

7. (1) A person who causes forced financial dependence or economic abuse of another commits an offence and is liable upon conviction to imprisonment for a term not exceeding Two (2) years or a fine of N 500,000 or both.

Attempted Forced Financial dependence or Economic Abuse:

(2) A person who attempts to commit the offence provided for in **Sub-Section (1)** of this section is guilty of an offence and is liable on conviction to imprisonment for a term of not less than One (1) year or a fine of N 200,000 or both.

Aiding Forced dependence or Financial

(3) A person who incites, aids, abets, or counsels another person to commit the offence as provided for in **Sub-Section (1)** of this section is guilty of an offence and is

liable upon conviction to imprisonment for a term of not less than One (1) year or a fine of N 200,000 or both.

Accessory after the fact to Economic Abuse:

(4) A person who receives or assists another who to his knowledge committed the offence provided for in **Sub-Section (1)** of this section is an accessory after the fact and is liable upon conviction to imprisonment for a term not less than One (1) year or a fine of N 200, 000 or both.

Forced Isolation from Family and Friends:

8. (1) A person who forcefully isolates or separates another from family and friends without justification commits an offence and is liable upon conviction to imprisonment for a term of not less than Six (6) months or a fine of N 100,000 or both.

Attempted Forced Isolation or Separation:

(2) A person who attempts to commit the act of violence provided for in **Sub-Section (1)** of this section is guilty of an offence and is liable upon conviction to imprisonment for a term of not less than Three (3) months or a fine of N 100,000 or both.

Aiding Forced Isolation or Separation:

(3) A person who incites, aids, abets, or counsels another person to commit the offence as provided for in **Sub-Section (1)** of this section is guilty of an offence and is liable upon conviction to imprisonment for a term of not less than Three (3) months or a fine of N 100,000 or both.

Accessory after the fact to Forced Isolation or Separation:

(4) A person who receives or assists another who to his knowledge committed the offence provided for in **Sub-Section (1)** of this section is an accessory after the fact and is liable upon conviction to imprisonment for a term of not less than Three (3) months or a fine of N 100,000 or both.

Emotional Abuse:

9. (1) A person who causes emotional abuse on another commits an offence and is liable upon conviction to imprisonment for a term of not less than one (1) year or a fine N 200,000 or both.

Attempted Emotional Abuse:

(2) A person who attempts to commit the act of violence provided for in **Sub-Section (1)** of this section is guilty of an offence and is liable upon conviction to

imprisonment for a term of not less than Six (6) months or a fine of N 100,000 or both.

(3) A person who incites, aids, abets, or counsels another person to commit the act of violence as provided for in **Sub-Section(1)** of this section is guilty of an offence and is liable upon conviction to imprisonment for a term not exceeding six months or a fine of N 100,000 or both.

(4) A person who receives or assists another who to his knowledge committed the offence provided for in **Sub-Section (1)** of this section is an accessory after the fact and is liable upon conviction to imprisonment for a term not exceeding six months or a fine of N 60,000 or both.

Abandonment of Spouse, Children and other Dependents without Sustenance:

10. (1) A person who abandons a spouse, children or other dependent without any means of sustenance commits an offence and is liable upon conviction to imprisonment for a term not exceeding three years or a fine of N 100,000 or both.

(2) A person who attempts to commit the act of violence provided for in **Sub-Section (1)** of this section is guilty of an offence and is liable upon conviction to imprisonment for a term not exceeding two years or a fine of N 200,000 or both.

(3) A person who incites, aids, abets, or counsels another person to commit the act of violence as provided for in **Sub-Section (1)** of this section is guilty of an offence and is liable upon conviction to imprisonment for a term not exceeding two years or a fine of N 200,000 or both.

(4) A person who receives or assists another who to his knowledge committed the offence provided for in **Sub-Section (1)** of this section is an accessory after the fact and is liable upon conviction to imprisonment for a term not exceeding two years or a fine of N 200,000 or both.

Stalking :

11.(1) A person who stalks another commits an offence and is liable upon conviction to Imprisonment for a term not exceeding two years or a fine of N 500,000 or both.

Attempted Stalking :

(2) A person who attempts to commit the act of violence provided for in **Sub-Section (1)** of this section is guilty of an offence and is liable on conviction to imprisonment for a term not exceeding one year or a fine of N 200,000 or both.

Aiding Stalking :

(3) A person who incites, aids, abets, or counsel another person to commit the act of violence as provided for in **Sub-Section (1)** of this section is guilty of an offence and is liable upon conviction to imprisonment for a term not exceeding one year or a fine of N 200,000 or both.

Accessory after the fact to Stalking :

(4) A person who receives or assists another who to his knowledge committed the offence provided for in **Sub-Section(1)** of this section is an accessory after the fact and is liable upon conviction to imprisonment for a term not exceeding one year or a fine of N 100,000 or both.

Administering a Substance with Intent :

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

(2) A person guilty of an offence under this section is, in addition to any other offence under this Law liable upon conviction to imprisonment for a term not exceeding 10 years or a fine of N 500,000 or both.

Incest :

13. Persons who consent to the offence of incest shall both be liable on conviction to a term of imprisonment of not less than 10 years without an option of fine.

Indecent Exposure:

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

(2) A person who intentionally exposes his genital organs, or a substantial part thereof, and induces another to either massage, or touch with the intention of deriving sexual pleasure from such acts commits an offence under this section.

(3) A person guilty of an offence under this section is liable to upon conviction to imprisonment for a term of not less than one year or a fine of N 500,000 or both.

Political Violence:

15. (1) Person who commits political violence as defined in the provisions of this Law, commits an offence and is liable upon conviction to imprisonment for a term not exceeding four years or a fine of N 500,000 or both.

Attempted Political Violence:

(2) A person who attempts to commit the act of violence provided for in **Sub-Section (1)** of this section is guilty of an offence and is liable upon conviction to imprisonment for a term not exceeding two years or a fine of N 500,000 or both.

(3) A person who incites, aids, abets, or counsels another person to commit the act of violence as provided for in **Sub-Section(1)** of this section is guilty of an offence and is liable upon conviction to imprisonment for a term exceeding two years or a fine of N 500,000 or both.

(4) A person who receives or assists another who to his/her knowledge committed the offence provided for in **Sub-Section(1)** of this section is an accessory after the fact and is liable upon conviction to imprisonment for a term not exceeding two years or a fine of N 500,000 or both.

Compensation :

16. A person who is convicted of an offence under this law may be adjudged to make compensation to any person injured by his offence and such compensation may be either in addition to or in substitution for any other punishment.

PART II

APPLICATION FOR A PROTECTION ORDER

Jurisdiction of the Court:

17. (1) The High Court of the State or any other Court of competent jurisdiction shall hear and determine any application brought under this Law.

(2) An application for protection order may be made before any court following a complaint of violence by the complainant. A protection order granted by the Court shall be effective throughout the State and no time limit or prescription shall apply in relation to a person seeking to apply for such protection order.

Application for Protection Order:

18.(1) A complainant may in the prescribed manner apply to the court for a protection order.

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

(3) Notwithstanding the provisions of any other law, the application may be brought on behalf of the complainant by any other person, including a police officer, a protection officer, an accredited service provider, a counselor, health service provider, social worker or teacher who has interest in the well-being of the complainant.

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

(a) a minor;
(b) mentally retarded;
(c) unconscious, or

(d) a person who the court is satisfied is unable to provide the required consent.

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

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

Consideration of Application and Issuing of Interim Protection Order:

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

(2) (a) If the court is satisfied that there is prima facie evidence that the respondent is committing, has committed or that there is imminent likelihood that he may commit an act of domestic violence the court shall notwithstanding the fact that the respondent has not been served notice of the proceedings contemplated in **Sub-Section (1)** of the section, issue an interim protection order against the respondent, in the prescribed manner.

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

(c) A copy of the application referred to in **Section 28** and the record of any evidence taken in terms of **Sub-Section (1)** of this section shall be served on the respondent together with the interim protection order.

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

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

(b) A copy of the application referred to in **Section 28** and the record of any evidence taken in terms of **Sub-Section (1)** of this section shall be served on the respondent together with the interim protection order.

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

(5) The return dates referred to in **Sub-Section (3) (a)** and **(4)** of this section may not be less than 5 days after service has been effected upon the respondent.

Issuing of Protection Order:

20. (1) If the respondent does not appear on a return date and if the court is satisfied that:

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

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

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

(a) consider any evidence previously received in terms of **Section 31 (1)**; and

(b) consider such further affidavits or oral evidence as it may direct, which shall form part of the record of the proceedings.

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

(a) is not entitled to cross-examine directly a person who is in a domestic relationship with the respondent; and

(b) shall put any question to such a witness by stating the question to the court, and the court is to repeat the question accurately to the witness.

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

(5) Upon the issuing of a protection order the Registrar of the court shall forthwith in the prescribed manner cause:

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

(b) a certified copy of such order, and the original warrant of arrest shall be served on the complainant.

(6) The Registrar of the court shall forthwith in the prescribed manner forward certified copies of any protection order and of the warrant of arrest contemplated in **Section 35 (1) (a)** to the police station of the complainant's choice;

(7) Subject to the provisions of this Law, a protection order Issued under this section remains in force until it is set aside, and the execution of such order shall not be automatically suspended upon the filing of an appeal.

Court's Powers in Respect of Protection Order:

21.(1) The court may, by means of protection order prohibit the respondent from:

(a) committing any act of domestic violence;

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

(c) entering a shared household: Provided that the court may impose this prohibition only if it appears to be in the best interests of the complainant;

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

(e) entering the complainant's residence;

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

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

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

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

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

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

(a) to seize any arm or dangerous weapon in the possession or under the control of the respondent;

(b) that a police officer must accompany the complainant to a specified place to assist with arrangements regarding the collection of personal property; or

(c) directing the respondent to secure alternative accommodation for the complainant; or

(d) order a temporal relocation to any safe place as may be deem fit in the interest of the complainant;

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

(3) In ordering a prohibition, the court may impose on the respondent obligations as to the discharge of rent or mortgage payments having regard to the financial needs and resources of the complainant and the respondent.

(4) The court may order the respondent to pay emergency monetary relief having regard to the financial needs and resources of the complainant and the respondent, and such order has the effect of a civil judgment of a court.

(5) The court may issue any directions to ensure that the complainant's physical address is not disclosed in any manner, which may endanger the safety, health or well-being of the complainant.

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

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

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

(7) The court may not refuse to issue a protection order; or to impose any condition or make any order which it is competent to impose or make under this section, merely on the grounds that other legal remedies are available to the complainant.

(8) If the court is of the opinion that any provision of a protection order deals with a matter that should, in the interest of justice, be dealt with further in terms of any other relevant law, including the Matrimonial Causes Act, 1970, Cap. M7 Laws of the Federation, 2004, Child Welfare and protection Law 2020 the court must order that such a provision shall be in force for such limited period as the court determines, in order to afford the party concerned the opportunity to seek appropriate relief in terms of such law.

Police:

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

(a) assisting a victim of violence to file a complaint regarding the violence;

(b) providing or arranging safe transport for the victim to an alternative residence, safe place or shelter where such is required;

(c) providing or arranging transportation for the victim to the nearest hospital or medical facility for treatment of injuries where such treatment is needed;

(d) explaining to the victim his/her rights to protection against violence and remedies available in terms of this Law;

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

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

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

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

(b) a person against whom a complaint has been made for having committed any of the offences under Part 1.

(3) A police officer in carrying out his or her duties under this Law shall have the power:

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

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

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

Warrant of Arrest upon Issuing of Protection Order:

23. (1) Whenever a court issues a protection order, the court shall make an order;

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

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

(2) The warrant shall remains in force unless the protection order is set aside, or it is cancelled after execution.

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

(a) executed and cancelled; or

(b) lost or destroyed.

(4) (a) A complainant or Counsel may hand the warrant of arrest wherein it is stated that the respondent has contravened any provision, condition, obligation or order contained in a protection order, to any police officer.

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

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

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

(ii) call upon the respondent to appear before a court, and on the date and at the time specified in the notice, on a charge of committing the offence; and

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

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

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

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

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

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

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

Variation of Setting Aside of Protection Order:

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

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

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

Discharge:

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

(a) If the application for the order was made by a commissioner in respect of any dependent person by:

(i) the commission;

(ii) the person who brought the application;

(iii) the respondent to that application;

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

(i) The commission;

(ii) the person who was the applicant for the order, or

(iii) the respondent to that application;

(iv) the person who was the applicant for the order; or

(c) In any other case:

(i) the person who was the applicant for the order; or

(ii) the person who was the respondent to the application for the order; and

(iii) the court upon hearing any such application shall make such order, as it considers appropriate in the circumstances.

Offences Relating to Protection Order:

26. (1) A respondent who contravened an interim protection order or a protection order, or while an interim protection order is in force refuses to permit the applicant or any dependent person to enter and remain in the place to which the order relates or does any act for the purpose of preventing the applicant or such dependent person from so entering or remaining shall be guilty of an offence and shall be liable on summary conviction to a fine of not less than Three Hundred Thousand Naira Only (N300,000.00) or to imprisonment for a term of not less than six months (6) or both.

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

(3) Person who in an affidavit referred to in this section, willfully makes a false statement in a material respect shall be liable upon conviction to a fine or, at the discretion of the court, to imprisonment for a term of not less than six months (6) or both.

Application and Forms of Protection Order:

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

Rights of Victims:

28. (1) In addition to the rights guaranteed under Chapter IV of the constitution of the Federal Republic of Nigeria,1999 (as amended), or any other international human rights instruments to which Nigeria is a party, every victim of violence as defined on section 1 of this Law, is entitled to the following rights:

(i) (a) Every victim is entitled to receive the necessary materials, medical, psychological, social and legal assistance through governmental agencies' and/or non-governmental agencies providing such assistance.

(b) Victims are entitled to be informed of the availability of legal, health and social services and other relevant assistance and be readily afforded access to them.

(c) Victims are entitled to rehabilitation and reintegration programme of the state to enable victims to acquire, where applicable and necessary, pre-requisite skills in any vocation of the victim's choice and also in necessary formal education or access to micro credit facilities.

(ii)(a) Any rules and or regulations made by any institution or organization prohibiting or restraining the reporting of offences or complaint with the provisions of this Law, shall to the extent of the inconsistencies be null and void.

(b) No complaint of any offence under this Law shall be expelled, disengaged, suspended or punished in any form whatsoever by virtue of the action of compliance with the provisions of this Law.

(c) A head of institution who violates the provisions of this subsection is guilty of an offence under this Law and shall be liable upon conviction to imprisonment for six months or a fine or both.

(iii) (a) No person may be present during any proceedings in terms of this Law except –

(i) officers of the court;

(ii) the parties to the proceedings;

(iii) any person bringing an application on behalf of the complainant;

(iv) any legal practitioner representing any party to the proceedings;

(v) accredited service provider;

(vi) witnesses;

(vii) not more than three persons for the purpose of providing support to the complainant;

(viii) Not more than three persons for the purpose of providing support to the respondent; and

(ix) Any other person whom the court permits to be present provided that the court may, if it is satisfied that it is in the interests of justice, exclude any person from attending that part of the proceedings.

(b) Nothing in this subsection limits any other power of the court to hear proceedings in camera or to exclude any person from attending such proceedings.

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

(b) The court, if it is satisfied that it is in the interests of justice, may direct that any further information relating to proceedings held in terms of this Law shall not be published provided that no direction in terms of this subsection applies in respect of the publication of a bona fide law report which does not mention the names or reveal the identities of the parties to the proceedings or of any witness at such proceedings.

(3) A person who contravenes the provisions of this subsection is guilty of an offence and is liable upon conviction to imprisonment for a term of not less than one year or to fine or both.

PART III

SERVICE PROVIDERS

Registration and Powers of Service Provider:

29.(1) Subject to such rules as may be made, any voluntary association registered under the Companies and Allied Matters Act 2020 or any other powers of law for the time being in force with the objective of protecting the rights and interests of victims of violence by any lawful means including providing of legal aid, medical, financial or provide other assistance, shall register itself with the State Government as a service provider for the purposes of this Law.

(2) The Ministry responsible for Women Affairs and or Social Development Shall:

(a) Keep a register of all accredited service providers and circulate same to all police stations, protection officers, and the courts; and

(b) Draw up guidelines for the operation of the accredited service providers.

(3) A service provider so registered under **Sub-Section (1)** shall have the power to:

(a) record the violence incidence report in the prescribed form if the aggrieved person so desires and forward a copy thereof to the Magistrates and the Protection Officer having jurisdiction in the area where the violence took place;

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

(c) ensure that the aggrieved person is provided shelter in a shelter home, if she so requires and forward a report of the lodging of the aggrieved person in the shelter home

to the police station within the locality of which the violence act took place.

Protection Order: **30.**(1) The appropriate government Ministry shall appoint such number of protection officers in each Area Council as it may consider necessary, to assist the Court in the discharge of its duties under this Law to co-ordinate the activities of the police and the accredited service providers in his Area Council to ensure that any victim/survivor of violence:

(a) has easy access to accredited service providers;

(b) has easy access to transportation to an alternative residence or a safe shelter, the nearest hospital or medical facility for treatment, if the complainant so requires;

(c) is able to collect her belongings or properties from a shared household or her residence, if the complainant so requires;

(d) is able to access the court for orders under this Law; or

(e) has access to every possible assistance in the service of interim protection order on the respondent, and the enforcement of any order that may have been made by the court under this Law.

(2) The protection officer may, upon the failure of the respondent to make payment ordered by the court under this Law, direct an employer or a debtor of the respondent or any bank in which the respondent operates any account, to directly pay to the complainant or deposit with court a portion of the wages or salaries or debt due to or accrued to the credit of respondent or monies in any bank account operated by the respondent, which amount may be adjusted towards the emergency monetary relief payable by the respondents.

Annual Report to be Submitted to the Governor:

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

Dangerous Sexual Offenders:

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

(a) a child with or without Consent; or

(b) any adult without Consent;

(c) a person of unsound mind.

General Saving:

33. (1) Where this Law is silent on any provisions the provisions of -

(a) Penal Code;

(b) Administration of Criminal Justice Law (ACJL);

(c) Any other Law for the time being enforce in the State shall apply.

PART IV

Interpretation: **34.** In this Law unless the context otherwise requires:

"Abandonment of Women, Children and Other Persons" means deliberately leaving women, children and other persons under the perpetrator's care, destitute and without any means of subsistence;

"Accredited Service Provider" means governmental, non-governmental, faith based, voluntary and charitable associations or institutions, providing shelter, homes counseling, legal, financial, medical or other assistance to victims of domestic violence and are registered with the appropriate government ministry under the provisions of this Law;

"Circumcision of a Girl or Woman" means cutting off all or part of the external sex organs of a girl or woman other than on medical ground.

"Civil Proceedings" means:

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

(ii) proceeding by way of appeal or case stated which are related to proceedings to which paragraph (i) applies;

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

"Commissioner" means Hon. Commissioner/Attorney-General, Ministry of Justice;

"Court" means the High Court of Justice, Magistrates Court and High Court and Shari'ah Courts;

"Damage to Property" means the willful destruction or causing of mischief

Interest to any property belonging to a person or in, which a person has, a vested interest;

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

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

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

(ii) they share or recently shared the same residence;

(iii) they are the parents of a child or children or are the persons who have or had a parental responsibility for that child or children;

(iv) they are family members related by consanguinity, affinity or adoption.

"Domestic Violence" means any act perpetrated on any person in a domestic relationship where such act cause h a r m or may cause imminent harm to the safety, health or well being of any person;

(a) Forced Financial dependence.

(b) Denial of inheritance or success rights.

(c) The unreasonable deprivation of economic or Financial resources to which a person is entitled or which any person requires out of necessity, including:

(i) Household necessities.

(ii) Mortgage bond repayment, or

(iii) Payment of rent in respect of a shared residence or

(iv) The reasonable disposal or destruction of household effects or other property in which any person has an interest.

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

(a) loss of earnings;

(b) medical and dental expenses;

(c) relocation and accommodation expenses;

(d) household necessities; or

(e) legal fees related to obtaining and serving the protection order;

"Emotional, Abuse" means a pattern of degrading or humiliating conduct towards any person, including repeated insults, ridicule or name calling; repeated threats to cause emotional pain, or the repeated exhibition of obsessive possessiveness, which is of such a nature as to constitute a serious invasion of such person's privacy, liberty, integrity or security;

"Forced Isolation from Family and Friends" includes but is not limited to preventing a person from leaving the home or from having contact with family without a just cause, friends or the outside community without a just cause;

"Harassment" means engaging in a pattern of conduct that induces fear of harm or impairs the dignity of a person including stalking; repeatedly making telephone calls or inducing another person to make telephone calls to a person, whether or not conversation ensues; repeatedly sending, delivering or causing delivering of information such as letters, telegrams, packages, facsimiles, electronic mail, text messages or other objects to any person;

"Harmful Traditional Practices" means all traditional behavior, attitudes and/or practices, which negatively affect the fundamental rights of women, girls or any person and includes harmful widowhood practices, denial of inheritance or succession rights, female genital mutilation or female circumcision, forced marriage and forced isolation from family and friends;

"He" means male or female. The pronoun "he" and its derivatives are used for any person whether male or female in respect of offences under this law.

"Minor" means a child below the age of 14 years

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

"Rape" means Rape as provided in section 1 of this law.

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

"Indecent Exposure" means the intentional exposure of the genital organs, or a substantial part thereof, with the intention of causing distress to the other party;

"Intimidation" means the uttering or conveying of a threat or causing any person to receive – a threat, which induces fear, anxiety or discomfort;

"Physical Abuse" means acts or threatened acts of physical aggression towards any person such as slapping, hitting, and beating;

"Political Violence" means any act or attempted act of violence perpetrated in the course of political activities, such as elections, and includes any of the following acts: thuggery, mugging, use of force to disrupt meetings, or the use of dangerous weapon that may cause bodily harm or injury;

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

"Sexual Assault" means the intentional and unlawful touching, striking or causing of bodily harm to an individual in a sexual manner without his/her consent;

"***Sexual Exploitation"*** occurs where a perpetrator, for financial or other reward, favor or compensation invites, persuades, engages or Induces the services of a victim, or offers or perform such services to any other person;

"Sexual Harassment" means unwanted conduct of a sexual nature or other conduct based on sex or gender which is persistent or serious and demeans, humiliates or creates a hostile or intimidating environment. This may include physical, verbal or non-verbal conduct;

"Sexual Intimidation" means:

(a) any action or circumstances which amount to demand for sexual intercourse with either a male or female under any guise, as a condition for passing examination, securing employment, business patronage, obtaining any favor in any form whatsoever, as may be defined in this Law or any other enactments;

(b) the actual demand for sexual intercourse with either a male or female under any guise ,as a condition for passing examination, securing employment, business patronage and or obtaining any favor in any form whatsoever, as may be defined in this Law or any other enactments;

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

(d) any other action or inaction constructed as sexual intimidation/harassment under any other enactments in force in Nigeria;

"Spousal Battery" means the intentional and unlawful use of force or violence upon a person, including the unlawful touching, beating or striking of another person against his/her will with the intention of causing bodily harm to that person,

"Stalking" means repeatedly watching, or loitering outside of or near the building or place where such person resides, works, carries on business, studies or happens to be; or repeatedly following, pursuing or accosting any person in a manner which induces fear or anxiety;

"Substance Attack" means the exposure of any person to any form of chemical , biological or any other harmful liquid with the intention to cause grievous bodily harm, which includes but is not limited to acid attack, hot water, hot oil;

"Victim" means any person or persons, who, individually or collectively, have suffered harm, including physical or mental injury, emotional suffering, economic loss or substantial impairment of their fundamental rights, through acts or omissions that are in violation of this Law and /or the criminal laws of the country, victim also includes the immediate family or dependants of the direct victim and any other person who has suffered harm in intervening to assist victims in distress;

"Violence" in this Law, unless the context otherwise requires violence means any act or attempted act, which causes or may cause any person Physical, sexual, psychological, verbal, emotional or economic harm whether this occurs in private or public life, in peace time and in conflict situation;

"Violence In The Private Sphere" means any act or attempted act perpetrated by a member of the family, relative, neighbor or member of a community, which causes or may cause any person physical, sexual, psychological, verbal, emotional or economic harm;

"Violence in the Public Sphere" means any act or attempted act perpetrated by the State or non –State actors before, during and after elections, in conflict or war

situations, which threatens peace, security and well-being of any person or the nation as a whole;

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

Short Title: **35.** This Law may be cited as the Bauchi State Violence Against Person (Prohibition) Law, 2022.

Repeal: **36.** The Violence Against Person (Prohibition) Law, - 2020 is hereby repealed.

SCHEDULE

AFFIDAVIT, APPLICATION AND FORMS OF PROTECTION ORDER

FORM 1

GENERAL FORM OF APPLICATION FOR PROTECTION ORDER

In the ……...……Court

In the …...…… Division/District,

Suit No. ……...……

Between: A. B. ……. Complainant and

C. D. ……. Respondent

APPLICATION FOR PROTECTION ORDER

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

DATED this …….. ..day of ……....2020

……..
Complainant/Complainant's Counsel

FORM 2

GENERAL FORM OF APPLICATION FOR PROTECTION ORDER

BY A 3RD PARTY

In the ……...……Court

In the …… Division/District,

Suit No. …….....

Between:
A. B. …...…….……..……. Complainant

and
C. D. ……. Respondent

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

APPLICATION FOR PROTECTION ORDER BY A 3RD PARTY

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

DATED this ……. day of ……....20…..…

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

FORM 3

AFFIDAVIT IN SUPPORT OF APPLICATION FOR PROTECTION ORDER

In the …...……Court

In the …...…… Division/District,

Suit No. ……

Between: A. B. …...……...…. Complainant

and
C. D.……....……. Respondent

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

I, A. B. …….....

of ……., hereby make oath and state as follows:

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

……
DEPONENT

Sworn to at ……...……. Court Registry

DATED this ……. day of…… ...20……...

BEFORE ME
COMMISSIONER FOR OATHS

FORM 4

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

In the ……...……Court

In the ……...…… Division/District,

Suit No. ……

Between:
A. B. ……...……..……..……. Complainant

and
C. D. ……. Respondent

and
E. F. ...……...… Guardian

CONSENT TO APPLICATION FOR PROTECTION ORDER

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

Dated this …….. day of …….. 20 …..……

……
Complainant

FORM 5

GENERAL FORM OF INTERIM PROTECTION ORDER

In the ……..……Court,

In the …… Division/District,

Suit No. ……

Between:
A. B. ……..……..……. Complainant

and
C. D. ……. Respondent

and
E. F. …….....
Guardian/Police Officer, etc

To: CD ……...……..…. Respondent

INTERIM PROTECTION ORDER

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

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

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

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

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

……
Judge/Magistrate

FORM 6

GENERAL FORM OF PROTECTION ORDER

In the ……....……Court,

In the ……...…… Division/District,

Suit No. ……
Between:

A. B. ……..……...……..……. Complainant

and
C. D. ……. Respondent

and
E. F. ……...……...
Guardian/Police Officer, etc

To: CD ……...……..…. Respondent

PROTECTION ORDER

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

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

(a) committing any act of domestic violence;
(b) enlisting the help of another person to commit any such act;

(c) entering a specified part of such a shared household;

(d) entering a share household: provided that the court may impose this prohibition only if it appears to be in the best interests of the complainant;
(e) entering the complainant's residence;

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

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

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

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

(j) committing any other act as specified in the protection order; and/or

(k) as the court deems fit.

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

……
Judge/Magistrate

I assented this…….....…….day of…….....……2022

SEN. BALA A MOHAMMED, CON
Governor of Bauchi State

I withheld assent this…….....…….day of…….....……2022

SEN. BALA A MOHAMMED, CON

Governor of Bauchi State

I, Umar Yusuf Gitral Esq. Clerk to the Legislature of Bauchi State hereby certify that this Law has been passed in accordance with Sub-section 3 of Section 100 of the Constitution of the Federal Republic of Nigeria 1999. This printed impression has been carefully compared by me with the Bill, which has been passed by the Legislature and found by me to be a true and correctly printed copy of the said bill.

Clerk to the Legislature

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