



LIVE ABUNDANTLY!®
EMPOWERMENT
INITIATIVE

**EXCERPT OF
THE
CHILD RIGHTS
LAW
OF
OGUN STATE
2003**

HOUSE OF ASSEMBLY

OGUN STATE OF NIGERIA

THE FIFTH LEGISLATURE (2003/2007) ENROLLED HOUSE BILL NO. 1

SPONSOR – HON. BAMIDELE AKANNI ERISAN

CO-SPONSORS – HON. SEWEDO-FASINU MICHAEL

HON. AROYEUN SABURI ADESINA

HON. ADEBAYO CLEMENT IFESANWO

HON. KOJEKU DAVID SUNDAY

HON. TITI OSENI (MRS)

HON. ISAAC OMOSANYA SOLAJA

HON. TUNDE WASIU OLAWUNMI

NO 1.

2003



OGUN STATE OF NIGERIA

OTUNBA GBENGA DANIEL

Governor of Ogun State

A BILL FOR A LAW TO PROVIDE FOR THE PROTECTION OF
CHILDREN'S RIGHTS IN OGUN STATE AND OTHER RELATED MATTERS

PART 1 – PRELIMINARY

1. (1) In every action concerning a child, whether undertaken by an individual, public or private body, institution or service, court of law, or administrative or legislative authority, the interest of the child shall be the consideration.
(2) For the purposes of this section and this Bill – “Child” means a person who has not attained the age of eighteen years.
2. (1) A Child shall be given such protection and care as is given necessary for the well-being of the child, taking into account the rights and duties of the child’s parents, legal guardians, or other for individuals, institutions, services, agencies, organizations or bodies legally responsible for the child.
(2) Every person, institution, service, agency, organization and body responsible for the care or protection of children shall conform with the standards established by the appropriate authorities, particularly in the areas of safety, health, welfare in the number and suitability of their staff and competent supervision.

PART 11 – RIGHTS AND RESPONSIBILITIES OF A CHILD**Rights of the child**

3. The provisions in Chapter IV of the Constitution of the Federal Republic of Nigeria 1999, or any successive Constitutional provisions relating to fundamental rights, shall apply as if those provisions are expressly stated in this Law.
In addition to the rights guaranteed under Chapter IV of the constitution of the Federal Republic of Nigeria 1999, or under any successive Constitutional provisions, every child shall have the rights set out in this part of this law.
4. Every child shall have the right to survive and develop.
5. (1) Every child has the right to a name and, accordingly, shall be given a name on his birth or on such other date as is dictated by the culture of his parents or guardians.
(2) The birth of every child shall be registered in accordance with the provisions of the birth, death, etc. (compulsory registration) Act 1992.
6. Every child has the right to freedom of association and peaceful assembly in conformity with the law and in accordance with the necessary guidance and directions of his parents or guardians.
7. (1) Every child has the right to freedom of thought, conscience and religion.
(2) Parents and, where applicable, legal guardians shall provide guidance and direction in the exercise of these rights having regard to the evolving capacities and best interest of the child. The duty of parents and where applicable, legal guardians to provide guidance and direction in the enjoyment of the right in sub-section (1) of this section by their child or ward shall be respected by all persons, bodies, institutions and authorities.
Whenever the fostering, custody, guardianship or adoption of a child is in issue, the right of the child to be brought up in and to practise his religion shall be of paramount consideration.
8. (1) Every child is entitled to his privacy, family life, home, correspondence, telephone conversation and telegraphic life communications, except as provided in sub-section (3) of this section.

Nothing in the provisions of sub-sections (1) and (2) of this section shall affect the rights of parents and, where applicable legal guardians, to exercise reasonable supervision and control over the conduct of their children and wards.

9. (1) Every child is entitled to freedom of movement in conformity with the law.
 (2) Nothing in sub-section (1) of this section shall affect the right of a parent and where applicable, a legal guardian or other appropriate authority to exercise control over the movement of the child in the interest of education, safety and welfare of the child.
10. (1) A child shall not be subjected to any form of discrimination merely by reason of his belonging to a particular community or ethnic group or by reason of his place of origin, sex, religion or political opinion. No child shall be subjected to any disability or deprivation merely by reason of the circumstances of his birth.
11. Every child is entitled to respect for the dignity of his person, and accordingly, no child shall be –
- Subjected to physical, mental or emotional injury, abuse, neglect or maltreatment, including sexual abuse; or
 - Subjected to torture, inhuman or degrading treatment or punishment; or
 - Subjected to attacks upon his honor or reputation; or
 - Held in slavery or servitude, while in the care of a parent, legal guardian or school authority having the care of the child.
12. (1) Every child is entitled to rest and leisure and to engage in play and recreational activities appropriate to his age and activities.
 (2) Every child is entitled to participate fully in the cultural and artistic activities of the Nigerian, African and world communities.
- Every Government, person, institution, service, agency, organization and body, responsible for the care and welfare of a child shall, at all times, ensure opportunities for the child in the enjoyment of the rights provided for the child in sub-sections (1) and (2) of this section.
13. (1) Every child is entitled to enjoy the best attainable and state of physical, mental and spiritual health, etc.
 (2) Every Government, parent, guardian, institution, service, agency, organization or body responsible for the care of a child, shall endeavour to provide for the child the best attainable state of health.
 (3) Every Local Government in Ogun State shall
- endeavour to reduce infant mortality rate;
 - ensure the provision of necessary medical assistance and health care services to all children with emphasis “on the health” care;
 - ensure the provision of adequate nutrition and safe drinking water;
 - ensure the provision of good hygiene and environmental sanitation;
 - combat disease and malnutrition within the framework of primary health care through the application of appropriate technology;
 - ensure appropriate health care for expectant and nursing mothers; and
 - support, through technical and financial means, the mobilization of national and local community resources in the development of primary health care for children.
- (4) Every parent, guardian or person having the care and custody of a child under the age of two years shall ensure that the child is provided with full immunization.
 (5) Every parent, guardian or person having the care of a child who falls in the duty imposed on him under sub-section (4) of this section is guilty of an offence and is liable on conviction for-
- a first offence, to a fine of five thousand Naira and

- (b) a second or any subsequent offence, whether in respect of that child or any other child, to imprisonment for a term of one month.
- (6) The court may make, in substitution or addition for any penalty stipulated under subsection (5) of this section, an order compelling the parent or guardian to get the child immunized.
14. (1) Every child has a right to parental care and protection and accordingly no child shall be separated from his parents against the will of the child except-
- (a) For the purpose of his education and welfare; or
 - (b) In the exercise of a judicial determination in accordance with the provisions of this Law, in the best interest of the child.
- (2) Every child has the right to maintenance by his parents or guardians in accordance with the extent of their means, and the child shall have the right, in appropriate circumstances, to enforce this right in the family court.
15. (1) Every child has the right to free, compulsory and universal primary education and it shall be the duty of the Government in Ogun State to provide such education.
- (2) Every parent or guardian shall ensure that his child or ward shall attend and complete his primary school education.
 - (3) Every parent or guardian shall encourage his child or ward to attend and complete his secondary school education.
 - (4) Every parent, guardian or person who has the care and custody of a child below the age of eighteen years, shall endeavour to send the child to a secondary school, except as provided for in sub-section (5) of this section.
 - (5) Where a child to whom sub-section (4) of this section applies is not sent to secondary school, the child shall be encouraged to learn an appropriate trade and the parent or guardian of this child shall provide the necessaries for learning.
 - (6) A female child who becomes pregnant, before completing her education, shall be given the opportunity, after delivery, to continue with her education, on the basis of her individual ability.
 - (7) A parent, guardian or person having care and custody of a child, who fails in the duty imposed on him under sub-section (2) of this section, is guilty of an offence and liable on conviction to a fine of ten thousand Naira or imprisonment for a term of one year or to both such fine and imprisonment.
- The provisions of this section shall not apply to children with mental disabilities.
16. (1) Every child who is in need of special protection measure has the right to any such measure that is appropriate to his physical, social, economic, emotional and mental needs and under conditions which ensure his dignity, promote his self-patience and active participation in the affairs of the community.
- (2) Every person, authority body or institution having the care or the responsibility for ensuring the care of a child in need of special measure of protection shall endeavour with the available resources, to provide the child with such assistance and facilities which are necessary for his education, training, preparation for unemployment, rehabilitation, and recreational opportunities in a manner conducive to his achieving the fullest possible social integration, individual development and his cultural and moral development.
 - (3) In this section-
- “children in need of special protection measure” includes children who are mentally or

physically disabled, and street children; “street children” includes –

- (i) children, who by virtue of being in extremely difficult circumstances are homeless and forced to live on the street; in market places, under bridges, etc.; and
- (ii) children who, though not homeless, are on the street engaging in hawking, begging for alms, child labour, prostitution and other criminal activities, which are detrimental to their well-being.

17. (1) A child may bring an action for damages against a person for harm or injury caused to the child wilfully, recklessly, to negligently or through neglect before, during or after the birth or against that child.
- (2) Where the father of an unborn child dies intestate, the unborn child is entitled to be considered in the distribution of the estate of the deceased father if the child was conceived during the life time of the father.
- (3) If the mother of an unborn child dies intestate before the child is delivered, the unborn child is entitled to be considered in the distribution of the estate of the deceased mother.
18. (1) Except as provided in this section, no child is capable of entering into any contract.
- (2) All contracts, except contracts for necessities, entered into by a child for repayment of money lent or for repayment of goods supplied to the child, shall be absolutely void.
- (3) Accordingly –
- (a) no action shall be brought against a child by a person after that child has attained the age of maturity, to pay a debt contracted before maturity or ratified on maturity or any promise of contract as a child before maturity whether or not there was new consideration for the promise or ratification after the child attained maturity.
 - (b) if a child having contracted a loan which is void agrees after maturity to pay the loan, the agreement in whatever form it may be, shall be void so far as it relates to money which is payable in respect of the loan.

Responsibilities of the child-

19. (1) Every child has responsibilities towards his family.
- (2) It is the duty of a child, subject to his age and ability and such other limitations as may be contained in this law and any other law, to –
- (a) work for the cohesion of his family;
 - (b) respect his parents, superiors and elders at all times and assist them in case of need;
 - (c) serve Nigeria by placing his physical and intellectual abilities at its service;
 - (d) contribute to the moral well-being of the society;
 - (e) preserve and strengthen social and national solidarity;
 - (f) preserve and strengthen the independence and integrity of Nigeria;
 - (g) respect the ideals of freedom, equality, humaneness and justice for all persons;
 - (h) relate with other members of the society, with different cultural values in a spirit of tolerance, dialogue and consultation;
 - (i) contribute to the best of his abilities, at all times and at all levels, to the promotion and achievement of Nigerian, African and world unity; and
 - (j) contribute to the best of his abilities at all times and at all levels, to the solidarity of the African people and the human race.
20. Parents, guardians, institutions, persons and authorities having responsibility for the care, maintenance, upbringing, provide education, training socialization, employment and rehabilitation of a child has the duty to provide the necessary guidance, education respect and

training for children in their care such as will equip the children to secure their assimilation, appreciation and observance of the responsibilities set out in this Part of this Law.

PART III-PROTECTION OF THE RIGHTS OF THE CHILD

Marriages and Betrothals

21. No child shall be capable of contracting a valid marriage, and accordingly, a marriage so contracted shall be null and void and of no effect whatsoever.
22. (1) No parent, guardian or any other person shall betroth a child to any person.
(2) A betrothal in contravention of sub-section (1) of this section shall be null and of no effect whatsoever.
23. A person who-
 - (a) marries a child; or
 - (b) to whom a child is betrothed; or
 - (c) promotes the marriage of a child; or
 - (d) betroths a child; is guilty of an offence and is liable on conviction to a fine of fifty thousand naira or imprisonment for a term not exceeding five years or to both such fine and imprisonment.

Tattoos, etc.

24. (1) No person shall tattoo or make a skin mark or cause any tattoo or skin mark to be made on a child,
(2) A person who tattoos or marks the skin of a child commits an offence under this Law and is liable on conviction to a fine not exceeding thirty thousand naira or imprisonment for a term not exceeding three years or to both such fine and imprisonment.
(3) It shall be a defence for a person charged with an offence under this section to show that at the time the tattoo or skin mark was performed, he had reasonable cause to believe that the person tattooed or skin-marked was over the age of eighteen years.
(4) In this section-
“skin mark” means any ethnic or ritual cuts on the skin which leaves permanent marks; and
“tattoo” means the insertion into the skin of coloring material designed to leave permanent marks.

Female Genital Mutilation

25. (1) No person shall cause a female child to be subjected to female genital mutilation
(2) A person who causes a female child to be subjected to female genital mutilation is guilty of an offence and liable on conviction to a fine of one hundred thousand naira or imprisonment for a term not exceeding seven years or to both such fine and imprisonment.
(3) In this section-
(a) “female genital mutilation” includes any procedure which involves partial or total removal of the external female genitalia or injury to the female genital organs whether for cultural or any other therapeutic reasons; and
(b) “procedure” includes
 - (i) clitoridectomy which involves the removal of the prepuce or the hood of the clitoris leaving the clitoris itself and the posterior;
 - (ii) excision which involves the removal of the clitoris along with parts of the labia minora or all of it;

- (iii) Infibulation otherwise knowns “pharonic circumcison” involves the removal of the clitoris, the labia minora and the adjacent media part of the media majora in their anterior two thirds, whether or not the two sides of the vulva are stitched together, merely an opening of the size of a pin head to allow for the flow of urine and menstrual blood;
- (iv) Introcision, including “gishiri cuts”
- (v) Pricking, piercing or incision of the clitoris or labia;
- (vi) Angurya cuts, that is, scrapping or cutting of the vagina
- (vii) Stretching of the clitoris or labia
- (viii) Cauterization, that is, searing of the clitoris, labia and vagina with hot iron or caustic, in order to make some callous;
- (ix) Introduction of corrosive substances and herbs in the vagina, in order to desensitize, and
- (x) Other forms of female genital mutilation.

Exposure to use, production, trafficking, etc. of narcotic drugs, etc.

26. (1) No person shall employ, expose or involve a child in the production or distribution of narcotic drugs and physchotropic substances.
- (2) No person shall employ, expose or involve a child in narcotic drugs or psychotropic substances.
- (3) A person who contravenes a provision of sub-section (1) or (2) of this section is guilty of an offence and liable on conviction to imprisonment for life. ***Use of children in other criminal activities***
27. (1) No person shall employ, use or involve a child in any activity involving or leading to the commission of any other offence not already specified in this part of this Law.
- (2) A person who contravenes a provision of this sub-section (1) of this section is guilty of an offence and is liable on conviction to imprisonment for a term of fourteen years. ***Abduction, removal and transfer from lawful custody.***
28. (1) No person shall remove or take a child out of the custody or protection of his father or mother, guardian or such other person having lawful care or charge of the child against the will of the father, mother, guardian or other person.
- (2) A person who contravenes a provision of sub-section (1) of this section is guilty of an offence and liable to conviction-
- (a) Where the child is unlawfully removed or taken out of Nigeria-
 - (i) with intention to return the child to Nigeria, imprisonment for a term of fifteen years, or
 - (ii) with no intention to return the child to Nigeria, to imprisonment for a term of twenty years;
 - (b) where the child is unlawfully removed or taken out of the State in which the father, mother, guardian or such other person having lawful care of the child is ordinarily resident, to imprisonment for a term of ten years;
 - (c) in any other case, to imprisonment for a term of seven years.

Child Labour

29. (1) Subject to this Law, no child shall –
- (a) Subjected to any forced or exploitative labour, or
 - (b) Employed to work in any capacity where he is employed by a member of his family on light work of an agricultural, horticultural or domestic character approved by the commissioner or

- (c) Required, in any case, to lift, carry or move anything so heavy as to be likely to adversely affect his physical, mental, spiritual, moral or social development; or
- (d) Employed as a domestic help outside his own home or family environment.

(2) No child shall be employed or work in an industrial undertaking and nothing in this subsection shall apply to work done by children in technical schools or similar approved institutions if the work is supervised by the appropriate authority.

(3) Any person who contravenes any provision of sub-section (1) or (2) of this section is guilty of an offence and is liable on conviction to a fine not exceeding fifty thousand naira or imprisonment for a term of five years or both such fine and imprisonment.

(4) In this section-

“appropriate authority” means the Commissioner charged with the responsibility for matters relating to education or the authority in charge of an approved institution for treatment and training of the child;

“Commissioner” means the Commissioner charged with the responsibility for matters relating to labour.

30. The provisions relating to young persons in sections 59, 60, 61, 62, 63 and 64 of the Labour Act shall apply to children under this Law.

Buying, Selling, etc. for the purpose of Begging and prostitution, etc.

31. (1) No person shall buy, sell, hire, dispose of or sell, obtain possession of or otherwise deal in a child or otherwise children

- (a) With intent that the child be employed or used for the purpose of hawking, begging for alms or prostitution or for any unlawful or immoral purpose; or
- (b) Knowing it to be likely that the child will be employed or used for any purpose specified in sub-section (1) of this section.

(2) A person who contravenes a provision of sub-section (1) of this section is guilty of an offence and is liable on conviction to imprisonment for a term of ten years.

Unlawful Sexual Intercourse, etc.

32. (1) No person shall have sexual intercourse with a child.

(2) A person who contravenes the provisions of sub-section (1) of this section is guilty of an offence and is liable on conviction to imprisonment for life.

(3) Where a person is charged with an offence under this section, it is immaterial that- (a) the offender believed the person to be of or above the age of eighteen years, except as provided for under sub-section (4) of this section; or

(b) the sexual intercourse was with the consent of the child.

(4) Notwithstanding anything contained in this section, it shall be a defence to prove that the accused person believed, on reasonable grounds, that the child was of the age of eighteen years and above;

Other forms of sexual abuse and exploitation

33. (1) No person shall sexually abuse or sexually exploit a child in any manner not already specified under this Law.

(2) A person who contravenes a provision of sub-section (1) of this section is guilty of an offence and liable on conviction to imprisonment for a term of fourteen years. ***Other forms of Exploitation***

34. (1) No person shall exploit a child in any other forms or way not already specified in this part of this Law which is prejudicial to the welfare of the child.

(2) A person who contravenes the provisions of sub-section (1) of this section is guilty of an offence and liable on conviction to a fine not exceeding fifty thousand naira or imprisonment for a term not exceeding five years, or to both such fine and imprisonment.

Recruitment into the Armed Forces

35. (1) No child shall be recruited into any of the branches of the armed forces of the Federation.

(2) The Government or any other relevant agency or body forces shall ensure that no child is directly involved in any military operations or hostilities. ***Harmful Publication***

36. (1) No person shall import any harmful publication as defined in this part of this Law.

(2) A person who imports any harmful publication is guilty of an offence and is liable on conviction to a fine of thirty thousand naira or imprisonment for a term of three years or to both such fine and imprisonment.

37. (1) A person who-

(a) Prints, publishes, sells or lets on hire any harmful publication in which a child has been used for any immoral or unlawful purpose, or

(b) Has in his possession for the purpose of selling or letting on hire any harmful publication in which a child has been used for any immoral or unlawful purpose is guilty of an offence and is liable on conviction to a fine of fifty thousand naira or imprisonment for a term of five years or to both such fine and imprisonment.

(2) It shall not be a defence for a person charged with an offence under this section to prove that he had not examined the contents of the publication and had no reasonable cause to suspect that the book or magazine was one to which this Law applies.

(3) A prosecution for an offence under this section shall not be instituted except by or with the consent of the Attorney-General of the State.