

A BILL

FOR

AN ACT TO AMEND THE CRIMINAL CODE ACT LAWS OF THE FEDERATION OF NIGERIA CAP 77 TO PROVIDE FOR AN ENLARGED TIME FRAME SET BY LAW WITHIN WHICH A PERSON ACCUSED OF COMMITTING SEXUAL OFFENCE IS EXPECTED TO BE PROSECUTED; AND FOR RELATED MATTERS

Sponsored by: Hon Kwamoti Bitrus Laori

[] Commencement

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

- 1 **1.** The Nigeria Criminal Code Act (in this Bill referred to as "the
2 Principal Act") is amended as set out in this Bill. Alteration of
Cap. 77 LFN
- 3 **2.** Section 218 (2) of the Principal Act is altered by: Alteration of
Section 218
- 4 (a) Expunging or Substituting sub-section (2) paragraph 3 which
5 reads "A prosecution for any of the offences defined in this section shall be
6 begun within two months after the offence is committed" to be substituted
7 with "A prosecution for any of the offences defined in this section shall be
8 begun within two years after the offence is committed"
- 9 **3.** Section 221 (2) of the Principal Act is altered by: Alteration of
Section 221
- 10 (a) Expunging or Substituting sub-section (2) line 5 which reads "A
11 prosecution for any of the offences defined in this section of this Code shall
12 be begun within two months after the offence is committed" to be substituted
13 with "A prosecution for any of the offences defined in this section of this
14 Code shall be begun within one year after the offence is committed".
- 15 **4.** This Bill may be cited as the Criminal Code Act (Amendment) Citation
16 Bill, 2024.

EXPLANATORY MEMORANDUM

This Bill seeks to alter the provisions of the Nigeria Criminal Code Act, to provide for the extension of the limitation period in the Prosecution of rape and other sexual offences in Nigeria.

The prosecution for any of the offences must be commenced within two months after the offence is committed. This also operates as a defence to free the offender of criminal responsibility even if it were true that the accused actually committed the offence. The only cause of rape is the rapist; however there are other factors that catalyze or contribute to the increasing number of rape cases in Nigeria. The state of Nigeria's poorly defined criminal laws and weak law enforcement creates an environment where rape is committed with freedom.

The two months period of limitation within which an offender of these offences has to be prosecuted provides a window of escape from prosecution and punishment of such offender after two months. Many times where these offences are committed, reporting of the cases, arrest of the offender, investigation, collection and processing of evidence as well as commencement of trial take longer time than two months. This is usually influenced by many factors including threats, stigmatization and absence of willing witnesses to testify for the prosecution. The two months period provided by the law is, without doubt, too short to achieve this. The implication is that where the two months period elapses, the offender is in law free of all criminal responsibility in that regard while the victim is denied justice and the effect of the offence on the victim remains.

The removal of this time limit would put perpetrators on the know that there is no window of escape for them once they commit this offence and would operate to a great extent in deterring them and others from further committing the offences.