

VIOLENCE AGAINST PERSON (PROHIBITION) ACTS, 2015

EXPLANATORY MEMORANDUM

This Act prohibits all forms of violence against persons in private and public life and provides maximum protection and effective remedies for victims and punishment of offenders.

VIOLENCE AGAINST PERSON (PROHIBITION) ACTS, 2015

A bill

For

An Act to eliminate violence in private and public life prohibit all forms of violence against persons and to provide maximum protection and effective remedies for victims and punishment of offenders; and for related matters.

Commencement

ENACTED: By the National Assembly of the Federal Republic of Nigeria-

PART1- OFFENCES

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

(a) He or she internationally penetrates the vagina, anus or mouth of another Person with any other part of his or her body or anything else;

(b) The other person does not consent to the penetration: or

(c) The consent is obtained by force or means of threat 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 such person or in the case of a married person by impersonating his or 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 of age. 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, or

c) In the case of rape by a group of persons, the offenders are liable jointly to a minimum of 20 years imprisonment without an option of fine

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

- (4) A register for convicted sexual offenders shall be maintained and accessible to the public.
- 2 (1) A person who wilfully causes or inflicts physical injury on another person by means of any weapon, substance or object commits an offence and is liable on conviction to a term of imprisonment not exceeding 5 years or a fine not exceeding #100,000.00 or both. Inflicting physical Injury on a person
- (2) A person who attempts to commit the act of violence provided for in subsection(1) of this section commits an offence and is liable on conviction to a term of imprisonment not exceeding 3 years or to a fine not exceeding #200,000.00 or both.
- (3) A person who incites, aids, abets, or counsels another person to commit the act of violence provided for in subsection(1) of this section commits an offence and is liable on conviction to a term of imprisonment not exceeding 3 years or to a fine not exceeding #200,000.00 or both. Coercion
- (4) A person who receives or assists another who, to his knowledge commits an offence under subsection(1) of this section, is an accessory after the fact and is liable on conviction to a term of imprisonment not exceeding 3 years or to a fine not exceeding '200,000.00 or both. Wilfully placing a Person in fear of Physical injury
- (5) The court may also award appropriate compensation to the victim as it may deem fit in the circumstance.
3. A person who coerces another to engage in any act to the detriment of that other person's physical or psychological well being commits an offence and is liable on conviction to term of imprisonment of 3 years
4. (1) A person who wilfully or knowingly places a person in fear of physical injury commits an offence and is liable on conviction to a term of imprisonment not exceeding 2 years or to a fine not exceeding '200,000.00 or both
- (2) A person who attempts to commit the offence as provided for in subsection (1) of this section commits an offence and is liable on conviction to a term of imprisonment not exceeding 1 years or to a fine not exceeding #100,000.00 or both.

(3) A person who aids, abets, or counsels another person to commit the offence provide for in subsection(1) of this section commits an offence and is liable on conviction to a term of imprisonment not exceeding 1 year or to a fine not exceeding #200,000.00 or both

(4) A person who receives or assist another who has committed the offence provided for in subsection(1) of this section is an accessory after the fact and is liable on conviction to a term of imprisonment not exceeding 1 year or to a fine not exceeding #200,000.00 or both

5 (1) A person who compels another, by force or threat, to engage in any conduct or act, sexual or otherwise, to the detriment of the victim's physical or psychological well-being commits an offence and is liable on conviction to a term of imprisonment not exceeding 2 years or to a fine not exceeding #500,000.00 or both Offensive conduct

(2) A person who attempts to commits the offence provided for in subsection (1) of this section commits an offence and is liable on conviction to a term of imprisonment not exceeding 1 year or to a fine not exceeding #300,000.00 or both

(3) A person who incites, aids, abets, or counsels another person to commit the offence provided for in subsection (1) of this section commits an offence and is liable on conviction to a term of imprisonment not exceeding 1 year or to a fine not exceeding #300,000.00 or both

(4) A person who receives or assists another who to his or her knowledge, committed the offence provided for in subsection (1) of this section is an accessory after the fact and is liable on conviction to a term of imprisonment not exceeding 3 years or to a fine not exceeding #500,000.00 or both

6. (1) the circumcision or genital mutilation of the girl child or woman is hereby prohibited. Prohibition of female
circumcision of genital
mutilation

(2) A person who performs female circumcision or genital mutilation or engages another to carry out such circumcision or mutilation commits an offence and is liable on conviction to a term of imprisonment not exceeding 4 years or to a fine not exceeding #200,000.00 or both

(3) A person who attempts to commit the offence provided for in subsection (2) of this section commits an offence and is liable on conviction to a term of imprisonment not exceeding 2 years or to a fine not exceeding #100,000.00 or both

(4) A person who incites, aids, abets, or counsels another person to commit the offence provided for in subsection (2) of this section commits an offence and is liable on conviction to a term of imprisonment not exceeding 2 years or to a fine not exceeding #100,000.00 or both

7. Any person who with intent to defraud or conceal an offence or frustrate the investigation and prosecution of offender under this Act or under any other enactment

Frustrating investigation

(A) Destroy alters, mutilates, or falsifies any book or document, dress or clothing which could serve as evidence or exhibits,

(b) omits, or is privy to omitting, any material particular from any such document book, dress or clothing commits a felony and is liable on conviction to a term of imprisonment not exceeding 3 years or to a fine not exceeding #500,000.00 or both

8. A person who wilfully makes false statement, whether oral or documentary, in any judicial proceeding under this Act or with the aim of initiating investigation or criminal proceeding under this Act against another person commits an offence under this Act and is liable on conviction to a fine of #200,000. Or a term of imprisonment not exceeding 12 months.

Wilfully marking false statements.

- 9 (1) A person forcefully evicts his or her spouse from his or her home or refuses him or her access commits an offence and is liable on conviction to a term of imprisonment not exceeding 2 years or to a fine not exceeding #300,000.00 or both

Forceful ejection from home

(2) A person who attempts to commit the offence provided for in subsection(1) of this section commits an offence and is liable on conviction to a term of imprisonment not exceeding 1 year or to a fine not exceeding #200,000.00 or both

(3) A person who incites, aids, abets, or counsels another person to commit the offence provided for in subsection (1) of this section commits an offence and is liable on conviction to a term of

imprisonment not exceeding 1years or to a fine not exceeding #200,000.00 or both

(4) A person who receives or assists another who, to his or her knowledge, committed the offence provided for in subsection (1) of this section is an accessory after the fact and is liable on conviction to a term of imprisonment not exceeding 1 year or to a fine not exceeding #200,000.00 or both

10. (1) A person who deprives another of his or liberty, except pursuant to a court order commits an offence and is liable on conviction to a term of imprisonment not exceeding 2 years or to a fine not exceeding #500,000.00 or both

Depriving a person of his or her liberty

(2) A person who attempts to commit the offence provided for in subsection(1) of this section commits an offence and is liable on conviction to a term of imprisonment not exceeding 1 year or to a fine not exceeding #200,000.00 or both

(3) A person who incites, aids, abets, or counsels another person to commit the offence provided for in subsection (1) of this section commits an offence and is liable on conviction to a term of imprisonment not exceeding 2years or to a fine not exceeding #300,000.00 or both

(4) A person who receives or assists another who, to his or her knowledge, committed the offence provided for in subsection (1) of this section is an accessory after the fact and is liable on conviction to a term of imprisonment not exceeding 1 year or to a fine not exceeding #100,000.00 or both

11. (1) A person who cause mischief or destruction or damage to property of another with intent to cause or knowing that it is likely to cause distress or annoyance to the victim. Commits an offence and is liable on conviction to a term of imprisonment not exceeding 2 years or to a fine not exceeding #300,000.00 or both

Damages to property with intent to cause distress

(2) A person who attempts to commit the offence provided for in subsection(1) of this section commits an offence and is liable on conviction to a term of imprisonment not exceeding 1 year or to a fine not exceeding #200,000.00 or both

(3) A person who incites, aids, abets, or counsels another person to commit the offence as provided for in subsection (1) of this section

commits an offence and is liable on conviction to a term of imprisonment not exceeding 1year or to a fine not exceeding #200,000.00 or both

(4) A person who receives or assists another who, to his or her knowledge, committed the offence provided for in subsection (1) of this section is an accessory after the fact and is liable on conviction to a term of imprisonment not exceeding 1year or to a fine not exceeding #200,000.00 or both

12 (1) A person who causes forced financial dependence or economic abuse of another commits an offence and is liable on conviction to a term of imprisonment not exceeding 2 years or to a fine not exceeding #500,000.00 or both.

Forced financial dependence or Economic abuse

(2) A person who attempts to commit the offence provided for in subsection(1) of this section commits an offence and is liable on conviction to a term of imprisonment not exceeding 1year or to a fine not exceeding #200,000.00 or both

(3) A person who incites, aids, abets, or counsels another person to commit the offence as provided for in subsection (1) of this section commits an offence and is liable on conviction to a term of imprisonment not exceeding 1year or to a fine not exceeding #200,000.00 or both

(4) A person who receives or assists another who, to his or her knowledge, committed the offence provided for in subsection (1) of this section is an accessory after the fact and is liable on conviction to a term of imprisonment not exceeding 6 months or to a fine not exceeding #100,000.00 or both

13 (1) A person who forcefully isolates or separates another from family and friends commits an offence and is liable on conviction to a term of imprisonment not exceeding 6 months or to a fine not exceeding #100,000.00 or both

Forced isolation or separation from family and friends

(2) A person who attempts to commit the act of violence provided for in subsection(1) of this section commits an offence and is liable on conviction to a term of imprisonment not exceeding 3 months or to a fine not exceeding #100,000.00 or both

(3) A person who incites, aids, abets, or counsels another person to commit the offence as provided for in subsection (1) of this section

commits an offence and is liable on conviction to a term of imprisonment not exceeding 3 months or to a fine not exceeding #100,000.00 or both

(4) A person who receives or assists another who, to his or her knowledge, committed the offence provided for in subsection (1) of this section is an accessory after the fact and is liable on conviction to a term of imprisonment not exceeding 3 months or to a fine not exceeding #100,000.00 or both

14 (1) A person who causes emotional, verbal and psychological abuse on another commits an offence and is liable on conviction to a term of imprisonment not exceeding 1 year or to a fine not exceeding #200,000.00 or both

Emotional, verbal and psychological abuse

(2) A person who attempts to commit the act of violence provided for in subsection(1) of this section commits an offence and is liable on conviction to a term of imprisonment not exceeding 6 months or to a fine not exceeding #100,000.00 or both

(3) A person who incites, aids, abets, or counsels another person to commit the act of violence as provided for in subsection (1) of this section commits an offence and is liable on conviction to a term of imprisonment not exceeding 6 months or to a fine not exceeding #100,000.00 or both

(4) A person who receives or assists another who, to his or her knowledge, committed the offence provided for in subsection (1) of this section is an accessory after the fact and is liable on conviction to a term of imprisonment not exceeding 6 months or to a fine not exceeding #100,000.00 or both

15. (1) A person who subjects a widow to harmful traditional practices commits an offence and is liable on conviction to a term of imprisonment not exceeding 2 years or to a fine not exceeding #500,000.00 or both

Harmful widowhood practices

(2) A person who attempts to commit the act of violence provided for in subsection(1) of this section commits an offence and is liable on conviction to a term of imprisonment not exceeding 1 year or to a fine not exceeding #200,000.00 or both

(3) A person who incites, aids, abets, or counsels another person to commit the act of violence as provided for in subsection (1) of this

section commits an offence and is liable on conviction to a term of imprisonment not exceeding 1 year or to a fine not exceeding \$200,000.00 or both

(4) A person who receives or assists another who, to his or her knowledge, committed the offence provided for in subsection (1) of this section is an accessory after the fact and is liable on conviction to a term of imprisonment not exceeding 6 months or to a fine not exceeding \$100,000.00 or both

16. (1) A person who abandons a wife or husband, children or other dependent without any means of sustenance commits an offence and is liable on conviction to a term of imprisonment not exceeding 3 years or to a fine not exceeding \$500,000.00 or both

Abandonment of Spouse, Children and other sustenance

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

(3) A person who incites, aids, abets, or counsels another person to commit the act of violence as provided for in subsection (1) of this section commits an offence and is liable on conviction to a term of imprisonment not exceeding 2 years or to a fine not exceeding \$200,000.00 or both

(4) A person who receives or assists another who, to his or her knowledge, committed the offence provided for in subsection (1) of this section is an accessory after the fact and is liable on conviction to a term of imprisonment not exceeding 1 year or to a fine not exceeding \$100,000.00 or both

17. (1) A person who stalks another commits an offence and is liable on conviction to a term of imprisonment not exceeding 2 years or to a fine not exceeding \$500,000.00 or both

Stalking

(2) A person who attempts to commit the act of violence provided for in subsection (1) of this section commits an offence and is liable on conviction to a term of imprisonment not exceeding 1 year or to a fine not exceeding \$200,000.00 or both

(3)) A person who incites, aids, abets, or counsels another person to commit the act of violence as provided for in subsection (1) of this section commits an offence and is liable on conviction to a term

of imprisonment not exceeding 1 year or to a fine not exceeding \$200,000.00 or both

(4) A person who receives or assists another who, to his or her knowledge, committed the offence provided for in subsection (1) of this section is an accessory after the fact and is liable on conviction to a term of imprisonment not exceeding 1 year or to a fine not exceeding \$100,000.00 or both

18. (1) A person who intimidates another commits an offence and is liable on conviction to a term of imprisonment not exceeding 1 year or to a fine not exceeding \$200,000.00 or both

Intimidation

(2) A person who attempts to commit the act of violence provided for in subsection(1) of this section commits an offence and is liable on conviction to a term of imprisonment not exceeding 6 months or to a fine not exceeding \$100,000.00 or both

(3) A person who incites, aids, abets, or counsels another person to commit the act of violence as provided for in subsection (1) of this section commits an offence and is liable on conviction to a term of imprisonment not exceeding 6 months or to a fine not exceeding \$100,000.00 or both

(4) A person who receives or assists another who, to his or her knowledge, committed the offence provided for in subsection (1) of this section is an accessory after the fact and is liable on conviction to a term of imprisonment not exceeding 6 months or to a fine not exceeding \$100,000.00 or both

19. (1) A person who batters his or her spouse commits offence and is liable on conviction to a term of imprisonment not exceeding 3 years or to a fine not exceeding \$200,000.00 or both

Spousal battery

(2)) A person who attempts to commit the act of violence provided for in subsection(1) of this section commits an offence and is liable on conviction to a term of imprisonment not exceeding 1 year or to a fine not exceeding \$100,000.00 or both

(3) A person who incites, aids, abets, or counsels another person to commit the act of violence as provided for in subsection (1) of this section commits an offence and is liable on conviction to a term of imprisonment not exceeding 1 year or to a fine not exceeding \$200,000.00 or both

(4) A person who receives or assists another who, to his or her knowledge, committed the offence provided for in subsection (1) of this section is an accessory after the fact and is liable on conviction to a term of imprisonment not exceeding 1 year or to a fine not exceeding \$200,000.00 or both

20. (1) A person who carries out harmful traditional practices on another commits an offence and is liable on conviction to a term of imprisonment not exceeding 4 years or to a fine not exceeding \$500,000.00 or both

Harmful traditional practices

(2) A person who attempts to commit the act of violence provided for in subsection(1) of this section commits an offence and is liable on conviction to a term of imprisonment not exceeding 2 years or to a fine not exceeding \$300,000.00 or both

(3) A person who incites, aids, abets, or counsels another person to commit the act of violence as provided for in subsection (1) of this section commits an offence and is liable on conviction to a term of imprisonment not exceeding 2 years or to a fine not exceeding \$300,000.00 or both

(4)) A person who receives or assists another who, to his or her knowledge, committed the offence provided for in subsection (1) of this section is an accessory after the fact and is liable on conviction to a term of imprisonment not exceeding 2 years or to a fine not exceeding \$200,000.00 or both

21. (1) A person who uses chemical, biological or any other harmful liquid on any other commits an offence and is liable on conviction to a term of life imprisonment without an option of fine

Attack wills harmful substance

(2) A person who attempts to commit the act of violence described in subsection(1) of this section commits an offence and is liable on conviction to a term of imprisonment not exceeding 25 years without the option of fine

(3) A person who incites, aids, abets, or counsels another person to commit the act of violence, as provided for in subsection (1) of this section, commits an offence and is liable on conviction to a term of imprisonment not exceeding 25 year without the option of fine

(4) A person who receives or assists another who, to his or her knowledge, committed the offence provided for in subsection (1) of

this section is an accessory after the fact and is liable on conviction to a term of imprisonment not exceeding 25 years without the option of fine

22. (1) A person who 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 to enable any person to engage in a sexual activity with that person. Administering a substance with intent
- (2) A person who commits an offence under this section is, in addition to any other offence under this Act, liable on conviction to a term of imprisonment not exceeding 10 years or a fine of #500,000 or both
23. (1) A person who commits a political violence as defined under of this Act relating to political violence commits an offence and is liable on conviction to term of imprisonment not exceeding 4 years or a fine of '500,000 or both Political violence
- (2) A person who attempts to commit the act of violence provided for in subsection(1) of this section commits an offence and is liable on conviction to a term of imprisonment not exceeding 2 years or to a fine not exceeding #300,000.00 or both
- (3) A person who incites, aids, abets, or counsels another person to commit the act of violence as provided for in subsection (1) of this section commits an offence and is liable on conviction to a term of imprisonment not exceeding 2 years or to a fine not exceeding #300,000.00 or both.
- (4) A person who receives or assists another who, to his or her knowledge, committed the offence provided for in subsection (1) of this section is an accessory after the fact and is liable on conviction to a term of imprisonment not exceeding 2 years or to a fine not exceeding #200,000.00 or both.
24. (1) A state actor who commits political violence commits an offence and is liable on conviction to a term of imprisonment not exceeding 4 years or to a fine not exceeding # 1000,000.00 or both Violence by State actors
- (2) A person who attempts to commit the act of violence provided for in subsection(1) of this section commits an offence and is liable

on conviction to a term of imprisonment not exceeding 3 years or to a fine not exceeding #700,000.00 or both

(3) A person who incites, aids, abets, or counsels another person to commit the act of violence as provided for in subsection (1) of this section commits an offence and is liable on conviction to a term of imprisonment not exceeding 2 years or to a fine not exceeding #500,000.00 or both

(4) A person who receives or assists another who, to his or her knowledge, committed the offence provided for in subsection (1) of this section is an accessory after the fact and is liable on conviction to a term of imprisonment not exceeding 1 year or to a fine not exceeding #300,000.00 or both.

(5) The State is liable for the offence committed by its agents and the Court shall award appropriate compensation commensurate with the extent and amount of damages.

25. A person who knowingly and wilfully have carnal knowledge of another within the prohibited degrees of consanguinity and affinity contained in the schedule to this Act with or without consent, commits incest and is liable on conviction to a minimum term of
- Incest schedule
- (a) 10 years imprisonment without an option of fine,
 - (b) Where the two parties consent to commit incest, provided that the consent was not obtained by fraud or threat, 5 years imprisonment without an option of fine
26. (1) A person who intentionally exposes his or her genital organs, or a substantial part thereof, with the intention of causing distress to the other party, or that another person seeing it may be tempted or induced to commits an offence under this Act, commits an offence termed "indecent exposure"
- Indecent exposure
- (2) A person who intentionally exposes his or her genital organs, or a substantial part thereof, and induces another to either massage, or touch with the intention of deriving sexual pleasure from such acts commits an offence under this section

- (3) A person who commits an offence under this section is liable to upon conviction to a term of imprisonment of not less than 1 year or to a fine not exceeding #500,000 or both

Part II- Jurisdiction of the court

27. Only the High Court of the Federal Capital Territory, Abuja empowered by an Act of parliament shall have the jurisdiction to hear and grant any application brought under this Act, Jurisdiction
28. (1) An application for a protection order may, be made before the High Court following a complaint of violence by the complainant and such order, if granted, shall be effective throughout the Federal Republic of Nigeria and no time limit or prescription shall apply in relation to a person seeking to apply for such protection order. Application for protection order
- (2) Any complainant may, in the prescribed manner, apply to the Court for a protection order
- (3) If the complainant is not represent by counsel, the police officer with whom a complaint of violence has been lodged shall inform the complainant of the remedies he or she may be entitled to under this Act including the right to lodge a criminal complaint against the respondent if a criminal offence has been committed under this Act.
- (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 workers or teacher who has interest in the well-being of the complainant
- Provided that the application shall be brought with the written consent of the complainant, except in circumstances where the complainant is-
- (a) A minor,
 - (b) Mentally retarded
 - (c) Unconscious; or
 - (d) A person who the court is satisfied is unable to provide the required consent
- (5) Notwithstanding the provisions of any other law, any minor, or any person on behalf of a minor, may apply to the Court for a protection order without the assistance of a parent, guardian or any

other person and supporting affidavit by persons who have knowledge of the matter concerned may accompany the application

(6) The application and affidavits shall be filed in Court

29. (1) The Court shall as soon as is reasonably possible, consider an application submitted to it under section 30 (6) of this Act and may, for that purpose, consider such additional evidence as it deems fit, including oral evidence by affidavit, which shall form part of the record of the proceedings

Consideration of application

(2) If the Court is satisfied that there is prima facie evidence that the respondent is committing, has committed or that there is imminent likelihood that he may commit an act of domestic violence, the Court shall, notwithstanding the fact that the respondent has not been given notice of the proceedings contemplated in subsection (1) of the 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 must call on the respondent to show cause on the return date, specified in the order why a protection order should not be issued

(4) A copy of the application referred to in section of this Act 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 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) An interim protection order shall be served on the respondent in the prescribed manner and shall call on the respondent to show cause on the return date, specified in the order why a protection order, should not be issued

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

30 (1) if the respondent does not appear on a return date contemplated in section 29(3) or (5) of this Act, and if the Court is satisfied that-

Issuing of protection order

(a) Proper service has been effected on the respondent, and

(b) The application contains a prima facie evidence that the respondent has committed, is committing or that there is an imminent likelihood that he may commit an act of domestic violence

The court shall issue a protection order in the prescribed form

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

(a) Any evidence previously received under section 29(1) of this Act; and

(b) Such further affidavits or oral evidences 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 starting the question to the Court, and the court is to repeat the question accurately to the witness.

(4) The Court shall, after a hearing as contemplated in subsection (2) of this section, issue a protection order in the prescribed form, if it finds, on a balance of probabilities, that the respondent has

committed, is committing or that there is an imminent likelihood that he may commit an act of domestic violence

(5) Upon the issuing of a protection order, the Registrar of the court shall, 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 original warrant of arrest contemplated in section 33 (1) (a)

To be, served on the complainant

(6) The Registrar of the Court shall, in the prescribed manner, forward certified copies of any protection order and of the warrant of arrest contemplated in section 33 (1)

(a) to the police station of the complainant's choice

(7) Subject to the provisions of section 31 (7) of this Act, a protection order issued under this section remains in force until it is set aside, and execution of such order shall not be automatically suspended upon the filing of an appeal

31. (1) The Court may, by means of a protection order referred to in section 28 or 29 of this Act, prohibit the respondent from-

Court's powers in respect of protection order

(a) Committing any act of domestic violence;

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

(c) Entering a shared household provided that the court may impose this prohibition only if it appears to be in the best interest of the complainant;

(d) Entering a specified part of such a shared household

(E) Entering the complainant's residence;

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

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

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

- (I) Renouncing his or her rights in the shared household except in favour of the complainant; or
 - (J) Committing any other act as specified in the protection order.
- (2) The Court may impose any additional condition, which it deems reasonably necessary to protect and provide for the safety, health or well-being of the complainant, including an order
- (a) To seize any arm or dangerous weapon in the possession or under the control of the respondent.
 - (b) That a police officer shall accompany the complainant to a specified place to assist with arrangement regarding the collection of personal property;
 - (c) Directing the respondent to secure alternative accommodation for the complainant
 - (d) Order a temporal relocation to any safe place as may be deemed fit in the interest of the complainant; or
 - (e) Approve a mediation channel upon subsection by the complainant
- (3) In ordering a prohibition under subsection 1(c) of this section, the Court may impose on the respondent obligation as to the discharge of rent or mortgage payments have 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 interest of any child, it may-
- (a) Refuse the respondent contact with such child; or
 - (b) Order contact with such child on such conditions as it may consider appropriate

(7) The Court may not refuse to issue a protection order or impose and 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, including the Matrimonial Causes Act, Cap. M7 Laws of the Federation, 2004, child's Right Act, 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

Cup M7LFN, 2004

Act No.26, 2003

32. (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 violent 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 is required;

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

(d) Explaining to the victim his or her rights to protection against violence and remedies available in terms of this Act;

(e) explaining to the victim that he or she has the right to lodge a criminal complaint in addition to any remedy provided under this Act; 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 or she suspects upon reasonable grounds to have committed any of the offences under Part1 of this Act, and

(b) A complaint has been made for having committed any of the offences under part1 of this Act

(32) A police officer in carrying out his or her duties under this Act shall the power to-

Powers of police

(a) Remove or supervise the removal of a person excluded from a shared residence where the court has issued such an order this Act;

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

(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.

