

2015 REPORT ON

HUMAN rights violations of the same Sex Marriage Prohibition Act, 2014. The average citizen of Nigeria finds it difficult to enjoy

RIGHTS persons who are identified as LGBTI are faced with even more social intolerance and discrimination by family members, employers, and community leaders. The Nigerian government has not taken any steps to protect the rights of LGBTI persons, and has even more actively persecuted them.

VIOLATION The principles of human rights include universality and non-discrimination. The protection of human rights is a responsibility of all states and peoples. The Nigerian government has not taken any steps to protect the rights of LGBTI persons, and has even more actively persecuted them.

BASED ON REAL OR PERCEIVED SEXUAL ORIENTATION AND GENDER IDENTITY IN NIGERIA



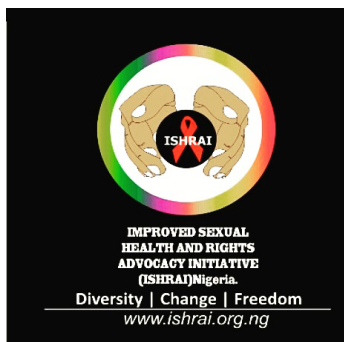
THE 2015 REPORT ON HUMAN RIGHTS VIOLATIONS

Based on Real or Perceived
Sexual Orientation and Gender Identity
in Nigeria

compiled by
The Initiative for Equal rights



In partnership with:



ACKNOWLEDGEMENT

This report was developed by
THE INITIATIVE FOR EQUAL RIGHTS

in partnership With

AGE – Advocate for Grassroots Empowerment

AGHI – Access to Good Health Initiative

AHRDI – Access to Health and Rights Development Initiative

ICARH – International Centre for Advocacy on Rights to Health

ISHRAI – Improved Sexual Health and Rights Advocacy Initiative

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PERTINENT ABBREVIATIONS

ACHPR

African Commission on Human and Peoples' Rights

AMShER

African Men for Sexual Health and Rights

IAH

Initiative for the Advancement of Humanity

LGBTI

Lesbian, Gay, Bisexual, Transgender and Intersex

SOGI

Sexual Orientation and Gender Identity

SSMPA

Same Sex Marriage (Prohibition) Act, 2013

SSMPL

Lagos State Same Sex Marriage (Prohibition) Law, 2007

TIERs

The initiative for Equal Rights

VAPP

Violence Against Persons (Prohibition) Act, 2015

UNHRC

United Nations Human Rights Council

GLOSSARY

For the purposes of this Report, the meanings to be attached to the following terms are as provided below:

TERM	MEANING
Bisexual	A person emotionally, romantically, sexually or relationally attracted to both men and women, though not necessarily simultaneously; a bisexual person may not be equally attracted to both sexes, and the degree of attraction may vary as sexual identity develops over time.
Coming out	The process where a person acknowledges, accepts and appreciates his or her sexual orientation or gender identity (SOGI) and begins to voluntarily share this information with others.
Gay	A synonym for homosexual in many parts of the world. In this Report, used specifically to refer to a man who is emotionally, romantically, sexually and relationally attracted to other men.
Gender	Socially constructed roles, behaviours and personal characteristics that a given society considers appropriate for men, women and others.
Gender Based Violence	Violence directed against a person on the basis of gender or sex. Gender-based violence can include sexual violence, domestic violence, psychological abuse, sexual exploitation, sexual harassment, harmful traditional practices, and discriminatory practices against gender. The term originally described violence against women but is now widely understood to include violence targeting women, transgender persons, and men because of how they experience and express their genders and sexualities

TERM	MEANING
Gender expression	External manifestation of one’s gender identity, usually expressed through masculine, feminine or gender-variant behaviour, clothing, haircut, voice or body characteristics. Typically, transgender persons seek to make their gender expression match their gender identity, rather than their birth-assigned sex.
Gender identity	One’s deeply rooted internal sense of their gender, i.e., being male or female, both, or something other than female and male. For most people gender identity aligns with assigned sex but this is not often the case for trans persons.
Homophobia	The fear and hatred of or discomfort with homosexuals usually based on negative stereotypes of homosexuality.
Homosexual	A person who is emotionally, romantically, sexually or relationally attracted to people of the same sex.
Intersex	A term referring to a variety of conditions in which a person’s sexual and/or reproductive features and organs do not conform to dominant and typical definitions of “female” or “male”.
Lesbian	A woman who is emotionally, romantically, sexually or relationally attracted to other women.
LGBTI	A blanket term that refers to people who identify as lesbian, gay, bisexual, and/or trans, intersex.
Living openly	A state in which LGBTI people are comfortably out about their sexual orientation or gender identity – where and when it feels appropriate to them.

TERM	MEANING
Outing	Exposing someone's sexual orientation and gender identity as being lesbian, gay, bisexual or transgender, without their permission; in essence, "outing them from the closet". Outing someone can have serious employment/economic/safety/religious repercussions in some societies or situations.
Sexual orientation	An inherent or immutable enduring emotional, romantic, sexual or relational attraction to another person; it may be a same-sex orientation, opposite-sex orientation or a bisexual orientation. It is not to be confused with sexual preference, which is what a person likes or prefers to do sexually; a conscious recognition or choice.
Transgender	Refers to a person whose gender identity or expression is different from their assigned sex.
Transphobia	The fear and hatred of, or discomfort with others because of their actual or perceived gender identity or expression.
Transsexual	A term describing people whose gender and sex do not line up, and who often seek medical treatment to bring their body and gender identity into alignment.

1. EXECUTIVE SUMMARY

Violence and discrimination against LGBTI persons continues in Nigeria. The promulgation and continued implementation of the Same Sex Marriage (Prohibition) Act, 2013 and other laws has had a negative effect on the already dire circumstances of LGBTI persons in Nigeria. Members of the community have suffered an increasing wave of arbitrary arrests, unlawful invasion of privacy, assault and battery, sexual violence and extortion, among other ills, since the signing of the Same Sex Marriage Prohibition Act in January 2014.

The average citizen of Nigeria finds it very difficult to enjoy the protection of their rights and access to basic social services. For LGBTI persons or persons who are imputed to have LGBTI identity, they are faced with even more social isolation and discrimination by State and non-State actors. Public authorities whose roles are to protect and ensure the human rights of all citizens are, most times, at the forefront of this regime of terror, intimidation, intolerance and violence against members of the LGBTI community.

The extreme intolerance, homophobia, bi-phobia and transphobia make it even more dangerous for LGBTI persons to reach out for help. Hence, most human rights violations against them go unreported.


The cardinal principles of human rights include universality and non-discrimination. The precondition for enjoying human rights is humanity. However, the Nigerian society and public authorities do not see LGBTI persons as part of those whose humanity are guaranteed rights under the Nigerian Constitution. In Nigeria, different rules apply for those who identify as LGBTI persons. Their humanity is disregarded solely because of their sexual orientation or gender identity expression, which exposes them to all forms of violence.

Nigeria is bound under several international and regional treaties that protect all humans. The Nigerian Constitution guarantees human rights for all Nigerians without limitation of sexual orientation and gender identity expression. Nigeria is a party to the International Covenant

on Civil and Political Rights, 1966; the International Covenant on Economic Social and Cultural Rights, 1966; and the African Charter on Human and Peoples' Rights, 1981, all of which enshrine principles of equality and fairness to all persons. In addition, the 1999 Constitution of the Federal Republic of Nigeria enshrines principles of equality and non-discrimination.

The first part of this Report outlines the legal framework governing human rights in Nigeria. International best practices and pronouncements on human rights are also highlighted. The second part outlines the most frequent forms of violence against LGBTI persons in Nigeria from December 2014 to November 2015. This is based on real life events and experiences of LGBTI persons as documented by LGBTI human rights organizations in Nigeria.

The last section provides recommendations to government, human rights organizations, civil society organizations and private individuals on how the human rights of LGBTI persons can be ensured and protected.



The average citizen of Nigeria finds it very difficult to enjoy the protection of their rights and access to basic social services. For LGBTI persons or persons who are imputed to have LGBTI identity, they are faced with even more social isolation and discrimination by State and non-State actors.

2015 Human Rights Violation based on Sexual Orientation and Gender Identity in Nigeria

282
Persons were violated

172
Violations were recorded in

18
States by

7
Organisations

STATES & REGIONS


HIGHEST
number of reports is in
Enugu State


LOWEST
number of reports are in
Gombe, Oyo, Katsina and Zamfara State

PERPETRATORS

State Actors

38
Violations


Non-State Actors

124
Violations

Both State & Non-State Actors

10
Violations

TOP 3 VIOLATIONS


54
Blackmail & Extortion


37
Battery/Assault


27
Arbitrary Arrest

2. SITUATIONAL ANALYSIS

LGBTI rights in Nigeria are not considered among the traditional human rights and opinions, even among mainstream human rights defenders, are divisive¹. Homosexuality is punishable for up to fourteen years imprisonment in the southern states². In Northern Nigeria, where Sharia law is being implemented in 12 states, it is punishable by death sentence³⁴. Despite these historical laws, there has been even more recent criminalization of same-sex loving persons in Nigeria, with the promulgation of the Same Sex Marriage (Prohibition) Act, 2013, which further stipulates the penalty of 14 years for same-sex relationships (with or without sexual activity) and 10 years imprisonment for human rights defenders, allies and anyone found aiding and abetting same-sex relationships (with or without sexual activity).

With the passage of the Same Sex Marriage (Prohibition) Act in Nigeria, the socio-political climate has become more hostile towards LGBTI rights as evidenced by public sentiments about LGBTI issues and the overzealousness of both State and non-State actors.⁵

Presently, there is an atmosphere of apprehension within the LGBTI community, with several instances of LGBTI persons being subjected to arbitrary arrest by state police, religious police (in the North) and local hoodlums across the country⁶, as well as other de-humanizing treatment⁷. There have been a lot of negative reactions from members of the public against persons that are perceived to be LGBTI within the society.

In 2014, TIERS developed a human rights infograph highlighting the

1 <http://www.punchng.com/news/clo-praises-nassembly-for-anti-gay-law/>

2 Section 214 and 217 of the Nigerian Criminal Code (operational in the southern states with the exception of Lagos state).

3 Section 130 of the Zamfara Sharia penal code.

4 <http://www.glapn.org/sodomylaws/world/nigeria/ninews003.htm>

5 <http://ynaija.com/magazine/mob-forces-gay-couple-to-have-sex-in-public-in-rivers-pictured/>

6 <http://www.tribune.com.ng/news2013/index.php/en/features2/item/31195-we%E2%80%99ll-enforce-anti-gay-law-%E2%80%94sharia-police-%E2%80%A2can,-pf-n,-clerics-commend-jonathan,-blast-us,-un.html>

7 <http://www.informationng.com/2014/02/photo-angry-mob-forces-gay-couple-to-have-sx-publicly-in-portharcourt.html>

human rights violations experienced by LGBTI persons. In the year 2014, 105 cases of human rights violation based on sexual orientation and gender identity expression⁸ were reported and documented with the support of five other LGBTI affiliated organizations⁹ in Nigeria. In the documented report, arbitrary arrests, blackmail, extortion, battery, assault, mob violence and threats to life topped the human rights violations experienced by LGBTI persons in Nigeria.

In 2015, 98 cases were reported and documented between January and June 2015 by TIERS and other LGBTI human rights organizations. The documented cases show the high increase of human rights violations experienced by LGBTI persons from State and non-State actors.

Homosexuality is punishable for up to fourteen years imprisonment in the southern state. In Northern Nigeria, where Sharia law is being implemented in 12 states, it is punishable by death sentence

These violations are instigated by religious leaders' hate speech and political leaders who use LGBTI issues to distract the populace from real issues in their bid to gain political offices and power. These biased actions of religious and political leaders have fuelled hate crime

8 <http://www.whereloveisacrime.org/?project=infographs>

9 AGE – Advocate for Grassroots Empowerment

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toward LGBTI persons which has often resulted in the disruption of the peaceful enjoyment of private and public spaces by LGBTI persons in Nigeria. Both State and non-State actors have leveraged on the old and new discriminatory laws to infringe on the rights of LGBTI persons in Nigeria. Reported violations vary: blackmail and extortion, mob attacks, invasion of privacy, arbitrary arrest and unlawful detention, forceful eviction, curative rape, kidnap, and, in some cases, death.

Uniquely, LGBTI focused organizations that render services through project implementation are also affected by **Section 4 (1)** of the Same Sex Marriage (Prohibition) Act, which states:

“The Registration of gay clubs, societies and organizations, their sustenance, processions and meetings is prohibited”.

This has resulted in the decrease in access to services by LGBTI persons for fear of being arrested or harassed in their bid to access these services. LGBTI persons in Nigeria have limited access to healthcare services and are unable to seek remedy against the infringement of their rights by virtue of their sexual orientation and gender identity expression. This is notwithstanding that the government’s social objectives and responsibilities to its citizens are not limited by sex or gender as stated in **Chapter II Section 17 (2) of the 1999 Constitution of the Federal Republic of Nigeria (as amended)**.

3. LEGAL FRAMEWORK GOVERNING LGBTI ISSUES IN NIGERIA

A. NIGERIAN DOMESTIC LEGAL FRAMEWORK

The Nigerian Constitution¹⁰, on its face, ensures equality for all persons regardless of sexual orientation and gender identity¹¹. The Constitution provides for the right to freely associate and assemble¹², respect for human dignity,¹³ privacy¹⁴, and the right to freedom of expression¹⁵. On the other hand, other enactments, such as the Violence Against Persons (Prohibition) Act¹⁶ which purports 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 for offenders...’¹⁷ appear to appreciate the equality and dignity of all Nigerians citizens.

Nevertheless, the infamous Same Sex Marriage (Prohibition) Act (2013)¹⁸ encourages and, in fact, breeds a culture of intimidation, suppression and violence against LGBTI persons in Nigeria. The SSMPA effectively and draconically infringes a number of the fundamental human rights of LGBTI persons in Nigeria¹⁹.

10 The Constitution of the Federal Republic of Nigeria, 1999. Act No. 24. (Hereafter ‘Constitution’). The Constitution is the supreme law of the land and all other laws inconsistent with it are null and void to the extent of their inconsistency (S. 1(3) of the Constitution)

11 See for example S. 17 and 42 of the Constitution.

12 S.40 of the Constitution.

13 S.34 of the Constitution.

14 S.37 of the Constitution.

15 S.39 of the Constitution.

16 Violence Against Persons (Prohibition) Act, 2015 (VAPP), 25 May 2015, available at: <http://www.refworld.org/docid/556d5eb14.html> (accessed 6 November 2015). (Hereafter, ‘VAPP’)

17 VAPP

18 Hereafter, SSMPA.

19 The SSMPA infringes the right to freedom of association, expression, privacy and potentially infringes the right to dignity, freedom from discrimination, amongst others, of LGBTI persons in Nigeria.

Apart from prohibiting same sex marriage, the SSMPA prohibits and criminalizes the association of persons and organizations who purport to promote the interest of LGBTI persons in Nigeria²⁰. It prohibits and criminalizes the ‘public show of same sex amorous relationship directly or indirectly’²¹ without a definition of what qualifies as “same sex amorous relationship”.

The negative effect of this law was immediate and still persists, as will be seen in this Report. In the documented violations against LGBTI persons within the Report period, December 2014 to November 2015, the SSMPA has encouraged a wave of arbitrary arrests, invasion of privacy, blackmail and extortion, and violence against LGBTI persons in Nigeria with state actors also seen supporting such violations.

Apart from the laws mentioned above, Nigeria still retains a number of archaic colonial laws, which criminalize same sex relations. The British-inherited Criminal Code²², for example, provides under its offences against morality section²³, that:

‘any male person who, whether in public or private, commits any act of gross indecency with another male person, or procures another male person to commit any act of gross indecency with him, or attempts to procure the commission of any such act by any male person with himself or with another male person, whether in public or private, is guilty of a felony, and is liable to imprisonment for three years.’²⁴

The Penal Code²⁵ also prohibits ‘...carnal intercourse against the order of nature...’²⁶ Under Sharia law applicable in certain Northern

20 See S. 4 and 5(2) of the SSMPA.

21 See S. 4(2)

22 Cap 77, Laws of the Federation Nigeria, 1990.

23 Chapter 21 of the Criminal Code

24 S. 217 of the Criminal Code. See also S. 214 of the Criminal Code.

25 Cap 53 Laws of the Federation Nigeria, 1990.

26 S.284 of the Penal Code.

States²⁷, sodomy is punishable with stoning to death²⁸. Lesbianism is punishable with fifty lashes and up to six months imprisonment²⁹.

The presence and continued implementation of these laws, coupled with the high level of ignorance about LGBTI issues in the country, makes Nigeria a very hostile environment for LGBTI persons and people working towards the enforcement and realisation of their human rights.

The Nigerian Constitution, on its face, ensures equality for all persons regardless of sexual orientation and gender identity. The Constitution provides for the right to freely associate and assemble, respect for human dignity, privacy, and the right to freedom of expression.

B. REGIONAL LEGAL FRAMEWORK

The African Charter guarantees freedom from discrimination, and equal protection and equality of individuals and peoples' before the law³⁰. Article 2 of the African Charter provides that 'Every individual shall be entitled to the enjoyment of the rights and freedoms recognized and guaranteed in the present Charter without distinction of any kind such as race, ethnic group, colour, sex, language, religion, political or any other opinion, national and social origin, fortune, birth or other status'. Despite the centrality of the principle of non-discrimination in the African Charter,

²⁷ Zamfara, Kano, Sokoto, Katsina, Bauchi, Borno, Jigawa, Kebbi, Yobe. Sharia law also operates in parts of Kaduna, Niger and Gombe states.

²⁸ Where the offender is married. See S. 130-131 Penal Code Law of Zamfara State.

²⁹ See S. 134-135 Penal Code Law of Zamfara State.

³⁰ Articles 2, 3 and 19 of the African Charter on Human and Peoples rights

the human rights situation of LGBTI persons in Nigeria has been very dismal.

The African Commission on Human and Peoples' Rights, the body responsible for monitoring compliance with the African Charter has, in various communications, denounced acts of discrimination. The ACHPR has clearly established that 'other status'³¹ as used in the African Charter can be broadly interpreted to include grounds other than those explicitly listed under that provision of the African Charter³². The rights to dignity³³, liberty and security of the person³⁴, and freedom of association³⁵ are among rights clearly proclaimed by the African Charter and the Charter clearly states that every human being is entitled to these rights.

Concerned by the increasing violence against LGBTI persons, the ACHPR at its 55th session adopted a landmark resolution on the 'Protection against Violence and other Human Rights Violations against Persons on the Basis of their Real or Imputed Sexual Orientation or Gender Identity'. The Resolution unequivocally condemns violence against persons on the basis of their real or imputed sexual orientation and gender identity. It calls on states to stop all violence committed by State and/or non-State actors and to enact and implement laws condemning violence against all persons regardless of their sexual orientation or gender identity. States were also urged to promptly investigate and punish all acts of violence against persons based on their real or perceived sexual orientation and gender identity.

C. INTERNATIONAL LEGAL FRAMEWORK

The international legal framework governing human rights apply equally to all LGBTI persons living in all parts of the world. The principles of equality, non-discrimination and universality are fundamental in ensuring the

31 [Article 2 of the African Charter.](#)

32 [Violence based on perceived or real sexual orientation and gender identity in Africa, 2013 report by AMSHER, pg vii.](#)

33 [Art. 5 of the African Charter.](#)

34 [Art. 6 of the African Charter.](#)

35 [Art. 10 of the African Charter.](#)

human rights for all including LGBTI persons. It has been established that the grounds of discrimination enumerated in the International Covenant on Civil and Political Rights and the International Covenant of Economic, Social and Cultural Rights are non-exhaustive and that 'other status'³⁶ includes sexual orientation and gender identity³⁷.

The Yogyakarta Principle³⁸, the ground breaking framework developed for the application of international human rights law in relation to sexual orientation and gender identity was a welcome development in a world where the humanity of LGBTI persons is often ignored. The Yogyakarta Principle covers the Rights to Universal Enjoyment of Human Rights, Non-Discrimination and Recognition before the Law³⁹, Rights to Human and Personal Security⁴⁰, Economic, Social and Cultural Rights⁴¹, Rights to Expression, Opinion and Association⁴², Freedom of Movement and Asylum⁴³, Rights of Participation in Cultural and Family Life⁴⁴, Rights of Human Rights Defenders⁴⁵.

The United Nations Human Rights Council (UNHRC) has adopted two resolutions on human rights of LGBTI persons. The first was the Resolution on Human Rights, Sexual Orientation and Gender Identity⁴⁶; the resolution requested the United Nations High Commissioner for Human Rights to commission a study on discriminatory law and practices affecting LGBTI persons in all regions of the world. The

36 See Art. 2(1) of the ICCPR and Art. 2(2) of the ICESCR

37 See *Toonen v. Australia*, communication 488/1992, UN Doc CPR/C/50/D/488/1992 (1994), *Young v. Australia*, communication 941/2000, UN Doc CPR/C/78/D/941/2000 (2003). Also Committee on Economic, Social and Cultural Rights, General Comment No. 20 (E/C.12/GC/20), para 32, Committee on the Rights of the Child, General Comment No. 13 (CRC/C/GC/13), para 60.

38 Developed at a meeting of the International Commission of Jurists, the International Service for Human Rights and human rights experts from around the world held between 6th to 9th of November 2006 and adopted on 26th March 2007.

39 Prin. 1-3.

40 Prin. 4-11.

41 Prin. 12-18.

42 Prin. 19-21.


43 Prin. 22 and 23.

44 Prin. 24-26.

45 Prin. 27.

46 Adopted 17 June 2011 - A/HRC/RES/17/19.

penultimate resolution⁴⁷ was a request for the UN High Commissioner for Human Rights to update the Report⁴⁸ on the study of discriminatory law and practices affecting LGBTI persons in all regions of the world. The purpose of the update is with a view to sharing ‘good practices and ways to overcome violence and discrimination, in application of existing international human rights law and standard.’⁴⁹



Concerned by the increasing violence against LGBTI persons, the ACHPR at its 55th session adopted a landmark resolution on the ‘Protection against Violence and other Human Rights Violations against Persons on the Basis of their Real or Imputed Sexual Orientation or Gender Identity’.

It is clear from all these that international conventions and resolutions reiterate the principle that violence and discrimination against persons is unacceptable. Our humanity should be the paramount in ensuring dignity and rights to all persons.

47 A/HRC/19/14 adopted on 26th September 2014.

48 Report produced in response to resolution A/HRC/RES/17/19 (see n.12 above)

49 See n.13 above, para. 2.

4. METHODOLOGY AND FORMS OF VIOLENCE

4.1 METHODOLOGY

The reported cases documented in this Report were received by LGBTI human rights organizations from states across Nigeria and these reports were received via self-reporting by victims of such violations. Others cases were reported by TIERS community-based paralegals, through media reports, and the TIERS 24 hour hotline numbers and toll-free lines available every day of the week. The human rights unit of TIERS carries out an authentication and status report of these cases to be fully informed on the best approach for intervention.

The violation summaries contained in this Report are limited to the client/victims who filed the reports of violations that have occurred to them. Nevertheless, these observations underscore the basis from which one would understand the realities of LGBTI persons in Nigeria. The names contained in this narrative are aliases for the purpose of protecting the identities of the victims and preventing any further violations.

4.2 FORMS OF VIOLENCE

Violence against LGBTI persons is fuelled by cultural and religious prejudice that is based on lack of knowledge on LGBTI issues. Both State and non-State actors have capitalised on these negative views (strengthened by the enactment of a law criminalizing LGBTI persons) to perpetrate violence of all forms which are most times in form of physical, mental and psychological abuse.

These prejudiced views of LGBTI persons have paved way for a variety of violence and degrading human treatment of LGBTI persons, ranging from blackmail/extortion, assault/battery, invasion of privacy, mob attacks, kidnap, rape and in some case, attempted murder. Arbitrary arrests by police officers are the most common cases of LGBTI rights violations that are perpetrated by State actors while blackmail and

extortion are mostly perpetrated by non-State actors. Some of these non-State actors pretend to be LGBTI persons to lure and meet other LGBTI persons. The action of the perpetrator is validated by State actors specifically, the police force. These continuous violations, most times, have gone unreported by LGBTI persons due to lack of trust in State actors, as these are often perpetrators of the violations too, either directly or in collusion with non-State actors.

2015 Human Rights Violation based on Sexual Orientation and Gender Identity in Nigeria

NUMBER OF VIOLATION PER STATE



TOP 3 VIOLATIONS



TYPES OF VIOLATIONS

- Arbitrary Arrest
- Forceful Eviction
- Invasion of Privacy
- Mob Attack
- Battery/Assault
- Wrongful Dismissal
- Kidnapping
- Theft
- Attempted Murder/Murder
- Blackmail & Extortion
- Threat to Life
- Defamation
- Torture
- Unlawful Detention
- Rape
- Stigma and Discrimination

Violation report collected by: Advocacy for Grassroots Empowerment (AGE), Initiative for Advancement of Humanity (IAH), Improved Sexual Health and Rights Advocacy Initiative (ISHRAI), International Centre for Advocacy on rights to Health (ICARH), Access to Good Health Initiative (AGHI), Access to Health and Rights Development Initiative (AHRDI), The Initiative for Equal Rights (TIERS)

5. TYPOLOGY OF CASES

1. BLACKMAIL AND EXTORTION
2. KIDNAPPING
3. ARBITRARY ARREST AND UNLAWFUL DETENTION
4. ASSAULT AND BATTERY
5. THREAT TO LIFE
6. RAPE
7. INVASION OF PRIVACY

5.1 BLACKMAIL AND EXTORTION

Section 408 of the Criminal Code specifies blackmail and extortion as criminal offences:

Any person who with intend to extort or gain anything from any person-

- 1. Accuses or threatens to accuse any person of committing any felony or misdemeanour or of offering or making any solicitation or threat to any person as an inducement to commit or permit that commission of any felony or misdemeanour; or*
- 2. Threatens that any person shall be accused by any other person of any felony or misdemeanour of any such act....*
- 3. Knowing the content of the writing causes any person to receive any writing containing any such accusation or threat as aforesaid;*

Is guilty of a felony and if the accusation or threat of accusation is of...

c. An assault with intend to have carnal knowledge of any person against that order of nature or an unlawful and indecent assault upon a male person.

The offender is liable to imprisonment of 14 years.

... It is immaterial whether the person accused or threatened to be accused has or has not committed the offence or act of which he is accused or threatened to be accused.

Despite these provisions of the law, LGBTI persons are increasingly blackmailed and extorted by State and non-State actors for being who they are.

A lot of this form of blackmail and extortion comes from non-State actors who go under the guise of LGBTI persons on social media networks to meet LGBTI persons, luring them to a specific location and extorting them with threats to hand them over to the police if they do not comply with the extortionist. Sometimes, these perpetrators record video or take pictures of the victim for the purpose of continually extorting the victim with the obtained footage.

1. On the 5th of January 2015, Temidayo got engaged in conversation by another male on a social media network specific to the gay community. This conversation led to an eventual meeting between the two in Lagos. The man informed Temidayo that although he lives in Lekki, he was currently at a hotel in Amuwo-Odofin off the Lagos - Badagry Expressway, and Temidayo had agreed to meet him at the hotel. As he arrived the hotel, his host gave him a welcome; the two men began to be physically intimate, a situation that put Tayo off-guard as he thought a setup scenario wouldn't go that far. However, the other man excused himself later, went out and pretended to have locked the door behind him. But, minutes later, a group

of five other men and a supposed police officer arrived the room. Temidayo was then asked to completely strip while they took photos and made a video recording of him. Soon after the gang requested NGN50, 000 from him or the footage would be leaked on the Internet. Temidayo pleaded with them that he couldn't afford that amount but was able to give them NGN20, 000 using his ATM card, thereafter, they collected his phone and asked him to leave.

2. Yemi set out to meet an acquaintance whom he had been having intimate conversations on phone for months. The two men met at the Ikorodu garage bus stop in Lagos, and subsequently made their way to the acquaintance's house. As they both arrived in the house, they proceeded with physical intimacy. But a few minutes later, the acquaintance brought out a gun and demanded Yemi give up all in his possession. In fear, Yemi handed over the NGN10, 000 with him and his phone. Not satisfied, the acquaintance led him to an ATM where Yemi was forced to withdraw the entire NGN100, 000 in his account. Yemi was then led to a bus stop where he was given NGN200 and asked to run along.

3. On the 13th of January 2015, Chukwudi was harassed by his classmates after they found gay pornography on his phone. His classmate demanded that he pay the five of them NGN3, 000 each or they would report him to the school authorities for having gay porn on his phone. Chukwudi gave them NGN4,000 and promised to pay balance from the day of the incident. On the agreed date for payment, Chukwudi couldn't fulfil his promise and the boys reported the matter to his family. Consequently, Chukwudi's family ejected him from the house and further refused to pay his school fees. Chukwudi was rendered homeless until his eldest brother, who had been away, returned home and resolve the issue before Chukwudi was asked to return home.

4. On the 2nd of June 2015, Fola decided to meet a man he

had been chatting with over the phone somewhere in Chemist, Akoka Yaba. That evening, Fola got to meet his contact and they walked down the street chatting, suddenly his friend asked that they make a quick stop at a nearby gym. At the gym, Fola found himself in the midst of other men whom he thought were ordinary gym users until it turned out that they were waiting for their arrival.

The men asked him to get on his knees, and they began chanting hateful words at him. He was struck on the head with a dumbbell, and his phone collected from him before he was released.

5.2 KIDNAPPING

Under the Nigerian Criminal Code, section 365 states:

Any person who unlawfully confines or detains another against his will or otherwise unlawfully deprives another of his personal liberty is guilty of a misdemeanour and liable to imprisonment of two years.

LGBTI persons are constantly faced with issues of unlawful detention from non-State actors who act on discriminatory laws such as SSMPA to deprive LGBTI persons of their personal liberty. During the period of this Report, TIERS and other organizations documented different violations related to kidnapping. LGBTI persons who fall victim to kidnap often do not want to file official report as further inquiry would out them to the public.

1. On the 22nd of September 2015, Anthony was kidnapped by some unknown persons who bound him to the chair and blindfolded him based on the instruction that they were sent to kidnap him for trespassing with a guy. Anthony was blindfolded and bound to a chair for three weeks where he was only permitted to ease himself and eat. He was only

released after three weeks because he could not raise the ransom money.

5.3 ARBITRARY ARREST AND UNLAWFUL DETENTION

Section 364 (2) of the Criminal Code states:

*.....Unlawfully imprisons any person within Nigeria in such a manner as to prevent him from applying to a court for his release or from discovering to any other person the person where he is imprisoned or in such a manner as to prevent any person entitled to have access to him from discovering the place where he is imprisoned;
Is guilty of a felony and his liable to imprisonment for ten years.*

The operational police procedure upon making an arrest is to charge the individual within 24 to 48hrs of such arrest otherwise, the individual be freely released without bail. However, cases of arrest of LGBTI persons, even when based on insufficient evidence, involve detention for more than 24hrs and up to a month or more.

1. Tari, a student and fashion designer working with a fashion outfit in Victoria Island Lagos on 22nd of January 2015 was on his way to work from Onipanu, Shomolu where he resides. On getting to the bus stop, he was engaged by police officers that asked to search him. After the body search, he was also asked to open his phone for search, the officer then began to ask question of persons who he had conversations with via his private chat as he found some chats that were connotative of a same sex affair. Based on the chats found by the police officer on Tari's phone, he was arrested and detained.

2. Chuks, who lives in Apapa, made his way with two other friends to see another friend who operated a shed where he cooks and sells noodles off Ojo Road bus stop. Excited about

an upcoming party, the four friends chatted freely as two supposed customers walked in under the shed and sat with the impression that they wanted to buy some food. As the friends chatted away, the customers listened in on their conversation and eventually got up, announced themselves as police officers and demanded the four friends come with them under arrest. According to the police officers, the arrest was based on an anonymous tip from inhabitants of that area who suspected the boys to be gay.

The boys were pressured to make confessional statements, but none of the boys gave in despite the continuous threat of physical violence. After three days, the boys were released based on lack of evidence and their persistence in not admitting to the allegations.

3. In Sokoto state, a bisexual woman with her female partner was outed by the husband on 17th February, 2015. The women were assaulted by a mob and taken to the religious police (Hisbah). Both were detained for two days and later released after extracting commitments from them that they will not engage in such act again. Since the incident, the whereabouts of the other woman remains unknown, as she has fled the community. The other woman is presently living with her husband and continues to face trauma as a result of the incident.

4. On the 12th April 2015, a policeman saw Adams and Felix at night in Agege Railway Market holding each other; the police arrested them for showing public display of affection contrary to the SSMPA. Adams and Felix were allowed to make a call to someone came to bail them. But before the arrival of their contact, the police had demanded NGN100, 000 from each of them and threatened to charge the case to court otherwise. Having highlighted the fact that there was no concrete evidence they were released but only after paying at NGN50, 000 each.

5. TIERs human rights/legal officer received a call from Ibadan, Oyo State about the arrest of 21 boys at a private party. The boys were accused for having an all male party and, for this, the police concluded that they must be gay. After four days of holding the boys in detention, the police agreed to their release at a bail “cost” of NGN10,000 each.

5.4 BATTERY AND ASSAULT

Section 252 of the Criminal code:

A person who strikes, touched, or moves, or otherwise applies force of any kind to the person of another, either directly or indirectly, without his consent, or with his consent, if the consent is obtained by fraud, or who by any bodily act or gesture attempts or threatens to apply force of any kind to the person of another without his consent, in such circumstances that the person making the attempt or threat has actually or apparently a present ability to effect his purpose, is said to assault that person, and the act is called assault.

Battery and assault on LGBTI persons based on their sexual orientation or gender identity expression have been on the increase, especially by non-State actors who base their action on laws such as SSMPA and other laws that criminalize same sex acts in Nigeria.

1. On the 15th of June 2015, Caleb was on his way home at night when he was accosted by some boys off his street around Apapa Lagos and they began to demand if he was a girl or boy, they teased and taunted him asking why he was walking and behaving like a girl.

Before Caleb could respond, the boys beat him. They also collected personal items from him and warned him never to

be seen walking or acting like a girl or else they would come for him again. Caleb was advised to temporarily relocate from the vicinity by friends and family.

The men had beaten him based on his effeminate look and for always having effeminate men around himself. They struck him across the face with a metal and told him never to walk like a girl again.

2. On the 3rd of March 2015, Sunday met a guy on a social media app (2go) and, after a while, they both decided to meet. Their meeting, which was at Oginigba, off Slaughter, Trans Amadi, Port Harcourt went well until some other guys arrived and began to harass Sunday for being gay. The guys beat him up and carted away his money, phones and other material items of him. The case was reported to the police but the police neither gave feedback nor took any action.

3. On the 24th of May 2015, along Royal Avenue, Abuloma, Port Harcourt, Charles was harassed, beaten, and extorted of his belongings by the security vigilantes. Upon report to the police, the victim was advised to seek accommodation in another area to avoid further embarrassment. Charles also refused to sue the security group due to stigma and unnecessary attention the case might draw to him or his family.

4. On the 3rd of June 2015 at Peace Crescent, off Chief Ohor Street, Mvuigwe Woji Port Harcourt, four unknown men who claimed to be members of the local vigilante security barged into Tare's compound. They bundled Tare to their office where they beat him and demanded names of other gay community members in exchange for his release. After mentioning fake names, he was released on the condition that if the names didn't correspond they would come back and this time he would not be found. The victim was thus advised to seek temporary relocation or, possibly, accommodation elsewhere. The I.A.H petitioned the Commissioner of Police

and the NHRC to wade into the matter to stop the vigilante group from terrorism and harassment of persons in that area but no response or action has been taken.

5.5 THREAT TO LIFE

As part of the obligations of the State, the Nigeria constitution stipulates that the government has a duty to provide security to all citizens and also **Section 33 of the Constitution**⁵⁰ guarantees the right to life of all citizens.

LGBTI human rights defenders face such threats to their lives on a daily basis, solely for seeking equality and recognition of rights of LGBTI persons.

1. This incident occurred on the 2nd of January 2015 at Abba, Ukpo and Awka in Anambra state, where a community member was invited by a friend he had been chatting with. Unknown to him their meeting was staged. When he arrived, his host and friends beat him up, collected five thousand naira (NGN5,000) from him and his home address. They insisted that the victim will be paying them same amount every month or else they would beat him to death next time.

The victim paid this amount for four months and could no longer pay any further, the perpetrators arranged for the community youths who assisted them in invading the victim's home to beat him up. In the process, the police arrived at the scene and arrested the victim instead of the perpetrators. He was tortured and forced to mention names of other gay men and they started arresting other innocent community members. Fortunately, one of the arrested boys contacted his in-law who is a community friendly lawyer and who helped to resolve the issue.

⁵⁰ S.33 (1) "Every person has a right to life, and no one shall be deprived intentionally of his life..."

5.6 RAPE

LGBTI persons or anyone perceived to be LGBTI are faced with threat of rape from non-State actors who think engaging them in sexual activity might change their orientation. Heterosexual men are also using rape as an instrument of torture and exorcism for LBT women.

1. In Lagos, a 19-year-old female student was gang raped by five men in Oshodi area of Lagos. Her offense as narrated to her by the perpetrators of the crime was that instead of looking for men to love she is loving women and if strong men have sex with her that will change her orientation.

5.7 INVASION OF PRIVACY

The Nigerian Constitution guarantees the right of the citizens to privacy. Section 37 states that:

{ The privacy of citizens, their homes, correspondence, telephone conversation and telegraphic communications are hereby guaranteed and protected.

However, despite this provision of the Constitution, the police keep invading the privacy of LGBTI persons and using their personal information to unlawfully arrest and extort them.

1. On 14th of October 2015, Haruna was on his way home in a commercial tricycle along Okota Road, when the tricycle was stopped and all the passengers, including Haruna, were asked to alight. They were all physically searched and the policeman asked for their phones and the content was searched. However, in Haruna's phone nude male pictures were found and he was immediately arrested and taken to the police station where he was detained for hours and released only when his friend paid the policeman NGN2,000.

2. On the 29th of September 2015 in Onitsha, Anambra State, while in his home Mr. Emeka had his privacy invaded when his landlord's daughter she took his mobile phone and searched the content. She found a private chat between Mr. Emeka and his boyfriend. She later told her parents who raised an alarm in the compound and minutes later policemen arrived and arrested Mr. Emeka. The case was however mediated at the police station with the assistance of the landlord's son, and Mr. Emeka was released.

2015 Human Rights Violation based on Sexual Orientation and Gender Identity in Nigeria

VIOLATIONS IN NORTH-CENTRAL

ABUJA
23

VIOLATIONS IN NORTH-EAST

ADAMAWA = 2
BORNO = 3
GOMBE = 1

VIOLATIONS IN NORTH-WEST

JIGAWA = 4
KANO = 13
KATSINA = 1
SOKOTO = 3
ZAMFARA = 1

VIOLATIONS IN SOUTH-EAST

ABIA = 3
ANAMBRA = 10
EBONYI = 2
ENUGU = 47
IMO = 3

VIOLATIONS IN SOUTH-SOUTH

DELTA = 3
RIVERS = 21

VIOLATIONS IN SOUTH-WEST

LAGOS = 31
OYO = 1

Violation report collated by: Advocacy for Grassroots Empowerment(AGE), Initiative for Advancement of Humanity(IAH), Improved Sexual Health and Rights Advocacy Initiative (ISHRAI), International Centre for Advocacy on rights to Health(ICARH), Access to Good Health Initiative (AGHI), Access to Health and Rights Development Initiative (AHRDI), The Initiative for Equal Rights(TIERS)

6. INFLUENCE OF HUMAN RIGHTS VIOLATION AGAINST LGBTI PERSONS

The Nigerian sentiment towards LGBTI persons has been eroded by prejudice and negative impressions and beliefs that have resulted in the non-recognition of LGBTI persons as a part of Nigeria's citizens.

These violations are even more reinforced due to the derogatory pronouncements of religious and traditional heads⁵¹ that claim that same sex relationships are against religious texts and "African" values, thereby urging the government to enact strict laws to sanction same sex practices or attempted unions⁵².

The political climate is another contributory element to the discrimination and non-recognition of LGBTI rights or persons in Nigeria. Politicians seeking public support portray the LGBTI community as a societal ill and use this as a leverage to gain support for their political ambition⁵³. Hate speech from political and religious leaders have also contributed to the violence and human rights violations against LGBTI persons.

The promulgation of the Same Sex Marriage (Prohibition) Act 2013 further heightened the level of violence. This law has been utilised by both State and non-State actors to subject LGBTI community members to all sorts of violations, from public humiliation to battery/assault, blackmail/extortion and other form of violations and violence.

The media has also played a role in defacing LGBTI person through sensationalizing news report regarding LGBTI issue in Nigeria to gain traffic to their platforms and boost their sales⁵⁴. The continuous negative media reports that always portray LGBTI persons as evil of the society has also influenced violence against LGBTI persons.

51 <http://allafrica.com/stories/201401210463.html>

52 <http://www.vanguardngr.com/2014/01/can-acf-others-condemn-us-criticisms-anti-gay-marriage-law/>

53 <http://allafrica.com/stories/201401210300.html>

54 <http://www.gaystarnews.com/article/three-men-face-14-years-jail-alleged-nigeria-hotel-gay-sex080413/#gs.BfrkpOE>

7. IMPACT OF HUMAN RIGHTS VIOLATION ON VICTIMS

Human rights violations experienced by LGBTI persons based on their sexual orientation and gender identity have high emotional, physiological, and physical impact. The experience suffered by LGBTI persons usually leaves them isolated and depressed.

Some victims also experience family rejection, loss of employment, community isolation and other form of rejection through outing of their sexual orientation or gender identity expression. The discrimination around the LGBTI community in Nigeria has prevented men who have sex with men, or other men who identify as gay from openly accessing HIV and STI services that are designed for them.

These discriminatory laws fuelled by religious and societal prejudices, has impacted negatively on the LGBTI community as the community has been subjected to various inhumane treatment from family rejection to societal stigma and all form of violence. These laws have created fear in the LGBTI community, especially when accessing services such as healthcare services. The stigma and discrimination based on real or perceived sexual orientation and gender Identity expression is very expressive⁵⁵.

In addition, the stigma on LGBTI cases has led to non-representation of LGBTI person in court by legal practitioners. These factors have resulted to the desertion from homes, unlawful dismissal from work places and other religious institutions and thus depriving LGBTI persons the opportunity to exude their full potentials as productive members of the society. The impact of such violation and experiences often leads to suicidal tendencies among LGBTI persons.

8. RECOMMENDATIONS

8.1 RECOMMENDATIONS TO THE GOVERNMENT

- Condemn on-going violence against persons based on their real or perceived sexual orientation and gender identity expression.
- Review discriminatory laws that trigger violence and human rights violations against LGBTI persons in Nigeria.
- Outlaw hate speech, and other actions inciting violence or discrimination against sexual minorities, particularly LGBTI persons in Nigeria.
- Enforce Constitutional and treaty provisions on universal human rights in public and private institutions across the country.

8.2 RECOMMENDATIONS TO THE NATIONAL HUMAN RIGHTS COMMISSION

- Investigate all human rights violations based on sexual orientation or gender identity expression.
- Campaign to promote an end to hate speech and statements inciting violence against LGBTI persons in Nigeria from religious leaders, political leader and other persons.
- Liaise with LGBTI human rights organizations regarding ways to promote awareness on issues affecting LGBTI persons.
- Establish a reporting process for informing the Commission on human rights abuses experience by LGBTI person.

8.3 RECOMMENDATIONS TO THE NIGERIAN POLICE

- Discourage incidences of police raids, arbitrary and indiscriminate arrests and searches of individuals based on perceived or actual sexual orientation or gender identity expression.
- Investigate and prosecute incidents of violence against LGBTI persons.
- Refrain from harassing, arresting or prosecuting members of LGBTI support organizations and human rights advocates on account

of their work on LGBTI rights

8.4 RECOMMENDATIONS TO CIVIL SOCIETY ORGANIZATIONS

- Acknowledge LGBTI persons as human and work to ensure protection and promotion of their human rights.
- Encourage Civil Society Organizations to mainstream LGBTI awareness and rights into their relevant health, gender and human rights programmes.
- Educate mainstream stakeholders and the general public on human rights issues affecting LGBTI persons.
- Develop sensitization workshops with health personnel, government agencies, police force and other relevant law enforcement agents on the needs to promote and protect rights of LGBTI persons as citizens of Nigeria.

APPENDIX

- SSMPA, 2013
- VIOLENCE AGAINST PERSONS (PROHIBITION) ACT 2015
- RESOLUTION 275, AFRICAN COMMISSION



Clerk to the National Assembly
FEDERAL REPUBLIC OF NIGERIA

Three Arms Zone, P.M.B 141, Garki - Abuja
T Office No.09-8700332, E-mail: maikasuw@yahoo.com

NASS/CNA/115/VOL.31/24

30th December, 2013

The President
Commander-in-Chief of the Armed Forces
Federal Republic of Nigeria
Presidential Villa
ABUJA

OFFICE OF THE
PRESIDENT
07 JAN 2014
RECEIVED

SAME SEX MARRIAGE (PROHIBITION) ACT, 2013

In consonance with the provisions of the Acts Authentication Act Cap. A2, Laws of the Federation of Nigeria, 2004, I wish, with due respect to forward to Your Excellency the authenticated copies of the Same Sex Marriage (Prohibition) Bill, 2013 for your consideration and assent.

2. After Your Excellency's assent, one copy of the signed Bill should be retained in your office while the other two are to be returned for our further action, please.
3. With my highest regards.

SALISU A. MAIKASUWA, OON, mni, FNIM, FFPN
Clerk to the National Assembly

I CERTIFY, IN ACCORDANCE WITH SECTION 2 (1) OF THE ACTS AUTHENTICATION ACT, CAP. A2, LAWS OF THE FEDERATION OF NIGERIA 2004, THAT THIS IS A TRUE COPY OF THE BILL PASSED BY BOTH HOUSES OF THE NATIONAL ASSEMBLY.



SALISU ABUBAKAR MAIKASUWA, OON, mni
CLERK TO THE NATIONAL ASSEMBLY

30th

DAY OF DECEMBER, 2013

SAME SEX MARRIAGE (PROHIBITION) ACT, 2013

EXPLANATORY MEMORANDUM

This Act prohibits a marriage contract or civil union entered into between persons of same sex, and provides penalties for the solemnisation and witnessing of same thereof.

SAME SEX MARRIAGE (PROHIBITION) ACT, 2013

ARRANGEMENT OF SECTIONS

Section:

1. Prohibition of marriage or civil union by persons of same sex.
2. Solemnization of same sex marriage in places of worship.
3. Recognized marriage in Nigeria.
4. Registration of homosexual clubs and societies.
5. Offences and penalties.
6. Jurisdiction.
7. Interpretation.
8. Citation.

SAME SEX MARRIAGE (PROHIBITION) ACT, 2013

A BILL

FOR

An Act to prohibit a marriage contract or civil union entered into between persons of same sex, solemnization of same; and for related matters.

[] Commencement.

ENACTED by the National Assembly of the Federal Republic of Nigeria:

1. (1) A marriage contract or civil union entered into between persons of same sex:
 - (a) is prohibited in Nigeria; and
 - (b) shall not be recognised as entitled to the benefits of a valid marriage.

Prohibition of marriage or civil union by persons of same sex.
- (2) A marriage contract or civil union entered into between persons of same sex by virtue of a certificate issued by a foreign country is void in Nigeria, and any benefit accruing there-from by virtue of the certificate shall not be enforced by any court of law.
2. (1) A marriage contract or civil union entered into between persons of same sex shall not be solemnized in a church, mosque or any other place of worship in Nigeria.

Solemnization of same sex marriage in places of worship.
- (2) No certificate issued to persons of same sex in a marriage or civil union shall be valid in Nigeria.
3. Only a marriage contracted between a man and a woman shall be recognized as valid in Nigeria.

Recognized marriage in Nigeria.
4. (1) The Registration of gay clubs, societies and organisations, their sustenance, processions and meetings is prohibited.

Registration of homosexual clubs and societies.
- (2) The public show of same sex amorous relationship directly

or indirectly is prohibited.

5. (1) A person who enters into a same sex marriage contract or civil union commits an offence and is liable on conviction to a term of 14 years imprisonment. Offences and Penalties.
- (2) A person who registers, operates or participates in gay clubs, societies and organisation, or directly or indirectly makes public show of same sex amorous relationship in Nigeria commits an offence and is liable on conviction to a term of 10 years imprisonment.
- (3) A person or group of persons who administers, witnesses, abets or aids the solemnization of a same sex marriage or civil union, or supports the registration, operation and sustenance of gay clubs, societies, organisations, processions or meetings in Nigeria commits an offence and is liable on conviction to a term of 10 years imprisonment.

6. The High Court of a State or of the Federal Capital Territory shall have jurisdiction to entertain matters arising from the breach of the provisions of this Act. Jurisdiction.

7. In this Act: Interpretation.

“marriage” means a legal union entered into between persons of opposite sex in accordance with the Marriage Act, Islamic Law or Customary Law;

“Court” means High Court of a State or of the Federal Capital Territory;

“same sex marriage” means the coming together of persons of the same sex with the purpose of living together as husband and wife or for other purposes of same sexual relationship;

“witness” means a person who signs or witnesses the solemnisation of the marriage; and

“civil union” means any arrangement between persons of the

same sex to live together as sex partners, and includes such descriptions as:

- (a) adult independent relationships;
- (b) caring partnerships;
- (c) civil partnerships;
- (d) civil solidarity pacts;
- (e) domestic partnerships;
- (f) reciprocal beneficiary relationships;
- (g) registered partnerships;
- (h) significant relationships; and
- (i) stable unions.

8. This Act may be cited as the Same Sex Marriage (Prohibition) Act, 2013. Citation.


SCHEDULE TO THE SAME SEX MARRIAGE (PROHIBITION) BILL, 2013

SHORT TITLE OF THE BILL	LONG TITLE OF THE BILL	SUMMARY OF THE CONTENTS OF THE BILL	DATE PASSED BY THE SENATE	DATE PASSED BY THE HOUSE OF REPRESENTATIVES
SAME SEX MARRIAGE (PROHIBITION) BILL, 2013	An Act to prohibit a marriage contract or civil union entered into between persons of same sex, solemnization of same, and for related matters.	This Act prohibits marriage contract or civil union between persons of same sex and provides penalties for the solemnization and witnessing of same.	17 th December, 2013	17 th December, 2013

I certify that this Bill has been carefully compared by me with the decision reached by the National Assembly and found by me to be true and correct decision of the Houses and is in accordance with the provisions of the Acts Authentication Act Cap. A2, Laws of the Federation of Nigeria, 2004.



SALISU ABUBAKAR MAIKASUWA, OON, mni
 Clerk to the National Assembly
 21st Day of December, 2013



DR. GOODLUCK EBELÉ JONATHAN, GCFR
 President of the Federal Republic of Nigeria
 21st Day of December, 2013

ASSSENT.

VIOLENCE AGAINST PERSONS (PROHIBITION) ACT, 2015

EXPLANATORY MEMORANDUM

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

VIOLENCE AGAINST PERSONS (PROHIBITION) ACT, 2015

A Bill

For

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

{ } Commencement.

ENACTED by the National Assembly of the Federal Republic of Nigeria-

PART I — OFFENCES

1. (1) A person commits the offence of rape if- Definition of rape.
 - (a) he or she intentionally penetrates the vagina, anus or mouth of another person with any other part of his or her body or anything else;
 - (b) the other person does not consent to the penetration; or
 - (c) the consent is obtained by force or means of threat or intimidation of any kind or by fear of harm or by means of false and fraudulent representation as to the nature of the act or the use of any substance or additive capable of taking away the will of such person or in the case of a married person by impersonating his or her spouse.
 - (2) A person convicted of an offence under subsection (1) of this section is liable to imprisonment for life except -
 - (a) where the offender is less than 14 years of age, the offender is liable to a maximum of 14 years imprisonment;
 - (b) in all other cases, to a minimum of 12 years imprisonment without an option of fine; or
 - (c) in the case of rape by a group of persons, the offenders are liable jointly to a minimum of 20 years imprisonment without an option of fine.
 - (3) The Court shall also award appropriate compensation to the victim as it may deem fit in the circumstance.
 - (4) A register for convicted sexual offenders shall be maintained and accessible to the public.
2. (1) A person who 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 not exceeding 5 years or a fine not exceeding ₦100,000.00 or both. Inflicting physical injury on a person.

(2) A person who attempts to commit the act of violence provided for in subsection (1) of this section commits an offence and is liable on conviction to a term of imprisonment not exceeding 3 years or to a fine not exceeding ₦200,000.00 or both.

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

(4) A person who receives or assists another who, to his knowledge commits an offence under subsection (1) of this section, is an accessory after the fact and is liable on conviction to a term of imprisonment not exceeding 3 years or to a fine not exceeding ₦200,000.00 or both.

(5) The Court may also award appropriate compensation to the victim as it may deem fit in the circumstance.

3. A person who coerces another to engage in any act to the detriment of that other person's physical or psychological well being, commits an offence and is liable on conviction to term of imprisonment of 3 years.

Coercion.

4. (1) A person who willfully or knowingly places a person in fear of physical injury commits an offence and is liable on conviction to a term of imprisonment not exceeding 2 years or to a fine not exceeding ₦200,000:00 or both.

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 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 or both.

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

(4) A person who receives or assists another who has committed the offence provided for in subsection (1) of this section is an accessory after the fact and is liable on conviction to a term of imprisonment not exceeding 1 year or to a fine not exceeding N200, 000.00 or both.

5. (1) A person who compels another, by force or threat, to engage in any conduct or act, sexual or otherwise, to the detriment of the victim's physical or psychological well-being commits an offence and is liable on conviction to a term of imprisonment not exceeding 2 years or to a fine not exceeding N500, 000.00 or both.

Offensive conduct.

(2) A person who attempts to commit the offence provided for in subsection (1) of this section commits an offence and is liable on conviction to a term of imprisonment not exceeding 1 year or to a fine not exceeding N300,000.00 or both.

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

exceeding ₦300,000.00 or both.

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

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

Prohibition of female circumcision or genital mutilation.

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

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

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

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

Frustrating investigation.

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

(b) omits, or is privy to omitting, any material particular from any such document, book, dress or clothing,

commits a felony and is liable on conviction to a term of imprisonment not exceeding 3 years or to a fine not exceeding ₦500,000.00 or both.

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

Willfully making false statements.

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

Forceful ejection from home.

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

(3) A person who incites, aids, abets, or counsels another person to commit the offence

as provided for in subsection (1) of this section commits an offence and is liable on conviction to a term of imprisonment not exceeding 1 year or to a fine not exceeding N200,000.00 or both.

(4) A person who receives or assists another who, to his or her knowledge, committed the offence provided for in subsection (1) of this section is an accessory after the fact and is liable on conviction to a term of imprisonment not exceeding 1 year or to a fine not exceeding N200,000.00 or both.

10. (1) A person who deprives another of his or her liberty, except pursuant to a court order commits an offence and is liable on conviction to a term of imprisonment not exceeding 2 years or to a fine not exceeding N500,000.00 or both.

Depriving a person of his or her liberty.

(2) A person who attempts to commit the offence provided for in subsection (1) of this section commits an offence and is liable on conviction to a term of imprisonment not exceeding 1 year or to a fine not exceeding N200,000.00 or both.

(3) A person who incites, aids, abets, or counsels another person to commit an offence as provided for in subsection (1) of this section commits an offence and is liable on conviction to a term of imprisonment not exceeding 2 years or to a fine not exceeding N300,000.00 or both.

(4) A person who receives or assists another who, to his or her knowledge, committed the offence provided for in subsection (1) of this section is an accessory after the fact and is liable on conviction to a term of imprisonment not exceeding 1 year or to a fine not exceeding N100,000.00 or both.

11. (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 N300,000.00 or both.

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 1 year or to a fine not exceeding N200,000.00 or both.

(3) A person who incites, aids, abets, or counsels another person to commit the offence as provided for in subsection (1) of this section commits an offence and is liable on conviction to a term of imprisonment not exceeding 1 year or to a fine not exceeding N200,000.00 or both.

(4) A person who receives or assists another who, to his or her knowledge, committed the offence provided for in subsection (1) of this section is an accessory after the fact and is liable on conviction to a term of imprisonment not exceeding 1 year or to a fine not exceeding N200,000.00 or both.

12. (1) A person who causes forced financial dependence or economic abuse of another commits an offence and is liable on conviction to a term of imprisonment not exceeding 2 years or to a fine not exceeding N500,000.00 or both.

Forced financial dependence or economic abuse.

(2) A person who attempts to commit the offence provided for in subsection (1) of this section commits an offence and is liable on conviction to a term of imprisonment

not exceeding 1 year or to a fine not exceeding N200,000.00 or both.

(3) A person who incites, aids, abets, or counsels another person to commit the offence as provided for in subsection (1) of this section commits an offence and is liable on conviction to a term of imprisonment not exceeding 1 year or to a fine not exceeding N200,000.00 or both.

(4) A person who receives or assists another who, to his or her knowledge, committed the offence provided for in subsection (1) of this section is an accessory after the fact and is liable on conviction to a term of imprisonment not exceeding 6 months or to a fine not exceeding N100,000.00 or both.

13. (1) A person who forcefully isolates or separates another from family and friends commits an offence and is liable on conviction to a term of imprisonment not exceeding 6 months or to a fine not exceeding N100,000.00 or both.

Forced isolation or separation from family and friends.

(2) A person who attempts to commit the act of violence provided for in subsection (1) of this section commits an offence and is liable on conviction to a term of imprisonment not exceeding 3 months or to a fine not exceeding N100,000.00 or both.

(3) A person who incites, aids, abets, or counsels another person to commit the offence as provided for in subsection (1) of this section commits an offence and is liable on conviction to a term of imprisonment not exceeding 3 months or to a fine not exceeding N100,000.00 or both.

(4) A person who receives or assists another who, to his or her knowledge, committed the offence provided for in subsection (1) of this section is an accessory after the fact and is liable on conviction to a term of imprisonment not exceeding 3 months or to a fine not exceeding N100,000.00 or both.

14. (1) A person who causes emotional, verbal and psychological abuse on another commits an offence and is liable on conviction to a term of imprisonment not exceeding 1 year or to a fine not exceeding N200,000.00 or both.

Emotional, verbal and psychological abuse.

(2) A person who attempts to commit the act of violence provided for in subsection (1) of this section commits an offence and is liable on conviction to a term of imprisonment not exceeding 6 months or to a fine not exceeding N100,000.00 or both.

(3) A person who incites, aids, abets, or counsels another person to commit the act of violence as provided for in subsection (1) of this section commits an offence and is liable on conviction to a term of imprisonment not exceeding 6 months or to a fine not exceeding N100,000.00 or both.

(4) A person who receives or assists another who, to his or her knowledge, committed the offence provided for in subsection (1) of this section is an accessory after the fact and is liable on conviction to a term of imprisonment not exceeding 6 months or to a fine not exceeding N100,000.00 or both.

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

Harmful widowhood practices.

fine not exceeding N500,000.00 or both.

(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 N200,000.00 or both.

(3) A person who incites, aids, abets, or counsels another person to commit the act of violence as provided for in subsection (1) of this section commits an offence and is liable on conviction to a term of imprisonment not exceeding 1 year or to a fine not exceeding N200,000.00 or both.

(4) A person who receives or assists another who, to his or her knowledge, committed the offence provided for in subsection (1) of this section is an accessory after the fact and is liable on conviction to a term of imprisonment not exceeding 6 months or to a fine not exceeding N100,000.00 or both.

16. (1) A person who abandons a wife or husband, children or other dependent without any means of sustenance commits an offence and is liable on conviction to a term of imprisonment not exceeding 3 years or to a fine not exceeding N500,000.00 or both. Abandonment of Spouse, Children and other Dependants without sustenance.

(2) A person who attempts to commit the act of violence provided for in subsection (1) of this section commits an offence and is liable on conviction to a term of imprisonment not exceeding 2 years or to a fine not exceeding N200,000.00 or both.

(3) A person who incites, aids, abets, or counsels another person to commit the act of violence as provided for in subsection (1) of this section commits an offence and is liable on conviction to a term of imprisonment not exceeding 2 years or to a fine not exceeding N200,000.00 or both.

(4) A person who receives or assists another who, to his or her knowledge, committed the offence provided for in subsection (1) of this section is an accessory after the fact and is liable on conviction to a term of imprisonment not exceeding 1 year or to a fine not exceeding N100,000.00 or both.

17. (1) A person who stalks another commits an offence and is liable on conviction to a term of imprisonment not exceeding 2 years or to a fine not exceeding N500,000.00 or both. Stalking.

(2) A person who attempts to commit the act of violence provided for in subsection (1) of section commits an offence and is liable on conviction to a term of imprisonment not exceeding 1 year or to fine not exceeding N200,000.00 or both.

(3) A person who incites, aids, abets, or counsels another person to commit the act of violence as provided for in subsection (1) of this section commits an offence and is liable on conviction to a term of imprisonment not exceeding 1 year or to a fine not exceeding N200,000.00 or both.

(4) A person who receives or assists another who, to his or her knowledge, committed the offence provided for in subsection (1) of this section is an accessory after the fact and is liable on conviction to a term of imprisonment not exceeding 1 year or to a fine not exceeding N100,000.00 or both.

18. (1) A person who intimidates another commits an offence and is liable on conviction to a term of imprisonment not exceeding 1 year or to a fine not exceeding N200,000.00 or both. Intimidation.

(2) A person who attempts to commit the act of violence provided for in subsection (1) of this section commits an offence and is liable on conviction to a term of imprisonment not exceeding 6 months or to a fine not exceeding N100,000.00 or both.

(3) A person who incites, aids, abets, or counsels another person to commit the act of violence as provided for in subsection (1) of this section commits an offence and is liable on conviction to a term of imprisonment not exceeding 6 months or to a fine not exceeding N100,000.00 or both.

(4) A person who receives or assists another who, to his or her knowledge, committed the offence provided for in subsection (1) of this section is an accessory after the fact and is liable on conviction to a term of imprisonment not exceeding 6 months or to a fine not exceeding N100,000.00 or both.

19. (1) A person who batters his or her spouse commits an offence and is liable on conviction to a term of imprisonment not exceeding 3 years or to a fine not exceeding N200,000.00 or both. Spousal battery.

(2) A person who attempts to commit the act of violence provided for in subsection (1) of this section commits an offence and is liable on conviction to a term of imprisonment not exceeding 1 year or to a fine not exceeding N100,000.00 or both.

(3) A person who incites, aids, abets, or counsels another person to commit the act of violence as provided for in subsection (1) of this section commits an offence and is liable on conviction to a term of imprisonment not exceeding 1 year or to a fine not exceeding N200,000.00 or both.

(4) A person who receives or assists another who, to his or her knowledge, committed the offence provided for in subsection (1) of this section is an accessory after the fact and is liable on conviction to a term of imprisonment not exceeding 1 year or to a fine not exceeding N200,000.00 or both.

20. (1) A person who carries out harmful traditional practices on another commits an offence and is liable on conviction to a term of imprisonment not exceeding 4 years or to a fine not exceeding N500,000.00 or both. Harmful traditional practices.

(2) A person who attempts to commit the act of violence provided for in subsection (1) of this section commits an offence and is liable on conviction to a term of imprisonment not exceeding 2 years or to a fine not exceeding N300,000.00 or both.

(3) A person who incites, aids, abets, or counsels another person to commit the act of violence as provided for in subsection (1) of this section commits an offence and is liable on conviction to a term of imprisonment not exceeding 2 years or to a fine not exceeding N300,000.00 or both.

(4) A person who receives or assists another who, to his or her knowledge, committed

the offence provided for in subsection (1) of this section is an accessory after the fact and is liable on conviction to a term of imprisonment not exceeding 2 year or to a fine not exceeding N200,000.00 or both.

21. (1) A person who uses chemical, biological or any other harmful liquid on another commits an offence and is liable on conviction to a term of life imprisonment without an option of fine.
- (2) A person who attempts to commit the act of violence described in subsection (1) of this section commits an offence and is liable on conviction to a term of imprisonment not exceeding 25 years without an option of fine.
- (3) A person who incites aids, abets, or counsels another person to commit the act of violence, as provided for in subsection (1) of this section, commits an offence and is liable on conviction to a term of imprisonment not exceeding 25 years without an option of fine.
- (4) A person who receives or assists another who, to his or her knowledge, committed the offence provided for in subsection (1) of this section is an accessory after the fact and is liable on conviction to a term of imprisonment not exceeding 25 years without the option of fine.

Attack with harmful substance.

22. (1) A person commits an offence if he intentionally administers a substance to, or causes a substance to be administered to or taken by, another person with the intention of stupefying or overpowering that person so as to enable any person to engage in a sexual activity with that person.
- (2) A person who commits an offence under this section is, in addition to any other offence under this Act, liable on conviction to a term of imprisonment not exceeding 10 years or a fine of N500,000 or both.

Administering a substance with intent.

23. (1) A person who commits a political violence as defined under of this Act relating to political violence commits an offence and is liable on conviction to a term of imprisonment not exceeding 4 years or to a fine not exceeding N500,000.00 or both.
- (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 N300,000.00 or both.
- (3) A person who incites, aids, abets, or counsels another person to commit the act of violence as provided for in subsection (1) of this section commits an offence and is liable on conviction to a term of imprisonment not exceeding 2 years or to a fine not exceeding N300,000.00 or both.
- (4) A person who receives or assists another who, to his or her knowledge, committed the offence provided for in subsection (1) of this section is an accessory after the fact and is liable on conviction to a term of imprisonment not exceeding 2 years or to a fine not exceeding N200,000.00 or both.

Political violence.

24. (1) A state actor who commits political violence commits an offence and is liable on conviction to a term of imprisonment not exceeding 4 years or to a fine not

Violence by State actors.

exceeding N1,000,000.00 or both.

(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 N700,000.00 or both.

(3) A person who incites, aids, abets, or counsels another person to commit the act of violence as provided for in subsection (1) of this section commits an offence and is liable on conviction to a term of imprisonment not exceeding 2 years or to a fine not exceeding N500,000.00 or both.

(4) A person who receives or assists another who, to his or her knowledge, committed the offence provided for in subsection (1) of this section is an accessory after the fact and is liable on conviction to a term of imprisonment not exceeding 1 year or to a fine not exceeding N300,000.00 both.

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

25. A person who knowingly and willfully have carnal knowledge of another within the prohibited degrees of consanguinity and affinity contained in the Schedule to this Act with or without consent, commits incest and is liable on conviction to a minimum term of –

Incest.
Schedule

(a) 10 years imprisonment without an option of fine,

(b) where the two parties consent to commit incest, provided that the consent was not obtained by fraud or threat, 5 years imprisonment without an option of fine.

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

Indecent exposure.

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

(3) A person who commits an offence under this section is liable to upon conviction to a term of imprisonment of not less than 1 year or to a fine not exceeding N500,000 or both.

PART II — JURISDICTION OF THE COURT

27. Only the High Court of the Federal Capital Territory, Abuja empowered by an Act of Parliament shall have the jurisdiction to hear and grant any application brought under this Act. Jurisdiction.
28. (1) An application for a protection order may, be made before the High Court following a complaint of violence by the complainant and such order, if granted, shall be effective throughout the Federal Republic of Nigeria and no time limit or prescription shall apply in relation to a person seeking to apply for such protection order. Application for protection order.
- (2) Any complainant may, in the prescribed manner, apply to the Court for a protection order.
- (3) If the complainant is not represented by counsel, the police officer with whom a complaint of violence has been lodged shall inform the complainant of the remedies he or she may be entitled to under this Act including the right to lodge a criminal complaint against the respondent if a criminal offence has been committed under this Act.
- (4) Notwithstanding the provisions of any other law, the application may be brought on behalf of the complainant by any other person, including a police officer, a protection officer, an accredited service provider, a counselor, health service provider, social worker or teacher who has interest in the well-being of the complainant.

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

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

- (5) Notwithstanding the provisions of any other law, any minor, or any person on behalf of a minor, may apply to the Court for a protection order without the assistance of a parent, guardian or any other person and supporting affidavit by persons who have knowledge of the matter concerned may accompany the application.
- (6) The application and affidavits shall be filed in Court.

29. (1) The Court shall as soon as is reasonably possible, consider an application submitted to it under section 30 (6) of this Act and may, for that purpose, consider such additional evidence as it deems fit, including oral evidence or evidence by affidavit, which shall form part of the record of the proceedings. Consideration of application.
- (2) If the Court is satisfied that there is prima facie evidence that the respondent is committing, has committed or that there is imminent likelihood that he may commit an act of domestic violence, the Court shall, notwithstanding the fact that the

respondent has not been given notice of the proceedings contemplated in subsection (1) of this section, issue an interim protection order against the respondent, in the prescribed manner.

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

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

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

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

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

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

Issuing of protection order.

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

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

the court shall issue a protection order in the prescribed form.

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

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

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

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

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

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

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

(5) Upon the issuing of a protection order, the Registrar of the Court shall, in the prescribed manner, cause-

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

(b) a certified copy of such order, and the original warrant of arrest contemplated in section 33 (1) (a),

to be served on the complainant.

(6) The Registrar of the Court shall, in the prescribed manner, forward certified copies of any protection order and of the warrant of arrest contemplated in section 33 (1) (a) to the police station of the complainant's choice.

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

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

Court's powers in respect of protection order.

(a) committing any act of domestic violence;

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

(c) entering a shared household provided that the court may impose this prohibition only if it appears to be in the best 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 well-being of the complainant, including an order-
- (a) to seize any arm or dangerous weapon in the possession or under the control of the respondent;
 - (b) that a police officer shall accompany the complainant to a specified place to assist with arrangements regarding the collection of personal property;
 - (c) directing the respondent to secure alternative accommodation for the complainant;
 - (d) order a temporal relocation to any safe place as may be deemed fit in the interest of the complainant; or
 - (e) approve a mediation channel upon submission by the complainant.
- (3) In ordering a prohibition under subsection 1 (c) of this section, the Court may impose on the respondent obligations as to the discharge of rent or mortgage payments having regard to the financial needs and resources of the complainant and the respondent.
- (4) The Court may order the respondent to pay emergency monetary relief having regard to the financial needs and resources of the complainant and the respondent, and such order has the effect of a civil judgment of a court.
- (5) The Court may issue any direction to ensure that the complainant's physical address is not disclosed in any manner, which may endanger the safety, health or well-being of the complainant.
- (6) If the court is satisfied that it is in the best interests of any child, it may-
- (a) refuse the respondent contact with such child; or
 - (b) order contact with such child on such conditions as it may consider appropriate.
- (7) The Court may not refuse to issue a protection order or impose any condition or make any order which it is competent to impose or make under this section, merely on the grounds that other legal remedies are available to the complainant.
- (8) If the Court is of the opinion that any provision of a protection order deals with a matter that should, in the interests of justice, be dealt with further under any other relevant law, including the Matrimonial Causes Act, Cap. M7 Laws of the Federation, 2004, Child's Rights Act, the Court shall order that such a provision shall be in force for such limited period as the court determines, in order to afford the party concerned the opportunity to seek appropriate relief under such law.

Cap. M7 LFN, 2004

Act No.26, 2003

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

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

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

- (a) he or she suspects upon reasonable grounds to have committed any of the offences under Part 1 of this Act; and
- (b) a complaint has been made for having committed any of the offences under Part 1 of this Act.

(3) A police officer in carrying out his or her duties under this Act 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 Act;
- (b) remove or supervise the removal of any dangerous weapon used in order to commit an act of violence as contemplated in this Act;
- (c) collect and store fingerprints including DNA of accused and convicted offenders; and
- (d) perform any other act considered necessary in order to ensure the safety and well-being of the complainant.

33. (1) Whenever a court issues a protection order, the court shall make an order-

Warrant of arrest upon
issuing of protection
order.

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

(b) suspending the execution of such warrant subject to compliance with any prohibition, condition, obligation or order imposed under section 31 of this Act.

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

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

(a) executed or cancelled; or

(b) lost or destroyed.

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

(5) If it appears to the police officer concerned that, subject to subsection (5), there are reasonable grounds to suspect that the complainant may suffer imminent harm as a result of the alleged breach of the protection order by the respondent, the police officer shall forthwith arrest the respondent for allegedly committing the offence referred to in Part I of this Act.

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

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

(b) calls upon the respondent to appear before a court, and on the date and at the time specified in the notice, on a charge of committing the offence referred to in section 31 (1); and

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

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

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

- (a) risk to the safety, health or well-being of the complainant;
- (b) seriousness of the conduct comprising an alleged breach of the protection order; and
- (c) length of time since the alleged breach occurred.

(9) Whenever a warrant of arrest is handed to a police officer under subsection (4) (a) of this section, the police officer shall inform the complainant of his or her right to simultaneously lay a criminal charge against the respondent, if applicable, and explain to the complainant how to lay such a charge.

34. (1) A complainant or a respondent may, upon written notice to the other party and the court concerned, apply for the variation or setting aside of a protection order referred to in section 30 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 the variation or setting aside of the protection order, it may issue an order to this effect, provided that the Court shall not grant such an application to the complainant unless it is satisfied that the application is made freely and voluntarily.

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

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

Discharge.

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

- (i) the commissioner,
- (ii) the person who brought the application, or
- (iii) the respondent to that application;

(b) if the application for the order was made by a commissioner in any other case by virtue of section 28-

- (i) the commissioner,
- (ii) the person who was the applicant for the order, or
- (iii) the respondent to that application;

(c) in any other case-

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

36. (1) A respondent who contravened an interim protection order or a protection order, or while an interim protection order is in force, refuses to permit the applicant or any dependent person to enter and remain in the place to which the order relates or does any act for the purpose of preventing the applicant or such dependent person from so entering or remaining commits an offence and is liable, on summary conviction, to a fine not exceeding N300,000.00 or to a term of imprisonment not exceeding 6 months both.
- (2) The provisions of subsection (1) shall be without prejudice to any punishment or sanction as to contempt of court or any other liability, whether civil or criminal that may be incurred by the respondent concerned.
- (3) A person who, in an affidavit referred to in this section, willfully makes a false statement in a material respect commits an offence and is liable on conviction to a fine of not exceeding N200,000.00 or, at the discretion of the Court, to a term of imprisonment not exceeding 6 months.
37. The affidavit, application and forms of Protection Order referred to in this Part of the Act shall be in accordance with the Schedule to this Act.
38. (1) In addition to the rights guaranteed under Chapter IV of the Constitution of the Federal Republic of Nigeria, 1999, or any other international human rights instrument to which Nigeria is a party, every victim of violence, as defined in section 1 of this Act, is entitled to the following rights -
- (a) to receive the necessary materials, comprehensive, medical, psychological, social and legal assistance through governmental agencies or non-governmental agencies providing such assistance;
 - (b) to be informed of the availability of 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) any rules and or regulations made by any institution or organization prohibiting or restraining the reporting of offences or complaint with the provisions of this Act, shall, to the extent of the inconsistencies be null and void; and
 - (e) no complainant of any offence under this Act shall be expelled, disengaged, suspended or punished in any form whatsoever by virtue of the action of compliance with the provisions of this Act.
- (2) Any head of institution who violates the provisions of this subsection is guilty of an offence and is liable on conviction to a term of imprisonment for 6 months or a fine of N200,000 or both.
- Offences relating to protection orders.
- Application and forms of protection order.
Schedule
- Rights of victims.

(3) No person may be present during any proceedings under this Act except-

- (a) officers of the Court;
- (b) the parties to the proceedings;
- (c) any person bringing an application on behalf of the complainant under section 28 (3);
- (d) any legal practitioner representing any party to the proceedings;
- (e) accredited service provider;
- (f) witnesses;
- (g) not more than 3 persons for the purpose of providing support to the complainant;
- (h) not more than 3 persons for the purpose of providing support to the respondent; and
- (i) any other person whom the Court permits to be present provided that the court may, if it is satisfied that it is in the interests of justice, exclude any person from attending any part of the proceedings.

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

PART III – SERVICE PROVIDERS

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

39.

(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 Act 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 parties to the proceedings or of any witness at such proceedings.

Prohibition of publication of certain information.

(3) A person who contravenes the provisions of this subsection commits an offence and is liable on conviction to a term imprisonment not exceeding 1 year or to a fine not exceeding N200,000.00 or both.

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

Registration and powers of service providers.

(2) The appropriate Government Ministry shall –

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

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

(3) A service provider so registered under subsection (1) shall have the power to-

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

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

(c) ensure that the aggrieved person is provided shelter in a shelter home, if he or she so requires and forward a report of the lodging of the aggrieved person in the shelter home to the Police station within the locality of which the violence act took place.

(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 Act, for anything which is in good faith done or intended to be done in the exercise of powers or discharge of functions under this Act towards the prevention of the commission of violence.

41. (1) The appropriate Government Ministry shall appoint such number of protection officers in each Area Council as it may consider necessary, to assist the Court in the discharge of its duties under this Act to co-ordinate the activities of the police and the accredited service providers in his or her Area Council to ensure that the victims or survivors of violence-

(a) have easy access to accredited service providers;

(b) 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;

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

(d) are able to access the court for orders under this Act; or

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

(2) The protection officer may, upon the failure of the respondent to make payment ordered by the Court under this Act, 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.

42. The body vested with the enforcement of this Act shall appoint a person as the Coordinator for the prevention of domestic violence who shall submit annual report to the Federal Government on the implementation of this Act, a copy of which shall be deposited with the National Bureau for Statistics. Coordinator for prevention of domestic violence.
43. A court may declare a person who has been convicted of a sexual offence a dangerous sexual offender if such person has- Dangerous sexual offenders.
- (a) more than one conviction for a sexual offence;
 - (b) been convicted of a sexual offence which was accompanied; or
 - (c) been convicted of a sexual offence against a child.

PART IV - REGULATORY BODY

44. The National Agency for the Prohibition of Trafficking in Persons and Other related Matters (NAPTIP) is mandated to administer the provisions of this Act and collaborate with the relevant stakeholders including faith based organizations. Regulatory body.

PART V — CONSEQUENTIAL AMENDMENT

45. (1) Any offence committed or proceedings instituted before the commencement of this Act under the provisions of the - General savings and repeal.
- (a) Criminal Code, Cap. LFN, 2004
 - (b) Penal Code, Cap. LFN, 2004
 - (c) Criminal Procedure Code, Cap. LFN, 2004
 - (d) any other law or regulation relating to any act of violence defined by this Act shall as the case may require be enforced or continue to be enforced by the provisions of this Act.
- (2) Any provision of the Act shall supersede any other provision on similar offences in the Criminal Code, Penal Code and Criminal Procedure Code.

PART VI - INTERPRETATION

46. In this Act- Interpretation.
- "Abandonment of women, children and other persons" means deliberately leaving

women, children and other persons, under the perpetrator's care, destitute and without any means of subsistence;

"accredited service provider" means governmental, non-governmental, faith based, voluntary and charitable associations or institutions providing shelter, homes, counseling, legal, financial, medical or other assistance to victims of domestic violence and are registered with the appropriate Government Ministry under the provisions of this Act;

"circumcision of a girl or woman" means cutting off all or part of the external sex organs of a girl or woman other than on medical ground;

"civil proceedings" means-

- (a) proceedings for the making, variation or discharge of a protection order, safety order or interim protection order;
- (b) proceedings by way of appeal or case stated which are related to proceedings to which paragraph (a) applies; or
- (c) proceedings under this Act for compensation or award;

"Court" means both the Magistrates Court and High Court;

"damage to property" means the wilful 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 a gun, knife, stick, whip or other household appliance capable of inflicting bodily harm on a person;

"domestic relationship" means a relationship between any person and a perpetrator of violence constituted in any of the following ways -

- (a) they are or were married to each other, including marriages according to any law, custom or religion;
- (b) they live or have lived together in a relationship in the nature of marriage, although they are not or were not married to each other;
- (c) they are the parents of a child or children or are the persons who have or had a parental responsibility for that child or children;
- (d) they are family members related by consanguinity, affinity or adoption;
- (e) they are or were in an engagement, dating or customary relationship, including actual or perceived romantic, intimate or sexual relationship of any duration; or
- (f) 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) forced financial dependence;
- (b) denial of inheritance or succession rights,
- (c) the unreasonable deprivation of economic or financial resources to which any person is entitled or which any person requires out of necessity, including –
 - (i) household necessities,
 - (ii) mortgage bond repayments, or
 - (iii) payment of rent in respect of a shared residence; or
- (d) 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.

"emotional, verbal and psychological abuse" means a pattern of degrading or humiliating conduct towards any person, including –

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

"forced isolation from family and friends" includes preventing a person from leaving the home or from having contact with family, friends or the outside community;

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

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

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

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

"perpetrator" means any person who has committed or allegedly committed an act of violence as defined under this Act;

"persons" in this Act is as defined in the Interpretation Act under section 18, Cap. 192, Laws of the Federation of Nigeria, 2004;

"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 acts –

- (a) thuggery;
- (b) mugging;
- (c) use of force to disrupt meetings; or
- (d) the use of dangerous weapons that may cause bodily harm or injury;

"protection officer" means an officer appointed under section 39 of this Act in relation to and for the purpose of this Act;

"protection Order" means an official legal document, signed by a Judge that restrains an individual or State actors from further abusive behaviour towards a 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 his or her consent;

"sexual exploitation" occurs where a perpetrator, for financial or other reward, favour or compensation invites, persuades, engages or induces the services of a victim, or offers or performs such services to any other person;

"sexual harassment" means unwanted conduct of a sexual nature or other conduct based on sex or gender which is persistent or serious and demeans, humiliates or creates a hostile or intimidating environment and 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, securing employment, business patronage, obtaining any favour in any form, as defined in this Act or any other enactment;
- (b) the actual demand for sexual intercourse with either a male or female under any guise, as a condition for passing examination, securing employment, business patronage and or obtaining any favour in any form, as defined in this Act or any other enactment;
- (c) acts of deprivation, withholding, replacing or short-changing of entitlements, privileges, rights, benefits, examination or test marks or scores, and any other form of disposition capable of coercing any person to submit to sexual intercourse for the purpose of receiving reprove thereto; or
- (d) any other action or inaction construed as sexual intimidation or harassment under any other enactment in force in Nigeria.

"spouse" means husband or wife as recognised under the Matrimonial Causes Act, Islamic and Customary Law;

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

"stalking" means repeatedly -

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

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

"State actors" means group of persons; structured or organised institutions and agencies;

"substance attack" means the exposure of any person to any form of chemical, biological or any other harmful liquid with the intention to cause grievous bodily harm, which includes acid attack, 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 Federal Republic of Nigeria, for use in sexual acts, including sexual exploitation or pornography of any person;

"victim" –

(a) means any person or persons, who, individually or collectively, have suffered harm, including –

- (i) physical or mental injury,
- (ii) emotional suffering,
- (iii) economic loss, or
- (iv) substantial impairment of their fundamental rights, through acts or omissions that are in violation of this Act or the criminal laws of the country; 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 any person physical, sexual, psychological, verbal, emotional or economic harm whether this occurs in private or public life, in peace time and in conflict situations;

"violence in the private sphere" means any act or attempted act perpetrated by a member of the family, relative, neighbour or member of a community, which causes or may cause any person physical, sexual, psychological, verbal, emotional or economic harm;

"violence in the public sphere" means any act or attempted act perpetrated by the State or non-State actors before, during and after elections, in conflict or war situations, which threatens peace, security and well-being of any person or the nation as a whole;

"violence perpetrated by non-State actors" includes-

- (a) wrongful arrest and detention;
- (b) assault;
- (c) use of force without lawful authority;

(d) unlawful entry into the premises; or

(e) demolition of property without due processes;

"vulnerable groups" means 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.

47. This Act applies only to the Federal Capital Territory, Abuja.

Application.

48. This Act may be cited as the Violence Against Persons (Prohibition) Act, 2015.

Citation.

AFFIDAVIT, APPLICATION AND FORMS OF PROTECTION ORDER

FORM 1
GENERAL FORM OF APPLICATION FOR PROTECTION ORDER

In the Court.
In the.....Division/District.
Suit No.

Between
A.B..... Complainant
and
C.D Respondent

APPLICATION FOR PROTECTION ORDER 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.....

.....
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/District.
Suit No.

Between
A.B..... Complainant
and
C.D..... Respondent
and
E.F..... Guardian/Social Worker/Police Officer, etc.

APPLICATION FOR PROTECTION ORDER BY A PERSON OTHER THAN THE VICTIM

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

Dated this day of.....

E.F

.....
Guardian/Police Officer/Social Worker, etc.

FORM 3

AFFIDAVIT IN SUPPORT OF APPLICATION FOR PROTECTION ORDER

In the..... Court.
In the..... Division/District.
Suit No.

Between

A.B..... Complainant

and

C.D..... Respondent

E.F..... Respondent

I, A.B of hereby make oath and state as follows:

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

.....
DEPENDENT

Sworn to at..... Court Registry

This day of.....

BEFORE ME
COMMISSIONER FOR OATHS

FORM 4

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

In the..... Court
In the..... Division/District
Suit No.

Between

A.B..... Complainant

and

C.D..... Respondent

EF..... Guardian

CONSENT TO APPLICATION FOR PROTECTION ORDER

I, A.B..... Complainant in this case hereby consents to the application

by EF, for the issuance of a Protection Order on my behalf.

Dated this..... day of.....

.....
Complainant

FORM 5

GENERAL FORM OF INTERIM PROTECTION ORDER

In the..... Court.
In the..... Division/District.
Suit No.

Between
A.B..... Complainant
and

C.D..... Respondent
and

E.F..... Guardian/Police Officer, etc.
To: CD..... Respondent

INTERIM PROTECTION ORDER

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

AND WHEREAS there is a 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 commanded to show cause on the day of the return date, why a protection order should not be issued against you.

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

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

.....
Judge/Magistrate

FORM 6

GENERAL FORM OF PROTECTION ORDER

In the..... Court.
In the..... Division/District.
Suit No.

Between
A.B..... Complainant
and

C.D..... Respondent
and
E.F..... Guardian/Police Officer, etc.
To: CD..... Respondent

PROTECTION ORDER

WHEREAS the Complainant/Guardian, etc has applied that the complainant be protected by this Honourable Court against you;

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

You are hereby prohibited from:

(insert whichever is appropriate)

- (a) committing any act of domestic violence;
- (b) enlisting the help of another person to commit any such act;
- (c) entering a shared household: Provided that the court may impose this prohibition only if it appears to be in the best interest of the complainant;
- (d) entering a specified part of such a shared household;
- (e) entering the complainant's residence;
- (f) entering the complainant's place of employment;
- (g) preventing the complainant from entering or remaining in the shared household or a specified part of the shared household;
- (h) alienating or disposing the shared household or encumbering same;
- (i) renouncing his rights in the shared household except in favour of the complainant;
- (j) committing any other act as specified in the protection order; or
- (k) as the court deems fit.

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

.....
Judge/Magistrate

I, CERTIFY, IN ACCORDANCE WITH SECTION 2 (1) OF THE ACTS AUTHENTICATION ACT CAP. A2, LAWS OF THE FEDERATION OF NIGERIA 2004, THAT THIS IS A TRUE COPY OF THIS BILL PASSED BY BOTH HOUSES OF THE NATIONAL ASSEMBLY.



SALISU ABUBAKAR MAIKASUWA, OON, mni
CLERK TO THE NATIONAL ASSEMBLY

3rd
2nd DAY OF MAY, 2015


Schedule to Violence Against Persons (Prohibition) Bill, 2015

SHORT TITLE OF THE BILL	LONG TITLE OF THE BILL	SUMMARY OF THE CONTENTS OF THE BILL	DATE PASSED BY THE SENATE	DATE PASSED BY THE HOUSE OF REPRESENTATIVES
Violence Against Persons (Prohibition) Bill, 2015	An Act to eliminate violence in private and public life, prohibit all forms of violence against persons and to provide maximum protection and effective remedies for victims and punishment of offenders; and for related matters.	This Bill prohibits all forms of violence against persons in private and public life, and provides maximum protection and effective remedies for victims and punishment of offenders.	14 th May, 2015	14 th May, 2015

I certify that this Bill has been carefully compared by me with the decision reached by the National Assembly and found by me to be true and correct decision of the Houses and is in accordance with the provisions of the Acts Authentication Act Cap. A2. Laws of the Federation of Nigeria, 2004.



SALISU MAIKASUWA, OON mini
 Clerk to the National Assembly
 7 Day of May, 2015


DR. GOODLUCK EBELLE JONATHAN, GCFR
 President of the Federal Republic of Nigeria
 27 Day of May, 2015

I ASSENT



275:Resolution on Protection against Violence and other Human Rights Violations against Persons on the basis of their real or imputed Sexual Orientation or Gender Identity

The African Commission on Human and Peoples' Rights (the African Commission), meeting at its 55th Ordinary Session held in Luanda, Angola, from 28 April to 12 May 2014:

Recalling that Article 2 of the African Charter on Human and Peoples' Rights (the African Charter) prohibits discrimination of the individual on the basis of distinctions of any kind such as race, ethnic group, colour, sex, language, religion, political or any other opinion, national and social origin, fortune, birth or any status;

Further recalling that Article 3 of the African Charter entitles every individual to equal protection of the law;

Noting that Articles 4 and 5 of the African Charter entitle every individual to respect of their life and the integrity of their person, and prohibit torture and other cruel, inhuman and degrading treatment or punishment;

Alarmed that acts of violence, discrimination and other human rights violations continue to be committed on individuals in many parts of Africa because of their actual or imputed sexual orientation or gender identity;

Noting that such violence includes 'corrective' rape, physical assaults, torture, murder, arbitrary arrests, detentions, extra-judicial killings and executions, forced disappearances, extortion and blackmail;

Further alarmed at the incidence of violence and human rights violations and abuses by State and non-State actors targeting human rights defenders and civil society organisations working on issues of sexual orientation or gender identity in Africa;

Deeply disturbed by the failure of law enforcement agencies to diligently investigate and prosecute perpetrators of violence and other human rights violations targeting persons on the basis of their imputed or real sexual orientation or gender identity;

1. Condemns the increasing incidence of violence and other human rights violations, including murder, rape, assault, arbitrary imprisonment and other forms of persecution of persons on the basis of their imputed or real sexual orientation or gender identity;
2. Specifically condemns the situation of systematic attacks by State and non-state actors against persons on the basis of their imputed or real sexual orientation or gender identity;
3. Calls on State Parties to ensure that human rights defenders work in an enabling environment that is free of stigma, reprisals or criminal prosecution as a result of their human rights protection activities, including the rights of sexual minorities; and
4. Strongly urges States to end all acts of violence and abuse, whether committed by State or non-state actors, including by enacting and effectively applying appropriate laws prohibiting and punishing all forms of violence including those targeting persons on the basis of their imputed or real sexual orientation or gender identities, ensuring proper investigation and diligent prosecution of perpetrators, and establishing judicial procedures responsive to the needs of victims.

Adopted at the 55th Ordinary Session of the African Commission on Human and Peoples' Rights in Luanda, Angola, 28 April to 12 May 2014 (<http://www.achpr.org/sessions/55th/resolutions/275/>)

2015 Human Rights Violation based on Sexual Orientation and Gender Identity in Nigeria

282

Persons were violated

172

Violations were recorded in

18

States by

7

Organisations

STATES & REGIONS

HIGHEST

number of reports is in

Enugu State

LOWEST

number of reports are in

**Gombe,
Oyo, Katsina
and
Zamfara State**

PERPETRATORS

State Actors



Non-State Actors



Both
State & Non-State Actors



TOP 3

VIOLATIONS



54

Blackmail
& Extortion



37

Battery/Assault



27

Arbitrary Arrest