

ISSN 0331-1902



Imo State of Nigeria Official Gazette

Published by Authority

No. 33

OWERRI – 22nd December, 2021

Vol. 45

CONTENTS

Page

Imo State of Nigeria Law No. 8 of 2021–Imo State Violence Against
Persons (Prohibition) Law, 2021 A1

Printed and published by the Government Printer, Owerri 34/1221/100
Annual Subscription: Nigeria ₦20,000.00; Overseas, ₦30,000.00 (Surface Mail), ₦8,000.00
(2nd Class Air Mail) Present Issue (including Supplement)

**IMO STATE OF NIGERIA****LAW NO. 8 OF 2021****IMO STATE VIOLENCE AGAINST PERSONS (PROHIBITION) LAW, 2021****ARRANGEMENT OF SECTIONS****Long Title****Enactment****PART I – PRELIMINARY**

1. Citation
2. Interpretation

PART II - OFFENCES

3. Definition of Rape and Punishment for Rape
4. Inflicting Physical Injury on a Person
5. Procurement of Person for Sexual Exploitation
6. Willfully Placing a Person in Fear of Physical Injury
7. Coercion into Offensive Conduct
8. Taking Undue Advantage of Persons Living with Disability
9. Prohibition of Female Genital Mutilation
10. Frustrating Investigation
11. Willfully make False Statements
12. Forceful Ejection from Home
13. Depriving a Person of his or her Liability
14. Damage to Property with Intent to Cause Distress
15. Deprivation of Right of Inheritance
16. Economic Abuse or forced Financial Dependence
17. Harmful Widowhood Practices
18. Abandonment of Spouse, Children and other Dependants without Sustenance
19. Stalking
20. Sexual Intimidation
21. Intimidation of a Person
22. Spousal Battery, etc
23. Harmful Traditional Practices
24. Attack with Harmful Substance

25. Administering a Substance with Intent to Commit Sexual Offence
26. Incest
27. Posting of pictures or video of a victim of sexual violence on the internet
28. Posting Nude pictures or videos of a current or former partner
29. Political violence
30. Violence by state actors
31. Jurisdiction
32. Application for protection order
33. Consideration of application and issuing of interim protection Order
34. Issuing of Protection Order
35. Court's Power in respect of Protection Order
36. Warrant of Arrest upon Issuing of Protection Order
37. Variation or setting aside of Protection Order
38. Power to Discharge a Protection Order
39. Offence Relating to Protection Order
40. Application and forms of Protection Order
41. Extension of Protection Order to other persons
42. Occupation Order
43. Referral to Family Court
44. Obligations of the Police
45. Responsibility
46. Punishment of Offence
47. Rights of Victims
48. Prohibition of Publication of Certain Information
49. Dangerous Sex Offenders
50. Sex Offenders' Register
51. Seizure of Arms and Dangerous Weapons

PART IV – SERVICE PROVIDER AND CIVIL SOCIETY ORGANIZATION

52. Registration and Power of Service Providers
53. Investigation of Offences
54. Prosecution of Offenders

PART V – REGULATORY BODY

55. Establishment of the Agency
56. Establishment and Composition of the Governing Board of the Agency
57. Functions of the Agency
58. Functions of the Board
59. Meetings of the Board
60. Director-General of the Agency
61. Secretariat of the Agency
62. Protection Officer
63. Provision of Counseling and Support Services
64. Establishment of Transit Shelter
65. Establishment of Sexual Assault Referral Centre (SARC)
66. Provision for Training
67. Establishment of Support Fund

68. Funds of the Agency
69. Management of the Fund
70. Annual Estimates
71. Annual Report of the Agency
72. Pre-Action Notice
73. Restriction of Execution against the Property of the Agency
74. Indemnity of Officers of the Agency



IMO STATE OF NIGERIA

LAW NO. 8 OF 2021

A LAW 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 OTHER RELATED MATTERS. *Long Title*

BE IT ENACTED by the House of Assembly of Imo State of Nigeria as follows – *Enactment*

PART I – PRELIMINARY

1. This law shall be cited as the Imo State Violence Against Persons (Prohibition) Law, and shall come into effect on the 15th day of December, 2021. *Citation*

2. In this Law, unless the context otherwise requires – *Interpretation*

“Abandonment of spouse, children and other persons” means, deliberately leaving spouse, children and other persons under the perpetrator’s care, destitute and without any means of subsistence;

“Accredited service provider” means non-government organizations, faith based organizations, voluntary and charitable associations, donor agencies, or institutions providing free medical, legal, financial, counseling, transit shelter, safe shelter, homes, or other assistance to victims of violence and are registered with the Agency under the provisions of this Law;

“Agency” means the Imo State Agency for prohibition of violence against persons, established under section 56 of this Law;

“Arms” mean any arms or any armament as defined in section 1 (1) of the Firearms Act Cap 69 Laws of the Federal Republic of Nigeria 1990;

“Civil proceedings” mean – proceedings for the making, variation or discharge of a protection order, safety order or interim protection order;

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

proceedings under this Law for compensation or award;

“Compensation” means money awarded against a convict of violence by the Court, payable to the victim of violence to recompense, reduce or offset the unpleasant effect of the violence;

“Damage to property” means the willful destruction or causing of mischief to any property belonging to a person or in which a person has a vested interest;

“Dangerous weapon” means any instrument or machine directed toward a person with the intention of inflicting bodily harm on such person and includes, but not limited to, gun, knife, stick, whip or other household appliance capable of inflicting bodily harm on a person or terminating a person’s life.

“Domestic relationship” means a relationship between any person and a perpetrator of violence constituted in any of the following ways –

- (a) they are or were married to each other, including marriage according to Marriage Act, custom or religion;
- (b) they are the parents of a child or children or are the persons who have or had parental responsibility for that child or children;
- (c) they are family members related by consanguinity, affinity or adoption;
- (d) they are or were in an engagement dating or customary relationship; including actual or perceived romantic, intimate or sexual relationship of any duration; or
- (e) they share or recently shared the same residence;

“Domestic Violence” means any act perpetrated on any person in a domestic relationship where such act causes harm or may cause imminent harm to the safety, health or well-being of any person;

“Economic abuse” means-

- (a) preventing a person from finding employment;
- (b) forcing a person to quit his or her job;
- (c) forcefully controlling a person’s finances;
- (d) forcing a person to work to pay back ‘debt’;
- (e) withholding money for essential items, such as food, water and medical treatment;
- (f) forced financial dependence;
- (g) the unreasonable deprivation of economic or financial resources to which any person is entitled or which any person require out of necessity, including-
 - (i) household necessities;

- (ii) mortgage bond repayments; or
- (iii) payment of rent in respect of a shared residence; or
- (h) the unreasonable disposal or destruction of household effects or other property in which any person has an interest;

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

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

“Female genital mutilation” means cutting off all or part of the external sex organs of a girl or woman on the ground of traditional or religious practices which includes –

- (a) clitoridectomy, which involves the removal of the prepuce of the hood of the clitoris itself and the posterior;
- (b) excision which involves the removal of the clitoris along with parts of the labia minora or all of it;
- (c) infibulations, otherwise known as “pharonic circumcision” which involves the removal of the clitoris, the labia minora and the adjacent media part of the labia majora in their anterior two-thirds, whether or not the two sides of the vulva are stitched together or merely an opening of the size of a pin head to allow for the flow of urine and menstrual blood;
- (d) introcision, including “gishiri cuts”;
- (e) “angurya cut”, that is, scraping or cutting of the vagina;
- (f) pricking, piercing or incising of the clitoris or labia;
- (g) cauterization, that is, searing of the clitoris, labia and vagina with hot iron or caustic, in order to make same insensitive;
- (h) introduction of corrosive substance and herbs in the vagina, in order to desensitize it; and
- (i) other forms of female genital mutilation;

“Harassment” means engaging in a pattern of conduct that induces fear of harm or impairs the dignity of a person including-

- (a) stalking;
- (b) repeatedly making telephone calls or inducing another person to make telephone calls to a person, whether or not conversation ensues; and
- (c) repeatedly sending, delivering or causing delivery of information such as letters, telegrams, packages, facsimiles, electronic mail, text messages or other objects to any person;

“Harmful traditional practices” mean, all traditional behavior, attitudes or practices, which negatively affect the fundamental rights and dignity of women, girls, or any person such as –

- (a) denial of right of inheritance;
- (b) diala, osu, ohu, ume caste system;
- (c) banishment;
- (d) trial by ordeal;
- (e) marrying or giving out underage girl into early marriage;
- (f) forced marriage to a man or woman without consent;
- (g) female infanticide;
- (h) virginity testing;
- (i) forced pregnancy;
- (j) stigmatization of pregnancy outside marriage;
- (k) trying of any person for witchcraft;
- (l) trafficking of persons;
- (m) sexual slavery;
- (n) dragging a person to any shrine for the administration of idolatrous oaths;

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

“Incest” means sexual intercourse, an indecent act or an act which causes penetration with a person related by blood, who is to the person’s knowledge such as a daughter or son, grandfather or grandmother, granddaughter/son, sister or brother, mother or father, cousin, niece or nephew, aunt or uncle or granduncle;

“Indecent exposure” means the intentional exposure of the genital organs, or a substantial part thereof, with the intention of causing sexual distress or arousal to 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;

“Marriage” means a union between a man and a woman as recognized under the Marriage Act, Customary Law, Islamic Law and Christian doctrine;

“Perpetrator” means any person who has committed or allegedly committed an act of violence under this Law;

“Person” means a human being, male or female; a human life from conception to natural death;

“Physical abuse” means acts or threatened acts of physical aggression towards any person such as slapping, hitting, kicking and beating;

“Political violence” means any act or attempted act of violence perpetrated in the course of political activities, such as elections, and includes any of the following act –
thuggery, mugging, use of force to disrupt meetings or elections, snatching of ballot boxes, result sheets and other voting materials, or the use of dangerous weapons that may cause bodily harm or injury;

“Protection officer” means an officer of the Agency, appointed under section 61 of this Law to serve at the various Local Government Areas in relation to and for the purpose of this Law;

“Protection order” means an official legal document signed by a judge, that restrains an individual or State actor from further abusive behaviours or act towards the victim;

“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 the person’s consent;

“Sexual violence” means any physical, sexual, emotional or psychological violence or trauma inflicted on a person (male or female). This includes rape, violence, threat of violence, coercion, arbitrary deprivation of liberty or dignity, whether occurring in public or private;

“Sexual exploitation” occurs where a perpetrator, for financial or other reward, favour or compensation, invites, persuades, engages or induces the sexual services of a victim, or offers or performs such services to any other person. It also includes the use of a person in prostitution, pornography, or other sexually manipulative activity;

“Sexual defamation” occurs where the perpetrator maliciously posts a nude picture or video of his partner or ex partner on the social media with intent to scandalize or extort money;

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

“Sexual intimidation” means –

- (a) any action or circumstances which amount to demand for sexual intercourse with either a male or a female under any guise, as a condition for passing examination or test (otherwise called sex for grade or marks) in any public or private institution, securing employment, business patronage, or obtaining any favour in any

form whatsoever as may be defined in this Law or any other enactments;

- (b) 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 sexual intercourse for purpose of receiving reprieve thereto;
- (c) any other action or inaction construed as sexual intimidation or harassment under any other enactments in force in Nigeria;

“Spouse” means a male sex (husband) or a female sex (wife) as recognized under the Marriage Act, Customary Law, Islamic Law and Christian doctrine which qualifies either and both to be called spouse(s);

“Spousal battery” means the intentional and unlawful use of physical force or violence upon a spouse, including the unlawful touching, beating, kicking or striking of a spouse against their will, with the intention of causing bodily harm to them by their spouse;

“Stalking” means repeatedly-

- (a) watching or loitering outside of, or near a building or place where the victim resides, works, carries on business, studies or happens to be; or
- (b) following, pursuing or accosting any person in a manner which induces fear or anxiety;

“State” means Imo State of Nigeria;

“State actors” mean Police or other law enforcement officers or government officials at all levels in the State;

“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 and includes substances such as acid, hot water or oil;

“Trafficking” means the supply, recruitment, procurement, capture, removal, transportation, transfer, harbouring, sale, disposal or receiving of a person, within or across the borders of the State for any illegal acts, including but not limited to sexual exploitation or pornography;

“Victim” –

- (a) means any person or persons, who individually or collectively, have suffered harm, including but not limited to -
 - (i) sexual-based violence;
 - (ii) physical or mental injury;
 - (iii) emotional suffering;

- (iv) economic loss; or
 - (v) substantial impairment of their fundamental rights through acts or omissions that are in violation of this Law or the criminal laws of the State; and
- (b) 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” means any act or attempted act which causes or may cause sexual, physical, psychological, verbal, emotional or economic harm to any person, whether this occurs in private, domestic or public life, in peace time and in conflict situation;

“Violence in the private/domestic sphere” means, any act or attempted act perpetrated by a spouse, member of the family, relative, neighbor or member of a community, which causes or may cause sexual, physical, psychological, verbal, emotional or economic harm to any person in private or domestic places;

“Violence in the public sphere” means any act or attempted act perpetrated by the State actors or non-state actors acting in that capacity which causes or may cause sexual, physical, psychological, verbal, emotional or economic harm or threatens peace, freedom, security and wellbeing of any person in public places;

“Violence perpetrated by State actors” include –

- (a) wrongful arrest and detention;
- (b) torture or assault;
- (c) use of force without lawful authority;
- (d) unlawful entry into the premises;
- (e) demolition of property without due process;

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

PART II – OFFENCES

3.(1) A person commits the offence of rape if –

- (a) the person intentionally penetrates the vagina, anus or mouth of another person, male or female, with any other part of their body or anything else and –
 - (i) the other person does not consent to the penetration; or

*Definition of Rape
and Punishment
for Rape*

- (ii) 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 addictive capable of taking away the will of such person or in the case of a married person, by impersonating their spouse.
- (2) A person under the age of 14 is a minor and legally incapable of giving consent to any form of penetration under this section.
- (3) A person convicted of an offence under subsection (1) of this section, is liable to imprisonment for life except where the offender is less than 14 years of age, the offender shall be liable to a maximum of 15 years imprisonment.
- (4) Where the act described under this section is committed by a group of persons, the offence shall be known as gang rape and on conviction, the persons shall be liable jointly and severally to life imprisonment.
- (5) Where death occurs as a result of rape or the victim dies within 1 year from the injuries inflicted during the rape, the offender(s) shall be sentenced to death.
- (6) The court shall also award appropriate compensation as it may deem fit in the circumstance, to be paid by the offender to the victim.
- (7) A person who attempts to commit the act of rape provided for in subsection (1) of this section, commits an offence and is liable on conviction, to a term of imprisonment.
- (8) A person who incites or counsels another person to commit the act of rape provided for in subsection (1) of this section, commits an offence and is liable on conviction, to an imprisonment term not exceeding 14 years.
- (9) A person who being aware of his health status, willfully transmits a disease to another person (potential victim) is guilty of an offence and liable on conviction to a term of imprisonment not exceeding 14 years.
- 4.(1) A person who willfully 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 term not exceeding 5 years or a fine not exceeding ₦500,000.00 or to both such term of imprisonment and fine.

*Inflicting
Physical Injury
on a Person*

- (2) A person who attempts to commit the offence provided for in subsection (1) of this section, is guilty of an offence and is liable on conviction to a term of imprisonment not exceeding 3 years or a fine not exceeding ₦300,000.00 or to both such term of imprisonment and fine.
- (3) A person who incites, aids, abets, or counsels another person to commit the offence provided for in subsection (1) of this section is guilty of an offence, and is liable on conviction to a term of imprisonment not exceeding 2 years or a fine not exceeding ₦200,000.00 or to both such term of imprisonment and fine.
- (4) A person who receives or assists another who to his knowledge, is an accessory after the fact is guilty of an offence and shall be liable on conviction to imprisonment to a term of imprisonment not exceeding 5 years or a fine not exceeding ₦200,000.00 or to both such term of imprisonment and fine.
- (5) The court may also award appropriate compensation as it may deem fit in the circumstance to be paid by the offender to the victim.
- 5.(1) A person who –
- (a) by use of deception, coercion, financial inducement, debt bondage or any other means, induces or coerces any person to go from one place or another to do any act with the intent that such a person may be, or knowing that it is likely that the person will be forced or seduced into illicit sexual activities with another; or
 - (b) keeps, detains or harbours any other person with intent, knowing or having reason to know that such a person is likely to be forced or induced into any form of sexual exploitation with or by any person; or
 - (c) keeps, detains or harbours under aged boys or girls for prostitution; or
 - (d) operates any baby factory where persons are harboured to procreate and give birth to children that will be sold for whatever purpose;
- Procurement of
Person for Sexual
Exploitation
- commits an offence and upon conviction, is liable to an imprisonment term not exceeding 10 years or a fine not below ₦500,000.00.
- (2) A person who attempts to commit any of the offences as provided for in subsection (1) of this section, is guilty of an offence and is liable to a term of imprisonment not exceeding 5 years or a fine not exceeding ₦300,000.00.

- (3) A person who aids, abets, receives or counsels another person to commit the offence provided for in subsection (1) of this section, is guilty of an offence and is liable on conviction to for a term of imprisonment not exceeding 2 years or to a fine not exceeding ₦200,000.00.
- 6.(1) A person who willfully or knowingly places a person in fear of physical injury, commits an offence and is liable on conviction to for a term of imprisonment not exceeding 2 years or a fine not exceeding ₦100,000.00 or to both such term of imprisonment and fine. *Willfully placing a person in fear of physical injury*
- (2) A person who attempts to commit the offence as provided for in subsection (1) of this section, is guilty of an offence and is liable to for a term of imprisonment not exceeding 1 year or a fine not exceeding ₦50,000.00 or to both such term of imprisonment and fine.
- (3) A person who aids, abets, receives 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 on conviction to for a term of imprisonment not exceeding 1 year or to a fine not exceeding ₦50,000.00 or to both such term of imprisonment and fine
- 7.(1) A person who compels another by force or threat to engage in any act; whether sexual or otherwise, to the detriment of the victim's physical, sexual, emotional or psychological well being, 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 to both such term of imprisonment and fine. *Coercion into Offensive Conduct*
- (2) A person who attempts to commit the offence provided for in subsection (1) of this section, is guilty of 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 to both such term of imprisonment and fine.
- (3) A person who incites, aids, abets, receives or counsels another person to commit the offence provided for in subsection (1) of this section, is guilty of an offence and is liable on conviction to a term of imprisonment not exceeding 2 years or to a fine not exceeding ₦300,000.00 or to both such term of imprisonment and fine.
- 8.(1) A person who takes undue advantage of persons living with disability or exploits such a person's vulnerability by promising to provide assistance but instead engages in any conduct or sexual act, to the detriment of the person's sexual, psychological, mental, emotional, or physical wellbeing, commits an offence and is liable on conviction to a term of imprisonment not exceeding 14 years. *Taking undue advantage of persons living with disability*

- (2) A person who attempts to commit the offence provided for in subsection (1) of this section, is guilty of 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 to both such term of imprisonment and fine.
- (3) A person who incites, aids, abets, receives or counsels another person to commit the offence provided for in subsection (1) of this section, is guilty of the 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 to both such term of imprisonment and fine.
- 9.(1) Any form of genital mutilation of the girl child or woman is prohibited. *Prohibition of female genital mutilation*
- (2) A person who knowingly on the ground of traditional or religious practices, separates or surgically alters the normal healthy functioning genital tissue/organ of a female; circumcises, pricks, cuts or infibulates the whole or any part of the labia majora or minora of a female genital organ or engages another to carry out such mutilation, commits an offence and is liable on conviction to a term of imprisonment not exceeding 14 years or a fine not below ₦500,000.00 or to both such term of imprisonment and fine.
- (3) Where death occurs as a result of female genital mutilation or the victim dies within 1 year from the injuries inflicted during the act, the offender shall on conviction be liable to life imprisonment;
- (4) A person who attempts to commit the offence provided for in subsection (2) of this section, is guilty of an offence and is liable on conviction to a term of imprisonment not exceeding 7 years or a fine not exceeding ₦300,000.00 or to both such term of imprisonment and fine.
- (5) A person who incites, aids, abets, receives or counsels another person to commit the offence provided for in subsection (2) of this section, is guilty of the offence and is liable on conviction to a term of imprisonment not exceeding 5 years or to a fine not exceeding ₦200,000.00 or to both such term of imprisonment and fine.
- (6) Any female who willingly submits herself for the performance of Female Genital Mutilation, is guilty of 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 to both such term of imprisonment and fine.
- (7) It shall not be a defence to any offence committed under this Section, that the victim consented to have Female Genital

Mutilation performed on her or that the victim's parents or legal guardians consented to the practice.

10. A person who, with intent to defraud or conceal an offence or frustrate the investigation and prosecution of offenders under this Law or under any other enactment – *Frustrating Investigation*
- (a) destroys, alters, mutilates, falsifies or conceals any book or documents, dress or clothing which could serve as evidence or exhibit;
 - (b) omits, or is privy to the omitting of any materials from any such document, book, dress or clothing;
 - (c) fails to comply with any lawful inquiry by any authorized Police officer, law officer or accredited service provider in accordance with the provisions of this Law; or
 - (d) refuses any Police officer, law officer or service provider access to premises where acts of violence have occurred or is suspected to be occurring;
- is guilty of an offence and is liable on conviction to imprisonment not exceeding 4 years or to a fine not exceeding ₦500,000.00 or to both term of imprisonment and fine.
11. A person who willfully makes any false statement, whether oral or documentary, in any judicial proceedings under this Law or with the aim of initiating investigation or criminal proceedings under this Law against another person, commits an offence under this Law and is liable on conviction to a term of imprisonment not exceeding 2 years or to a fine not exceeding ₦300,000.00 or to both such term of imprisonment and fine. *Willfully making false statements*
- 12.(1) Any person who forcefully evicts their spouse from their home or refuses such a person access, commits an offence and is liable on conviction to a term of imprisonment not exceeding 3 years or a fine not exceeding ₦300,000.00 or to both such term of imprisonment and fine. *Forceful Ejection from Home*
- (2) A person who incites, aids, abets, receives 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 one (1) year or to a fine not exceeding ₦200,000.00 or to both such term of imprisonment and fine.
- 13.(1) Except pursuant to a Court Order, any person who confines or detains another in any place against such a person's will or otherwise deprives another of their personal liberty for any purpose whatsoever including performing sexual acts is guilty of *Depriving a Person of his or her Liberty*

an offence and is liable on conviction to a term of imprisonment not exceeding 5 years.

(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 2 years imprisonment not exceeding 2 years or to a fine not exceeding ₦300,000.00 or to both such term of imprisonment and fine.

(3) A person who incites, aids, abets, receives 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 ₦200,000.00 or to both such term of imprisonment and fine.

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

*Damage 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 2 years or to a fine not exceeding ₦200,000.00 or to both such term of imprisonment and fine.

(3) A person who incites, aids, abets, receives 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 ₦100,000.00 or to both such term of imprisonment and fine.

15.(1) A person who deprives another person of the right of inheritance in such a person's parents' or spouse's property, commits an offence and is liable on conviction to a term of imprisonment not exceeding 5 years and a fine not exceeding ₦500,000.00 or to both such term of imprisonment and fine.

*Deprivation of
right of
inheritance*

(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 ₦300,000.00 or to both such term of imprisonment and fine.

(3) A person who incites, aids, abets, receives 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 1 year or to a fine not exceeding ₦200,000.00 or to both such term of imprisonment and fine.

16. A person who causes economic abuse or forced financial dependence of another commits an offence and is liable on conviction to a term of imprisonment not exceeding 1 year or to a fine not exceeding ₦500,000.00 or to both such term of imprisonment and fine.

*Economic abuse
or forced financial
dependence*

17.(1) Every woman is entitled to fundamental human rights guaranteed under the Chapter IV of the 1999 Constitution of the Federal Republic of Nigeria (as amended) and as such nobody shall impose any harmful widowhood practices on any woman.

*Harmful widow-
hood practices*

(2) Harmful widowhood practices include –

- (a) compulsory shaving or cutting of hairs on a widow's head or any part of her body in a dehumanizing or unsafe manner;
- (b) drinking the water used in washing of a widow's husband's corpse;
- (c) swearing at any shrine or before anybody;
- (d) being forced to sleep in the same room with a widow's husband's corpse;
- (e) being forced to sleep or sit on the bare floor;
- (f) forceful takeover of a widow's children without her consent;
- (g) deprivation or dispossession of a widow's husband's property;
- (h) forceful eviction from a widow's husband's property;
- (i) a widow, being forced to marry her late husband's family member or any other person against her will;
- (j) being refrained from receiving condolence visits from sympathizers during the period of mourning; and
- (k) remaining in seclusion after the death of her husband.

(3) A person who, under the guise of any tradition or religion, subjects a widow to any of these harmful widowhood practices or acts of violence provided for in subsection (2) of this section commits an offence and is liable on conviction to a term of imprisonment not exceeding 3 years or a fine not below ₦500,000.00 or to both such term of imprisonment and fine.

(4) A person who attempts to commit the act of violence 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

and a fine not exceeding ₦300,000.00 or to both such term of imprisonment and fine.

- (5) A person who incites, aids, abets, receives 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 1 year or to a fine not exceeding ₦200,000.00 or to both such term of imprisonment and fine.

- 18.(1) A person who abandons a spouse, children or other dependants without any means of sustenance, commits an offence and is liable on conviction to mandatory payment of monthly upkeep allowance, which shall be determined by the Court based on such a person's income and the needs of the person(s) so abandoned, in addition to an imprisonment term not exceeding 1 year or a fine not exceeding ₦500,000.00.

Abandonment of spouse, children and other dependants without sustenance

- (2) A person who incites, aids, abets, receives 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 6 months or a fine not exceeding ₦200,000.00 or to both such imprisonment and fine.

- 19.(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 to both such imprisonment and fine.

Stalking

- (2) A person who incites, aids, abets, receives 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 1 year or to a fine of ₦200,000.00 or to both such imprisonment and fine.

- 20.(1) A person who sexually intimidates or harasses another, commits an offence and is liable on conviction to a term of imprisonment not exceeding 2 years or to a fine of ₦500,000.00 or to both such imprisonment and fine.

Sexual 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 1 year or to a fine not exceeding ₦300,000.00 or to both such imprisonment and fine.

- (3) A person who incites, aids, abets, receives 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 6 months or to a fine not exceeding ₦200,000.00 or to both such imprisonment and fine.
- 21.(1) Any person including a State actor who intimidates another or violates the person's human rights, 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 to both such imprisonment and fine. *Intimidation of 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 imprisonment for 1 year or to a fine not exceeding ₦200,000.00 or to both such imprisonment and fine.
- (3) Where the act of intimidation was done by any Police officer or any law enforcement officer, the person shall in addition to imprisonment or fine as provided above, be disciplined in accordance with the provisions of Police Act or the relevant laws establishing the Service where the Law enforcement Officer belongs.
- 22.(1) A person who batters his spouse, commits an offence and is liable on conviction to imprisonment for 5 years or to a fine of ₦500,000.00 or to both such imprisonment and fine. *Spousal battery, etc.*
- (2) A person who batters a pregnant woman and it results in her having a miscarriage, commits an offence and is liable on conviction to a term of imprisonment not exceeding 7 years or a fine not exceeding ₦500,000.00 or to both such imprisonment and fine.
- (3) A person who attempts to commit the act of violence provided for in subsections (1) and (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 ₦300,000.00 or to both such imprisonment and fine.
- (4) A person who incites, aids, abets, receives or counsels another person to commit the act of violence provided for in subsections (1) and (2) of this section, commits an offence and is liable on conviction to a term of imprisonment for 1 year or to a fine not exceeding ₦200,000.00 or to both such imprisonment and fine.
- 23.(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 to both such imprisonment and fine. *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 to both such imprisonment and fine.
- (3) A person who incites, aids, abets, receives 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 2 years or to a fine not exceeding ₦300,000.00 or to both such imprisonment and fine.
- 24.(1) A person who uses chemical, biological or any other harmful liquid on another person with intention to harm, commits an offence and is liable on conviction to life imprisonment without an option of fine. *Attack With 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 imprisonment for 25 years without an option of fine.
- (3) A person who incites, aids, abets, receives 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 25 years without an option of fine.
- 25.(1) A person commits an offence if he intentionally administers or sells a substance, or causes a substance to be administered to or taken by another person with the intention of stupefying or overpowering that person so as to enable any person to engage in a sexual activity with that person. *Administering A Substance With Intent To Commit Sexual Offence*
- (2) A person who commits an offence under this section is liable on conviction to a term of imprisonment for 10 years or to a fine not exceeding ₦500,000.00 or both to both such imprisonment and fine. Such a person shall also be liable for any other offence committed under this Law.
- 26.(1) A person who knowingly and willfully has carnal knowledge and penetrates the vagina, anus or mouth of any person within the prohibited degrees of consanguinity and affinity with or without consent, commits incest and is liable on conviction, to imprisonment for 21 years. *Incest*
- (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 imprisonment for 10 years without an option of fine.

- (3) A person who incites, aids, abets, receives 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 5 years without an option of fine.
27. A person who publishes, posts, reposts, shares pictures or video of a victim of sexual violence provided under this Law on any social media platform without the consent of the victim of sexual violence or the guardian or family member of 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 to both such term of imprisonment and fine.
- Posting Of Picture Or Video Of A Victim Of Sexual Violence On The Internet*
28. A person who posts nude pictures of any person or video of a current or former partner, which was recorded during their sexual relationship in the case of a former or current partner, with intent to defame, blackmail or scandalize the other person, 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 to both such term of imprisonment and fine.
- Posting Nude Pictures or Videos of a Current or Former Partner*
- 29.(1) A person who commits political violence as defined in the provisions of this Law, 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 to both such term of imprisonment and fine.
- 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 on conviction to a term of imprisonment not exceeding 2 years or to a fine not exceeding ₦300,000.00 or to both such term of imprisonment and fine .
- (3) A person who incites, aids, abets, receives or counsels another person 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 a term of imprisonment not exceeding 2 years or to a fine not exceeding ₦300,000.00 or to both such term of imprisonment and fine .
- 30.(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 of ₦1,000,000.00 or to both such term not exceeding imprisonment and fine .
- Violence by State Actors*
- (2) A State actor who attempts to commit the act of violence provided for in subsection (1) of this section, is guilty of an offence and is

liable on conviction to a term of imprisonment not exceeding 3 years or to a fine not exceeding ₦700,000.00 or to both such term of imprisonment and fine .

- (3) A State actor who incites, aids, abets, receives or counsels another person 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 a term of imprisonment not exceeding 2 years or to a fine not exceeding ₦500,000.00 or to both such term of imprisonment and fine .
- (4) The State shall be liable for any offence committed by its agents and the Court shall award appropriate compensation commensurate with the extent and amount of damages.

PART III – PROTECTION ORDER AND JURISDICTION OF COURT

31. Only the High Court of the State shall have jurisdiction to hear & grant any application brought under this Law. *Jurisdiction*
- 32.(1) An application for a protection order may be made before the Court, following a complaint of violence by the complainant or another on his or her behalf and such order, if granted, shall be effective throughout the State and no time limit shall apply in relation to a person seeking to apply for such protection order in the prescribed manner. *Application For Protection Order*
 - (2) Any complainant, may apply to the court for a protection order.
 - (3) If the complainant is not represented by a counsel, the Police officer with whom a complaint of violence has been lodged, shall inform the complainant of the remedies to be derived under this Law, including the right to lodge a criminal complaint against the perpetrator, if a criminal offence has been committed under this Law.
 - (4) Pursuant to the provisions of this 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 wellbeing 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.

- (5) A 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(s) by a person or persons who have knowledge of the matter concerned shall accompany the application.
- (6) The application and affidavits shall be filed in Court.
- 33.(1) The court shall as soon as is reasonably possible, consider an application submitted to it in accordance with section 31 of this Law and may, for that purpose, consider such additional evidence as it deems fit, including oral evidence or evidence by affidavit, which shall form part of the record of the proceedings. *Consideration Of Application And Issuing Of Interim Protection Order*
- (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 the respondent may commit an act of domestic violence, the court shall, notwithstanding the fact that the respondent has not been given notice of the proceedings contemplated in subsection (1) of this section, issue interim protection order against the respondent in a prescribed manner.
- (3) An interim protection order shall 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.
- (4) A copy of the application referred to in section 31 of this Law and the record of any evidence taken pursuant to 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 as provided 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 notice calling on the respondent to show cause on the return date, specified in the notice why a protection order should not be issued.
- (6) The return date referred to in subsections (3) and (5) of this section may not be less than one week after service has been effected upon the respondent.
- 34.(1) If the respondent does not appear on the return dates contemplated in section 33(6) of this Law, and if the court is satisfied that – *Issuing Of Protection Order*
- (a) proper service has been effected on the respondent; and
- (b) the application contains prima facie evidence that the respondent has committed, is committing or that there is an imminent likelihood that he may commit an act of domestic violence;
- the court shall issue a protection 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 subsection (1) of this section; and
 - (b) such further affidavits or oral evidence as it may direct, which shall form part of the record of the proceedings.
 - (3) The court may, on its own accord or on the request of the complainant, if the Court is of the opinion that it is just to do so, order that in the examination of witnesses including the complainant, a respondent who is not represented by a legal practitioner –
 - (a) shall directly cross-examine the complainant or a witness; and
 - (b) shall put any question to such a complainant or witness by stating the question to the court, and the court is to repeat the question accurately to the witness.
 - (4) After hearing the matter, the court shall 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 or she may commit an act of domestic violence.
 - (5) Upon the issuing of a protection order, the Registrar of the Court shall in the prescribed manner, cause –
 - (a) the original of such order to be served on the respondent; and
 - (b) a certified copy of such order, and the original warrant of arrest provided for in section 36 of this Law, to 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 referred to in section 36 of this Law, to the Police station within the jurisdiction of the Court.
 - (7) Subject to the provisions of this Law, a protection order issued in accordance with the provisions of 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.
- 35.(1) The Court may by means of a protection order, prevent the respondent from –
- (a) committing any act of domestic violence;
 - (b) enlisting the help of another person to commit any such act;

*Court's Power In
Respect Of
Protection Order*

- (c) entering a shared household provided that the court may impose this prohibition only if it appears to be in the best interests of the complainant;
 - (d) entering a specified part of such a shared household;
 - (e) entering the complainant's residence;
 - (f) entering the complainant's place of employment;
 - (g) preventing the complainant from entering or remaining in the shared household or a specified part of the shared household;
 - (h) alienating or disposing the shared household or encumbering same;
 - (i) renouncing his 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 wellbeing 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 arrangements regarding the collection of personal property;
 - (c) directing the respondent to secure alternative accommodation for the complainant;
 - (d) of a temporal relocation to any safe place as may be deemed fit in the interest of the complainant; or
 - (e) approving a mediation channel upon submission by the complainant.
- (3) In ordering a prohibition contemplated in subsection (1) (c) of this section, the court may impose on the respondent, obligations as to the discharge of rent or mortgage payments having regard to the financial needs and resources of the complainant and the respondent, and such order has the effect of a civil judgment of a court.
- (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 wellbeing of the complainant.
- (6) If the court is satisfied that it is in the 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 to impose any condition or make any order which it is competent to impose or make under this section, merely on the grounds that other legal remedies are available to the complainant.
- (8) If the court is of the opinion that any provision of a protection order deals with a matter that should, in the interests of justice, be dealt with further under any other relevant law, including the Matrimonial Causes Law, Cap. M7 Laws of the Federation 2004 and Child Rights Law, No. 26, 2003, the court shall order such a provision to be in force for such limited period as the court may determine, in order to afford the party concerned the opportunity to seek appropriate relief under such Law.

36.(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 in accordance with section 35 of this Law.
- (2) The warrant referred to in subsection (1) (a) remains in force, unless the protection order is set aside, or it is cancelled after execution.
- (3) The Registrar of the Court shall issue a second or further warrant of arrest, if the complainant files an affidavit in a prescribed form and it is stated that such warrant is required for protection and that the existing warrant of arrest has been -
- (a) executed and cancelled; or
 - (b) lost or destroyed.
- (4) A complainant may hand the warrant of arrest together with an affidavit in the prescribed form, stating that the respondent has contravened any prohibition, condition, obligation or order contained in a protection order, to any Police officer.
- (5) If it appears to the Police officer concerned that, subject to subsection (4), 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 arrest the respondent for allegedly committing an offence provided for under this Law.
- (6) If the Police officer concerned is of the opinion that there are insufficient grounds for arresting the respondent under subsection

*Warrant of Arrest
Upon Issuing Of
Protection Order*

- (5), the officer shall hand a written notice to the respondent which –
- (a) specifies the name, the residential address and the occupation or status of the respondent;
 - (b) calls upon the respondent to appear before a court, and on the date and time as specified in the notice, on a charge of committing an offence provided under this Law; and
 - (c) contains a certificate signed by the Police officer concerned to the effect that he handed the original notice to the respondent and that he explained the import therefore to the respondent.
- (7) The Police officer shall forward a duplicate copy of the notice referred to in subsection (6) of this section to the Registrar of the Court concerned, and the mere production in the court of such a duplicate shall be prima facie proof that the original thereof was handed to the respondent specified therein.
- (8) In considering whether or not the complainant may suffer imminent harm as contemplated in subsection (5) of this section, the Police officer shall take into account –
- (a) the risk to the safety, health or wellbeing of the complainant;
 - (b) the seriousness of the conduct comprising an alleged breach of the protection order; and
 - (c) length of time since the alleged breach occurred.
- (9) Whenever a warrant of arrest is handed to a Police officer in accordance with subsection (4) of this section, the Police officer shall inform the complainant of his right to simultaneously lay a criminal charge against the respondent if applicable, and explain to the complainant how to lay such a charge.
- 37.(1) A complainant or a respondent may, upon written notice to other party and Court concerned, apply for the variation or setting aside of a protection order referred to in section 35 of this Law in the prescribed manner.
- Variation Or
Setting Aside Of
Protection Order*
- (2) If the Court is satisfied that a good cause has been shown for variation or setting aside of the protection order, it may issue an order to that effect; provided that the Court shall not grant such application, unless it is satisfied that the application is made freely and voluntarily by whoever is applying.
- (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 in accordance with subsection (1) of this section.

- 38.(1) A Court may discharge a protection order on an application on notice by an applicant or a respondent. *Power To Discharge A Protection Order*
- (2) The Court may discharge the order even if the Order is for the benefit of a specified person other than the applicant, or against an associated respondent.
- (3) Where an order is for the benefit of a specified person or against an associated respondent, either of them may apply for the order to be discharged in so far as it applies to them.
- (4) An application may be made under this section for the discharge of an interim order in which case, the Court shall fix a hearing date as soon as practicable, but not later than 30 days after the filing of the application.
- 39.(1) A respondent who contravenes an interim protection order or a protection order, or while an interim 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 so entering or remaining, commits an offence and is liable, on summary conviction, to a term of imprisonment not exceeding 1 year or to a fine not exceeding N300,000.00 or to both such term of imprisonment and fine . *Offences Relating to Protection Orders*
- (2)The provision of subsection (1) shall be without prejudice to any punishment or sanction as to contempt of Court or any liability, whether civil or criminal that may be incurred by the respondent concerned.
- (3) A person who willfully makes a false statement in a material respect as it relates to protection Orders referred to in 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 N200,000.00 or to both such term of imprisonment and fine.
40. The affidavit, application and forms of protection orders referred to in this part of the Law, shall be in accordance with the schedule to this Law. *Application and Forms Of Protection Order*
41. The Court may extend a protection order to a person specified in the order, other than the applicant, if the Court is satisfied that – *Extension of Protection Order to other Persons*
- (a) the respondent is engaging in or has engaged in behaviour which would amount to sexual-based violence against the person specified in the order, referred to as the specified person;
- (b) the respondent’s behaviour towards the specified person is due, in whole or in part, to the applicant’s relationship with the specified person; or

- (c) the extension of the protection order is necessary for the protection of the specified person.

- 42.(1) Where the Court in issuing a protection order considers it expedient to issue an Occupation Order; the Court shall in the best interest of the victim of domestic violence and underage children, issue the Occupation Order mandating the respondent to forthwith vacate matrimonial home or any other specified home. *Occupation Order*
- (2) The Court shall issue the order only after the consideration of a social and psychological enquiry report prepared by a Social Welfare Officer and a Clinical Psychologist.
- (3) The Court shall consider the effect of granting such order or not granting same on the health, education of the children and development of the family where the applicant and the respondent are in a marital relationship.
- (4) A landlord shall not evict an applicant solely on the basis that the applicant is not a party to a lease or rent where the Court gave exclusive occupation of the residence which is subject to the lease to the applicant.
- 43.(1) Where there is need for special protection for a child, the Court shall refer matters concerned with the temporary custody of a child in a situation of sexual violence to a Family Court. *Referral to Family Court*
- (2) Any matter connected with sexual violence in which a child is the perpetrator or the victim, may be referred to the Family Court at the High Court level or tried by the special Court established under this Law.
- 44.(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 – *Obligations of the Police*
- (a) assisting a victim of violence to file a complaint regarding the violence;
 - (b) diligently investigating the complaint of violence brought to him under this Law and promptly taking necessary action within 31 days of the complaint;
 - (c) providing or arranging safe transport for the victim to an alternative residence, safe place or shelter where such is required;
 - (d) providing or arranging transportation for the victim to the nearest government or private hospital or medical facility for medical test and diagnoses, medical report and treatment of injuries where such treatment is needed;
 - (e) explaining to the victim(s), their rights to protection against violence and remedies available under this Law;

- (f) explaining to the victim(s) their right to lodge a criminal complaint in addition to any remedy provided under this Law;
 - (g) accompanying the victim to victim's residence to collect personal belongings;
 - (h) desisting and abstaining from the habit of mocking, embarrassing and ridiculing victims of offences under this Law and forcing or telling them to go home and settle the matter.
- (2) A Police officer may, without an order from the court or a warrant of arrest, arrest any person –
- (a) whom he suspects upon reasonable grounds to have committed any of the offences under this Law; and
 - (b) against whom a complaint has been made for having committed any of the offences under this Law.
- (3) A Police officer in carrying out his or her duties under this Law, shall have the power to –
- (a) remove or supervise the removal of a person excluded from a shared residence where the court has issued such an order under this Law;
 - (b) remove or supervise the removal of any dangerous weapon used in order to commit an act of violence as contemplated in this Law;
 - (c) collect and store fingerprints, including DNA of accused and convicted offenders; and
 - (d) perform any other act considered necessary in order to ensure the safety and well-being of the complainant.
- (4) Notwithstanding the provisions of subsections (1), (2) and (3) of this section, a Police officer shall not –
- (a) under any circumstance, persuade or compel any victim of violence under this Law to negotiate extra-judicial or monetary settlement with the offender;
 - (b) in exercising the powers provided under subsection (2) of this section, commit any act of torture or other cruel, inhuman, and degrading treatment on the offender for whatever purpose.
- (5) A Police officer who engages in the conduct or acts of violence provided in subsection (4) 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 to both such term of imprisonment and fine .
- 45.(1) It shall be the responsibility of the Police to ensure that any person *Responsibility*
including the –
- (a) complainant;

- (b) service providers; or
 - (c) person seeking for protection order on behalf of the complainant, is protected against any act or form of intimidation at the Police Station where the complaint of violence was lodged;
- (2) The Police shall take reasonable measure to protect the identity of any witness who provides information or statement which may be useful in the prosecution of an offender and the statement issued shall be treated as confidential except where it is necessary to use such information or statement in Court.
46. Subject to the provisions of Police Act, a Police officer who fails to perform his or her duties under this Law or deliberately refuses to investigate or frustrates the investigation of a complaint, or frustrates the prosecution of an offender or connives with the offender to destroy or conceal evidence, 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 to both such term of imprisonment and fine. *Punishment of Offence*
- 47.(1) In addition to the rights guaranteed under Chapter IV of the 1999 Constitution of the Federal republic of Nigeria, or any other international human rights instruments to which Nigeria is a party, every victim of sexual violence as provided under this Law, is entitled to the following rights – *Rights of Victims*
- (a) to receive the necessary materials, medical, psychological, social and legal assistance through governmental agencies, service providers, civil society organizations, donor agencies and non governmental agencies providing such assistance;
 - (b) to be informed of the availability of free legal, health and social services and other relevant assistance and be readily afforded access to them;
 - (c) to rehabilitation and re-integration programme of the State, to enable victims to acquire where applicable and necessary, pre-requisite skills in any vocation of the victim's choice and also in necessary formal education or access to micro-credit facilities;
 - (d) a female victim of sexual violence, if she so desires or requests, shall be attended to by a female doctor at any hospital or medical facility where she is taken to and if there is no female doctor available, a male doctor may attend to her provided that he is supported by a female nurse;
 - (e) right to confidentiality of medical reports and pictures of victims;
 - (f) a victim of sexual violence who desires to change school away from the area of the violence, shall be free to transfer to another school. The Agency shall facilitate the transfer

- and the Ministry of Education and the relevant schools shall accede to the transfer request;
- (g) a victim of sexual violence who desires to transfer away from the State Government Ministry, Department or Agency where the violence occurred, shall be allowed to do so. The Agency shall facilitate the transfer and the Civil Service Commission and Head of Service shall accede to the transfer request.
- (h) before sharing information of victims of sexual violence, service providers or civil society organizations shall obtain the consent of the victim or parent/guardian where the victim is a minor or mentally disabled;
- (i) any rules or regulations made by any institution or organization, prohibiting or restraining the reporting of offences or complaint in accordance with the provisions of this Law, shall to the extent of the inconsistencies, be null and void.
- (j) no complainant of any offence under this Law shall be expelled, disengaged, suspended or punished in any form whatsoever by virtue of the action of compliance with the provisions of this Law.
- (2) Any head of institution who violates the provisions of this section, is guilty of an offence under this Law and shall be liable on conviction to a term of imprisonment not exceeding 2 years or to a fine not exceeding ₦500,000.00 or to both such term of imprisonment and fine.
- 48.(1) No person shall publish in any manner, any information which might directly or indirectly, reveal the name or identity of any victim to a criminal or civil proceedings brought pursuant to this Law.
- (2) The Court, if it is satisfied that it is in the interest of justice, may direct that any further information relating to proceedings held under this Law, shall not be published; provided that no direction under this subsection applies in respect of the publication of a bona-fide law report which does not mention the names or reveal the identities of the victims to the proceedings or of any witness at such proceedings other than the convict.
- (3) A person who contravenes the provisions 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 to both such term of imprisonment and fine.
49. A Court may declare a person who has been convicted of a sexual offence as a dangerous sex offender if such person has --

*Prohibition of
publication of
certain information*

*Dangerous Sex
Offenders*

- (a) been convicted of a sexual offence against a child;
- (b) more than one conviction for a sexual offence; or
- (c) been convicted of a sex offence which was accompanied.

50.(1) Any person convicted of a sex offence shall have his or her name registered in the Sexual Offenders' Register, kept at the Secretariat of the Agency and office of the Attorney General and Commissioner for Justice of the State.

*Sexual Offenders'
Register*

(2) The Register shall be open to the general public and shall also be published on the Agency's website to serve as caveat to the public and deterrent to would-be-offenders.

51.(1) The Court shall order an officer of the Nigerian Police Force, to seize any arm or dangerous weapon in the possession or under the control of a respondent, if the court is satisfied with the evidence placed before it, that –

*Seizure of Arms
and Dangerous
Weapons*

- (a) the respondent has threatened or expressed the intention to kill or injure herself or any person in a domestic relationship whether or not by means of such arm or dangerous weapon; or
- (b) possession of such arm or dangerous weapon is not in the best interest of the respondent or any other person in a domestic relationship as a result of the respondent's –
 - (i) state of mind or mental condition;
 - (ii) inclination to violence; or
 - (iii) use of or dependence on intoxicating liquor or drugs.

(2) Any arm seized in accordance with terms of sub-section (1) above, shall be handed over to the Nigeria Police Force as provided in the Police Act Cap 154 Laws of the Federal Republic of Nigeria 1990 and Firearms Act Cap 69 Laws of the Federal Republic of Nigeria 1990.

(3) Any dangerous weapon seized in compliance with sub-section (1) above –

- (a) shall be given a distinctive identification mark and retained in Police custody for such period of time as the court shall determine; and
- (b) shall only be returned to the respondent or; if the respondent is not the owner of the firearm or dangerous weapon, to the owner by order of the court and on such condition as the court shall determine; or
- (c) if the court is satisfied that it is in the interest or safety of any person concerned or in the public interest, the court shall order that the firearm or dangerous weapon be forfeited to the state.

PART IV**SERVICE PROVIDERS AND CIVIL SOCIETY ORGANIZATION**

- 52.(1) Any voluntary association registered under the Companies and Allied Matters Act 1990 by the Corporate Affairs Commission or any other Law for the time being in force, with the objective of protecting the rights and interests of victims of violence by any lawful means, including providing free legal aid, medical aid, financial aid or other assistance, shall register itself with the Imo State Government through the Agency created under this Law as a service provider for the purposes of rendering its services to victims under this Law.
- Registration and Powers of Service Providers*
- (2) A service provider or civil society organization so registered under subsection (1), shall have the power to -
- (a) take record of a violent incident report in the prescribed form, if the victim or complainant so desires and, forward a copy thereof to the Court, the Agency and the Protection Officer having jurisdiction in the area where the violence took place;
 - (b) get the victim or complainant medically examined and forward a copy of the medical report to the Protection Officer and the Police station within the locality where the violence act took place; and
 - (c) ensure that the victim or complainant is provided shelter in a transit shelter home, if such a victim so requires and forward a report of the lodging of the victim in the transit shelter home to the Police station within the locality where the violence act took place.
- (3) The service providers shall have access to the Police and shall be allowed to monitor the process and progress of investigations of violent acts under this Law.
- (4) No suit, prosecution or other legal proceeding shall lie against any service provider who is, or who is deemed to be acting or purporting to act under this Law, for anything which is done or intended to be done in good faith in the exercise of powers or discharge of functions under this Law, towards the prevention of the commission of violence or assisting the victims of violence.
- 53.(1) A Police officer shall within 31 days of a complaint of any violence under this Law, thoroughly investigate the complaint and transmit the original case file forthwith to the Director Public Prosecutions (DPP) in the Ministry of Justice.
- Investigation of Offences*

(2) The Director Public Prosecution (DPP) shall, within 21 days from the date of transmission from the Police, meticulously vet the case file and give a legal opinion after which he shall transmit the case file if need be, to the Legal Unit of the Agency created under this Law for immediate prosecution of offenders, by the Agency.

54.(1) Subject to the powers of the Attorney-General, the Agency shall have power to prosecute offenders under this Law.

Prosecution of Offenders

(2) Prosecution under this Law shall be undertaken by legal officers of the Agency or any legal practitioner appointed or engaged by the Agency.

(3) Commencement of prosecution for any of the offences defined in this Law shall not be affected by limitation of time.

PART V – REGULATORY BODY

55.(1) There is hereby established, a body to be known as **IMO STATE AGENCY FOR PROHIBITION OF VIOLENCE AGAINST PERSONS**, herein referred to as “**The AGENCY**”).

Establishment of the Agency

(2) The Agency shall be -

- (a) a body corporate with perpetual succession and a common seal;
- (b) capable of suing and being sued in its corporate name;
- (c) capable of acquiring, holding or disposing of any property, movable or immovable, for the purpose of carrying out its functions.

56.(1) There is hereby established a Governing Board for the Agency hereinafter referred to as “the Board”.

Establishment and Composition of the Governing Board of the Agency

(2) The Board shall consist of the following members –

- (a) The Chairperson who shall be appointed by the Governor, and being a person who is experienced and knowledgeable in dealing with violence-related offences;
- (b) a representative of the Attorney General of the State from the office of the Director Public Prosecutions (DPP);
- (c) a representative of the Commissioner of Police from the Legal Unit;
- (d) an officer of the National Human Rights Commission;
- (e) a officer of the Legal Aid Council;
- (f) a representative of the Ministry in charge of Health in the State not below the rank of a Chief Medical Officer or Chief Nursing Officer;
- (g) a representative of the Ministry in charge of Gender Development and Vulnerable Affairs;

- (h) two representatives of women in rural communities;
 - (i) two representatives of the youths (male and female);
 - (j) two representatives of the religious bodies;
 - (k) three representatives of the accredited service providers;
 - (l) one representative of persons living with disabilities;
 - (m) three representatives of civil society organizations;
 - (n) one representative of the Nigeria Bar Association (NBA), Imo State Branch;
 - (o) The Director-General/Chief Executive Officer of the Agency.
- (3) The members of the Board of the Agency other than the ex-officio members shall hold office for a term of four years and may be eligible for re-appointment for another term of four years and no more.
- (4) A member of the Board shall cease to hold office if the person –
- (a) becomes of unsound mind or is incapable of carrying out his or her duties;
 - (b) becomes bankrupt;
 - (c) is convicted of a felony or any offence involving dishonesty or fraud;
 - (d) is guilty of serious misconduct relating to his or her duties;
 - (e) is absent from three consecutive meetings without good cause;
 - (f) dies;
 - (g) in the case of an ex-officio member, ceases to hold the Office on the basis of which such person became a member of the Board.
- (5) A member of the Board may resign his appointment by a notice in writing under his hand, addressed to the Governor and that member shall on the date of the receipt of the notice by the Governor of the State, cease to be a member of the Board.
- (6) Where a member of the Board ceases to hold office for any reason whatsoever, before the expiration of term for which he appointed, another person representing the same interest as that member shall be appointed to the Board for unexpired term.

57.(1) The Agency shall –

- (a) make recommendations to the Governor for the State action plan on violence against persons and other related matters provided under this Law;
- (b) advise the Governor on Policy matters and strategies to prevent and combat perpetration of offences under this Law;
- (c) monitor, supervise, formulate and provide general policy guidelines for the implementation of the provisions of this Law;

*Functions
of the Agency*

- (d) prosecute offenders under this Law;
- (e) liaise with government agencies, service providers and civil society organizations, to promote the rehabilitation and re-integration of victims of violence under this Law;
- (f) organize regular training and seminars as provided in section 65 of this Law;
- (g) carry out and sustain regular and rigorous public enlightenment and awareness campaigns at the State, Local Government Areas and Community levels in conjunction with the service providers and other non-governmental organizations through seminars, workshops, publications, radio and television programmes, internet and social media aimed at educating the public to stem the rising waves of violence against persons in the State;
- (h) prepare the guidelines for the disbursement of the Funds of the Agency;
- (i) administer the operations of the Trust fund;
- (j) conduct research on national, international and regional development into the standards for dealing with matters on violence against persons;
- (k) establish and manage Sexual Assault Referral Centres (SARC);
- (l) offer free medical treatment, trauma counseling and support services to victims of violence;
- (m) register accredited service providers free of charge and draw up guidelines for their operations and supervise their activities;
- (n) keep a register of all accredited service providers and circulate same to all Police stations, protection officers and the courts;
- (o) keep a register of all convicted sex offenders and link it up to the NAPTIP sex offenders register and make it accessible to the public;
- (p) recruit staff and adequately train them to carry out the functions of the Agency;
- (q) pay the staff of the Agency such remuneration and allowances as may be determined by the Board and approved by the Governor;
- (r) enter into such consultancy or contract as may be necessary or expedient for the discharge of its functions and ensure the efficient performance of the functions of the Agency;
- (s) undertake such other activities as are necessary or expedient for giving full effect to the provision of this Law; and perform such other functions as may be specified by any law or enactment.

58.(1) The Board shall –

- (a) formulate and provide general policy guidelines for the discharge of the functions of the Agency;

*Functions and
Powers of the
Board*

- (b) monitor and ensure the implementation of the policies and programmes of the Agency; and
- (c) carry out such other functions as are necessary or expedient to ensure the efficient performance of the functions of the Agency under this Law.

(2) The Board shall have powers to:-

- (a) approve rules and regulations relating to the appointments, promotions and disciplinary measures for the employees of the Agency;
- (b) fix the remuneration, allowances and benefits of the employees of the Agency; and
- (c) regulate its proceedings and make orders with respect to holding of its meetings.

59.(1) The Board of the Agency shall meet at least once every three months. The quorum at a meeting of the Board shall be one-third of the members.

*Meetings
of the Board*

- (2) The Chairman shall preside over the meetings of the Board and in the absence of the Chairman, a member of the Board elected by the members present shall preside.
- (3) Matters before the Board of the Agency shall be decided by a simple majority of the members present by voting and in the event of equality of votes, the person presiding shall have a casting vote.
- (4) The Board may co-opt a person to attend its meeting but the co-opted person shall not vote on a matter for decision by the Board.
- (5) Subject to the provisions of this section, the Board may determine the procedure to follow and standing orders to guide its meetings, notices to be given, the keeping of minutes of its proceedings and such other matters as the Board may from time to time, determine.

60.(1) There shall be a Director-General for the Agency who shall be the Chief Executive and Accounting Officer of the Agency.

*Director-General
of the Agency*

- (2) The Director-General shall have experience in dealing with offences related to violence.
- (3) The Director-General shall, subject to the general direction of the Board, be responsible for –
 - (a) the day to day administration of the Agency;
 - (b) keeping the books and proper records of the proceedings of the Board;
 - (c) the administration of the Secretariat of the Board; and
 - (d) the general direction and control of all other employees of the Agency.

- 61.(1) The Agency shall have its Secretariat in Owerri and liaison offices in all the 27 Local Government Council headquarters in the State, to enable the rural dwellers easily access its services. *Secretariat of the Agency*
- 62.(1) The Agency in facilitating the performance of its functions shall, appoint such number of its officers as it may deem fit, to its liaison offices in each Local government council as Protection Officers, to assist the Agency, the Court and the Police in the discharge of their duties under this Law. *Protection officers*
- (2) The protection officers shall co-ordinate the activities of the Police, accredited service providers and civil society organizations in the Local Government Areas to ensure that a victim of violence –
- (a) is promptly taken to the Police station to report the case, have access to immediate medical treatment and obtain medical report from nearest government or private hospital;
 - (b) have easy access to accredited service providers and civil society organizations;
 - (c) have 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;
 - (d) is able to collect her belongings or properties from a shared household or her residence, if the complainant so requires;
 - (e) is able to access the Court for orders under this Law; or
 - (f) has access to every possible assistance in the service of interim protection order on a respondent, and the enforcement of any order that may have been made by the Court under this Law.
- (3) The Protection Officer may, upon the failure of the respondent to make payment ordered by the Court under this Law, direct an employer or a debtor of the respondent or any bank in which the respondent operates any account, to directly pay to the complainant or deposit with Court, a portion of the wages or salaries or debt due to or accrued to the credit of respondent or monies in any bank account operated by the respondent, which amount may be adjusted towards the emergency monetary relief payable by the respondent.
- 63.(1) The Agency in conjunction with the service providers and other non-governmental organizations, shall provide professional sexual trauma counseling and support services to victims of violence under this Law in strategic places such as Sexual Assault Referral Centres (SARC) and health centres at Local Government Areas and other locations that can be easily accessed by the victims free of charge. *Provision of Counseling and Support Services*

- (a) The Police officer, medical officer, social worker and service providers shall inform the victim of any rights and any services including support and counseling services which may be available free of charge to the victim.
- 64.(1) The Agency shall establish Transit Shelters across the State which shall be managed and supervised as homes to cater for rescued victims of any form of violence under this law. *Establishment of Transit Shelter*
- (2) The Transit Shelters shall be run by staff of the Agency, with the aim of providing emergency safe shelter, protection, assistance, trauma counseling and support services, rehabilitation and training for the rescue victims to facilitate their reintegration into the society.
- 65.(1) The Agency shall establish within its Secretariat, a Sexual Assault Referral Centre (SARC) which shall be a one stop shop comprising of the following units- *Establishment of Sexual Assault Referral Centre (SARC)*
- (a) Sexual Violence Unit;
 - (b) Medical Unit;
 - (c) Legal Unit;
 - (d) Counseling and Rehabilitation Unit;
 - (e) Law Enforcement Unit;
 - (f) Protection and Shelter Unit; and
 - (g) Training and Public Awareness Unit;
- (2) Notwithstanding the provision of subsection (1) of this section, the Board has power to set up any other unit or committee as may be necessary to assist the Agency in the performance of its duties and functions under this Law.
- (3) The Sexual Violence Unit shall, together with the officers at the liaison offices in the 27 LGAs of the State, work closely with the Police, service providers and other civil society organizations to ensure that cases of sexual violence are properly handled and urgent medical attention given when necessary. The Unit shall also ensure that the dignity and identity of the victims are promptly protected at all levels.
- (4) The Medical Unit of the Agency shall be situated inside the Imo State University Teaching Hospital (IMSUTH) Orlu, Imo State Specialist Hospital Owerri and General Hospital Okigwe where victims of sexual violence are promptly treated and medical reports obtained, free of charge.
- (5) The Agency shall liaise with the Ministry of Health, management of the hospitals referred in subsection (4) and in collaboration with donor agencies to ensure that specialized and well

- experienced doctors, nurses and sexual trauma counselors are attached to the Medical Unit for prompt treatment of victims.
- (6) The Legal Unit shall --
- (a) be charged with the responsibility for prosecuting offenders under this Law;
 - (b) support the Agency and other units with legal advice and assistance whenever it is required; and
 - (c) work very closely with the Police and service providers to ensure that there is no delay in the investigation and prosecution of offenders.
- (7) There shall be appointed for each of the Units, a principal Officer who shall be known by such designation as the Board may determine.
- (8) For the purpose of this Law, medical reports can be validly obtained from a government or private hospital.
- 66.(1) There shall be regular training for Judicial officers, judicial staff, Law Enforcement Officers, Counsellors, Medical Officers, Social Welfare Officers, Service Providers, Traditional Rulers, Town Union President Generals, Religious Leaders and other major stakeholders by the Agency to equip them on how to effectively handle cases of sexual-based violence and to be fully familiar with the provisions of this Law. *Provision for training*
- (2) There shall be regular training at the community and grassroots level, by the Agency to create peoples' awareness of sexual violence and other offences under this Law so as to teach them how such cases of violence should be handled and eradicated and to encourage the victims to speak out and report the cases of violence without fear of stigmatization.
 - (3) Such training and capacity building shall be developed and carried out in close consultation with the accredited service providers, civil society organizations and donor agencies.
 - (4) Educational programs shall be initiated at each Local Government Area of the State, aimed at educating the public, community leaders, market men and women, farmers and school pupils and students. Such programs shall include dissemination of advice on reporting rape, sexual violence and other acts of violence to the Police, Agency's liaison office in the Local Government Council, service providers and other dedicated centres.
 - (5) The Agency shall use the feedbacks and reports from the trainings and educational programs to develop and implement local strategies to confront and eradicate sexual violence and other offences provided under this Law.

- 67.(1) There is established for the Agency, a support fund for victims of sexual violence as described in this Law. *Establishment of support fund*
- (2) The proceeds of the Fund shall be applied –
- (a) towards payment of medical expenses for victims;
 - (b) towards the basic material support of victims of sexual violence under this law;
 - (c) for caring for affected dependants of Sexual violence;
 - (d) for any matter connected with the rescue, rehabilitation and re-integration of victims;
 - (e) towards provision of safe homes and temporary shelters for victims of Sexual violence in different local government areas;
 - (f) for the training and capacity building of persons connected with the provision of shelter, rehabilitation and re-integration;
 - (g) for training of judicial officers, law enforcement officers and other stakeholders as provided in clause 65 of this Law; and
 - (h) for rigorous enlightenment campaigns in the communities against Sexual violence and other related matters
68. The funds and resources of the Agency shall consist of – *Funds of the Agency*
- (a) budgetary allocations approved by the State House of Assembly for the purpose of the Agency;
 - (b) State Government subvention;
 - (c) grants-in-aid and assistance from donor, bilateral and multilateral agencies;
 - (d) voluntary contributions to the fund from individuals, organizations and the private sector; and
 - (e) monies from any other source approved by the Government.
- 69.(1) The Fund shall be managed by the Agency prudently for the maximum realization of its objectives under this Law. *Management of the Fund*
- (2) Monies for the Fund shall be paid into a bank account, opened for the purpose by the Agency as approved by the Board.
- 70.(1) The Agency shall cause to be prepared, not later than 30th September each year, an estimate of income and expenditure of the Agency during the next succeeding year and when prepared, they shall be submitted to the Imo State House of Assembly through the Ministry of Women Affairs and Vulnerable Groups for approval by the Governor. *Annual Estimate and Accounts*
- (2) The Agency shall keep books of proper accounts and records in relation thereto, and when certified by the Board, such accounts shall be audited.
- (3) The accounts of the Agency shall be audited by Auditors appointed from the list of Auditors and in accordance with the guideline issued by the Auditor-General for the State.

- 71.(1) The Agency shall, not later than three months after the end of each year, submit through the Board to the Governor and State House of Assembly, a report on its activities and administration during the immediate preceding year, and shall also include the report of the audited accounts of the Agency and the auditors reports thereon.

*Annual Report of
the Agency*

PART VII – MISCELLANEOUS

- 72.(1) No civil action shall be commenced against the Agency or its authorized officers before the expiration of a period of 30 days after written notice of intention to commence the suit have been served on the Agency by the intending plaintiff or his agent, and the notice shall clearly state the --
- (a) cause of action;
 - (b) particulars of the claim;
 - (c) name and place of abode of the intending plaintiff; and
 - (d) relief sought.
- (2) The notice referred to in subsection (1) of this section and any summons, or other documents required or authorized to be served on the Agency under this Law or any other enactment or Law, may be served by --
- (a) delivering it to office of the Director-General of the Agency;
 - or
 - (b) sending it by registered mail to the postal address of the Agency.
73. In any action or suit against the Agency, no execution shall be levied or attachment process issued against the Agency, unless at least three months' notice of intention to execute or attach has been given to the Agency.
74. A member of the Board, Director-General, officer, staff or employee of the Agency shall be indemnified out of the assets of the Agency against any proceeding brought against him or her in his or her capacity as a member of the Board, Director-General, officer, staff or employee of the Agency, where the act complained of is not ultra vires his or her powers.

Pre-Action Notice

*Restriction of
execution against
the property of the
Agency*

*Indemnity of
officers of the
Agency*

SCHEDULE

AFFIDAVIT, APPLICATION AND FORMS OF PROTECTION

FORM 1

GENERAL FORM OF APPLICATION FOR PROTECTION ORDER

In the _____ Court
In the _____ Division
Suit No _____ Between
A.B _____ Complainant
And
C.D _____ Respondent

APPLICATION FOR PROTECTION ORDER BY THE VICTIM

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

Dated this _____ day of _____, 202.

Complainant /Complainant's Counsel

FORM 2

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

In the _____ Court
In the _____ Division
Suit No _____ Between
A.B _____ Complainant
And
C.D _____ Respondent
And
E.F _____ Guardian

APPLICATION FOR PROTECTION ORDER BY A PERSON OTHER THAN THE VICTIM
I, E.F. Guardian to A.B. the Complainant, hereby apply that A.B. be protected by the Honourable
Court by the issuance of a protection order against the Respondent.

Dated this _____ day of _____, 202..

Guardian/Police Officer/Social Worker etc Counsel

FORM 3

AFFIDAVIT IN SUPPORT OF APPLICATION FOR PROTECTION ORDER

In the _____ Court
In the _____ Division
Suit No _____ Between
A.B _____ Complainant
And
C.D _____ Respondent
EF _____ Guardian
I, AB _____ of _____ hereby make oath and state as follows:

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

_____ DEPONENT

Sworn to at _____ Court Registry
This _____ day of _____, 202.

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
Suit No _____ Between
A.B _____ Complainant
And
C.D _____ Respondent
EF _____ Guardian

CONSENT TO APPLICATION FOR PROTECTION ORDER

I, AB of _____ Complainant in the case hereby consent to the application by EF, for the issuance of a Protection Order on my behalf.

Dated this _____ day of _____, 202.

Complainant

FORM 5

GENERAL FORM OF INTERIM PROTECTION ORDER

In the _____ Court
 In the _____ Division
 Suit No _____ Between
 A.B _____ Complainant
 And
 C.D _____ Respondent
 And
 EF _____ 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 you committing such violence against the Complainant;

You are hereby commanded to show cause on the _____ day of _____, 202..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 _____, 202.

 Judge

FORM 6**GENERAL FORM OF PROTECTION ORDER**

In the _____ Court
 In the _____ Division
 Suit No _____ Between
 A.B _____ Complainant
 And _____
 C.D _____ Respondent
 And _____
 EF _____ 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:

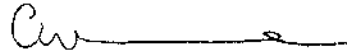
(Insert whichever is appreciated)

- (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 employment;
- (g) preventing the complainant from entering or remaining in the shared household or a specified part of 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;
- (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 _____, 202..

Judge

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



BARR. CHINELO ADAORA EMEGHARA
Clerk of the House of Assembly
Imo State of Nigeria

Assented to by me this 15th day of December, 2021



SEN. HOPE UZODINMA
Governor
Imo State of Nigeria

Assent withheld by me thisday of, 2021

SEN. HOPE UZODINMA
Governor
Imo State of Nigeria

Passed again by the Imo House of Assembly by two-thirds majority this
Day of, 2021.



RT. HON. BARR. KENNEDY CHIDOZIE IBEH
Speaker
Imo State House of Assembly