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CEHRD

RIVERS STATE VIOLENCE AGAINST PERSONS (PROHIBITIONS) (VAPP) LAW 2020

MANUAL FOR STAKEHOLDERS IN RIVERS STATE

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FORWARD

In 2015, the Nigeria's National Assembly passed the Violence Against Persons Prohibition (VAPP) Bill into law. The law is a very important piece of legislation as it surpasses other extant laws in addressing violence against persons. The law was only applicable iii the Federal Capital Territory (FCT), Abuja. It requires domestication in each state. The Rivers State Governor assented to the Rivers State VAPP Bill into Law in December 2020, making Rivers State the 19th State to domesticate the VAPP Law in Nigeria.

The VAPP Bill was passed into law in a bid to eliminate violence in private and public life; prohibit all forms of violence, including physical, sexual, psychological, domestic, harmful traditional practices; discrimination against persons and to provide maximum protection and effective remedies for victims and punishment of offenders. The content of the Act is rich in its provisions as it covers most of the prevalent forms of violence in Nigeria ranging from physical violence, psychological violence, sexual violence, harmful traditional practices, to socio-economic violence.

Under the VAPP Act, rape, spousal battery, forceful ejection from home, forced financial dependence or economic abuse, harmful widowhood practices, female circumcision or genital mutilation, abandonment of children, harmful traditional practices, harmful substance attacks such as acid baths, political violence,

forced isolation and separation from family and friends, depriving persons of their liberty, incest, indecent exposure and violence by state actors (especially government security forces) among others are punishable offences.

However, achieving holistic implementation of the VAPP Law is challenging. The Ministry of Social Welfare and Rehabilitation is the coordinating ministry of the VAPP law. Yet, the ministry has not been mandated to carry out any task with regards to the VAPP law. It is also obvious that stakeholders, especially the VAPP implementing institutions in Rivers State lack the basic knowledge of the VAPP law and how to implement it. The citizens on the other hand lack the awareness of the VAPP law, even in the face of gross violations and abuses against them. This training manual aims at equipping CBOs and CSOs, community chieftains, survivors, religious leaders, women, men, persons with disability, inadequately served population in Eleme, Tai and Port Harcourt City Local Government Areas in Rivers State and the general public on the content of the Rivers State VAPP

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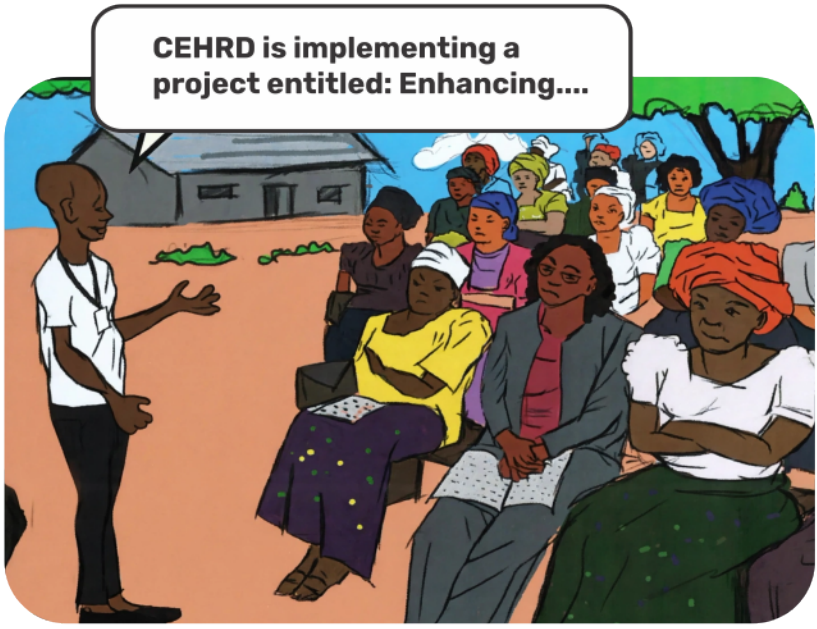
Prof. Neulbarini Zabbey
Coordinator, CEHRD.

1. INTRODUCTION:

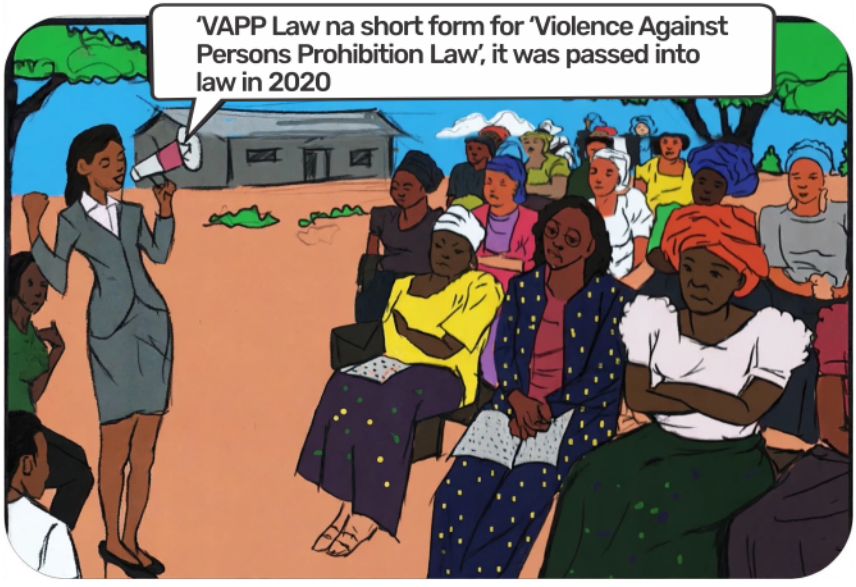
1.1) BACKGROUND:



CEHRD is implementing a project entitled: **Enhancing, Prevention and Response to Gender Based Violence in Rivers State.**

The project seeks to initiate advocacies and sensitization to VAPP implementing institutions and the local communities of Tai, Eleme and Port Harcourt City Local Government Area.


'abeg wetin be VAPP Law 2020?


'VAPP Law na short form for 'Violence Against Persons Prohibition Law', it was passed into law in 2020

1.2 TRAINING AIMS AND OBJECTIVES

a. Sensitization and awareness creation and capacity building initiatives for CBOs and other implementation agencies for effective implementation.

b. Ensure that survivors of GBV access timely, adequate and appropriate support services, which include medical, psychosocial and security support.

c. Break the culture of silence around GBV and increase reporting.

d. Change values, belief systems, attitudes, behaviours and practices of individuals, communities and institutions to see GBV as a crime and unacceptable.

e, And ultimately drive implementation of VAPP Law 2020 towards eliminating violence against women and girls.

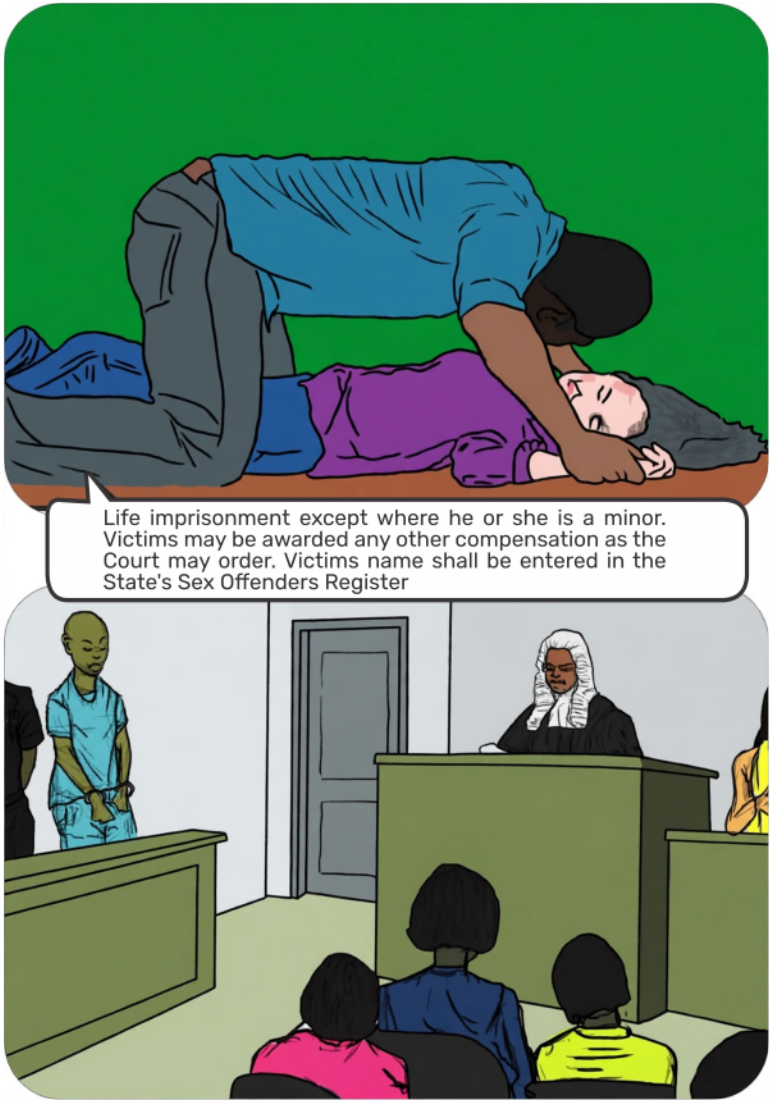
VAPP LAW 2020 TRAINING DELIVERY

1. Scope of the law
Violence occurring in private or public; domestic violence, espousal abuse; sexual, economic, political, psychological violence etc. "no forget say, administering of harmful substances follow for violence", state violence & political violence.

2) TYPES OP VIOLENCE:
Rape, Coercion, Offensive conduct, Spousal battery, incest, intimidation etc.

PUNISHMENT

1) RAPE: Sec 1



5 years imprisonment or N500,000 fine (b) attempt to or encourage the act, 2 years imprisonment or N200,000 fine



3) WILFULLY PLACING A PERSON IN FEAR OR PHYSICAL INJURY:

2 years imprisonment or N200,000

Attempt to commit this offense, 1 year imprisonment or fine of N100,000

Advising someone to commit the offense, 1 year jail term or N200,000



4) OFFENSIVE CONDUCT

5 years imprisonment or N500,000 (b) 2 years imprisonment or N200,000 fine for attempt



5) FRUSTRATING INVESTIGATION

3 years imprisonment or N5000,000 fine

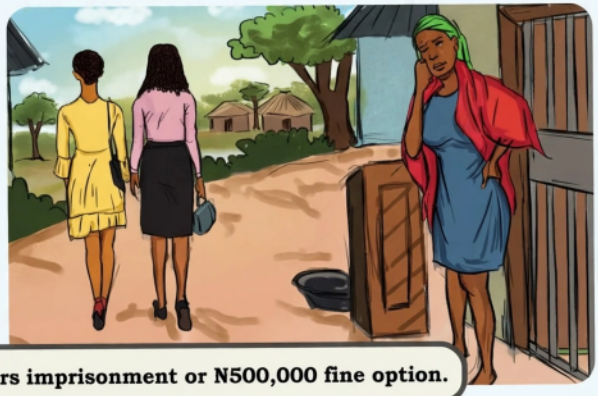


6) FORCEFUL EJECTION FROM HOME (applies to spouse only)

2 years imprisonment or N200,000. If you help or advise a person to commit the offence, you will serve 2years imprisonment or N200,000 fine option. If you hide the offender, a fine of N100,000 or 1year imprisonment.

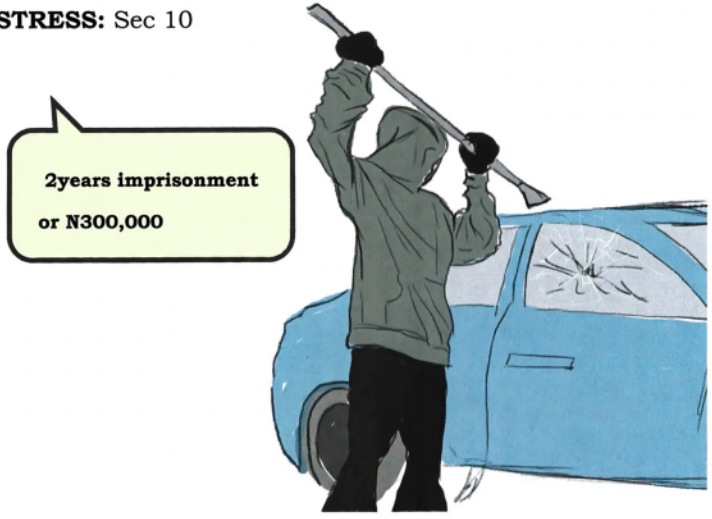


7) DEPRIVING A PERSON OF HIS/HER LIBERTY: Sec 9

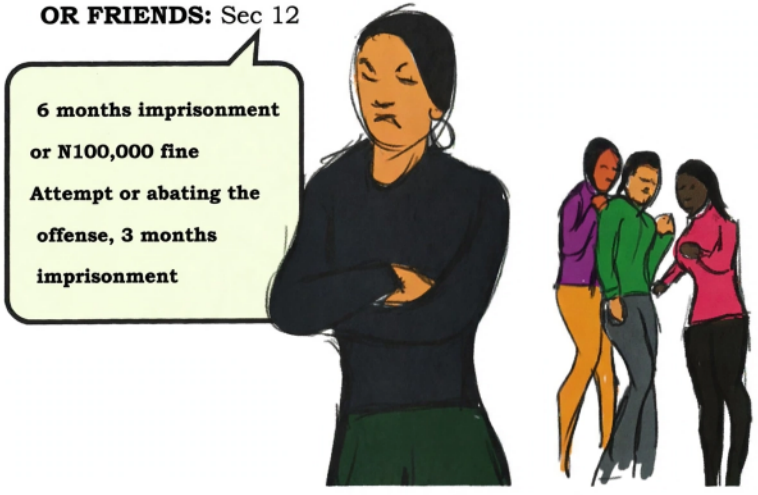


2 years imprisonment or N500,000 fine option.

8) DAMAGE TO PROPERTY WITH INTENT TO CAUSE DISTRESS: Sec 10



9) FORCED ISOLATION OR SEPARATION FROM FAMILY OR FRIENDS: Sec 12

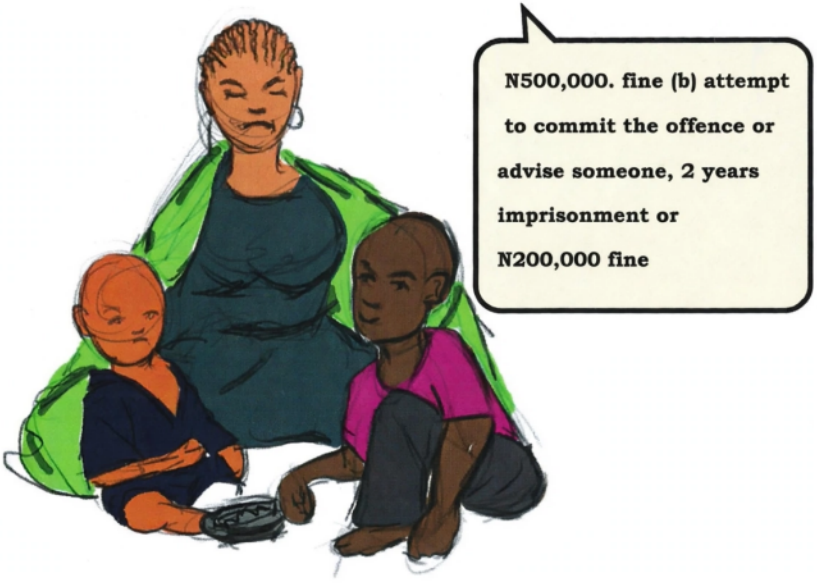


10) EMOTIONAL, VERBAL AND PSYCHOLOGICAL ABUSE

Sec 13



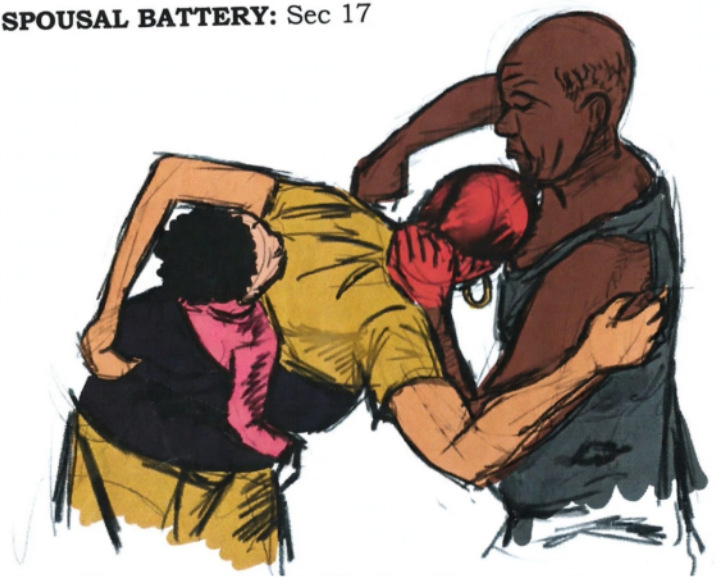
11) ABANDONMENT OF SPOUSE, CHILDREN AND OTHER DEPENDANTS WITHOUT MEANS OF SUSTENANCE: Sec 14



12) INTIMIDATION: Sec 16



13) SPOUSAL BATTERY: Sec 17





14) HARMFUL TRADITIONAL PRACTICES: Sec 18



15) ATTACK WITH HARMFUL SUBSTANCE: Sec 19



16) ADMINISTERING A SUBSTANCE WITH INTENT TO STUFEFYING OR OVERPOWERING: Sec 20



17) POLITICAL VIOLENCE: Sec 21

4years imprisonment or N500,00 (b) attempt or advising someone to commit the crime, 2years imprisonment or N300,000



18) INCEST: Sec 23

minimum of 10 years imprisonment without fine option if there warn no consent.
(b) if there's consent, both parties will face jail term of not less than 10 yore without fine option.



19) INDECENT EXPOSURE: Sec 2

Indecent exposure: sec 2: Person who commits this act is liable to 1 year imprisonment or option of N500, 000 fine

20) STALKING: sec 15

Person who commits the offence: 3 years imprisonment or option of N500,000 fine

Attempt to commit this offence: 2 years imprisonmentor option of N200,000

urging, helping or advising another to commit the offence: 1 year imprisonment or option ofN200,000 fine
A person who knowingly hides or assists the offender: 1 year imprisonment or a fine not exceeding N 100,000

MODULE 3:
VICTIMS RIGHTS UNDER VAPP LAW 2020



MODULE 3: VICTIMS RIGHTS UNDER VAPP LAW 2020

Rights of victims under VAPP Law 2020 (Section 36) your fundamental rights are enshrined in 1999 Constitution of Federal Republic of Nigeria, as amended. You have rights to Medical care, Psychological, Social, Legal and Security supports. You also have right to emergency monetary relief and temporal relocation, etc are inclusive.



PROTECTION ORDER: Sec 27

It is the court order stopping the offender from continuing the offence, especially with regards to domestic violence etc. Only the High Court has the jurisdiction to entertain an application for protection order (VAPP Law 2020. Sec 26)

Who can apply for Protection Order?

The Police, accredited service provider, teacher, social worker, counselors or the victim can apply for protection order. If you violate protection order, you will pay a fine of N300,000 and other punishments by the court.

IMPLEMENTATION ACTORS

The Ministry of Social Welfare and Rehabilitation is in charge of VAPP Law implementation. Sec 40. The Coordinating Ministry.

SERVICE PROVIDERS. Sec 38

Who are the service providers under VAPP Law Sec 38(1)
Voluntary organizations registered under CAMA or any other Human Rights Defenders, protection officers and police.

DUTIES OF THE PROTECTION OFFICERS

Officers appointed by the Ministry of Social Welfare in various communities:

1) To assist the court Sec 39 and reporting implementation of the VAPP Law 2020

2) To coordinate the activities of the Police, Service Providers, etc.

Duties of the Police: Sec 30

1) To arrest with or without warrant of arrest
2) Assist victims to file complaints
3) Investigate and prosecute, etc.



Duties of Healthcare Providers

To administer necessary medical attention etc.



Duties of Lawyers

* To facilitate investigation and assist with prosecution.
* To also file for protection order.



Duties of CSOs/CBOs

1) To apply to the Ministry of Social Welfare and Rehab. Sec 38 and 39

2)Create awareness on VAPP Law 2020

3) File for protection order and initiate court actions, etc.



POWERS OF THE COURT

* To entertain matters of violations of the VAPP Law
* To award appropriate compensation commensurate with the extent and amount of damage against the state etc.
* To grant protection orders
* To jail offenders.

DISCHARGE OF PROTECTION ORDER Sec 33

Application for discharge of protection order may be made by the Commissioner, the person who brought the complaint, the respondent, etc.

VIOLATION OF PROTECTION ORDER Sec 34 Attracts summary conviction of N300,000 fine and other punishments by court for contempt of court. Attachment of wages and properties. Violation can also be treated as contempt of court and attracts additional punishments Sec 34(2). Making a false statement while filing for protection order is an offence with six months jail term or option of N200, 000 fine. Application may be made to the respondent employee for attachment of salaries, or his debtors or his bank accounts sec 39(3)

APPLICATION FOR VARIATION OR SETTING ASIDE OF PROTECTION ORDER Sec 32

Can be made by the complainant or respondent

12. MODULE 4: IMPLEMENTATION ACTORS

a. Implementation Authority/Regulatory body: The Ministry of Social Welfare and Rehabilitation The ministry is in charge of the implementation of the VAPP Law 2020 Section 38 and Section 42. The Role of the Ministry of Social Welfare and

Rehabilitation include:

I. To keep register of accredited service providers. Section 38(2)(a)
ii. To circulate the service providers register to Police Station
iii. To collaborate with relevant stakeholders and faith based organization to achieve the objectives of the law
iv. To thaw a guide for operation of registered service providers 38(2)(b)
v. To appoint any number of protection officers in each local government Area. Section 39
vi. To appoint a Coordinator for prevention of domestic violence Sec 40(1))
vii. Create and maintain sex offenders register accessible to the public. Section 1(2)

REFERENCE LAWS

I. 1999 Constitution Sec36(1) see Chapter 1V of the 1999 Constitution
ii. Rivers State Dehumanizing And Harmful Traditional Practices Law
iii. Criminal Code Laws of Rivers State sec 43
iv. INEC Act Sec2l
v. Matrimonial causes Act
vi. Interpretation Laws of Rivers State Sec 44. see Sec 40 of Interpretation Laws of Rivers State

Mission:

The Mission of CEHRD is:

To galvanize stakeholders to protect human rights and achieve sustainable development through inclusive engagement.

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