

# A BILL

## FOR

ACT TO AMEND THE CHILD'S RIGHT ACT 2003 TO CLOSE ANY LOOPHOLE BY HAVING A CLEAR UNAMBIGUOUS AND UNEQUIVOCAL PROVISION AS WELL AS REFLECT THE DYNAMIC AND EVER CHANGING SOCIAL AND DIGITAL TRENDS OF OUR SOCIETY AND FOR RELATED MATTERS

*Sponsored by Hon. Benjamin Ikani Okolo*

[ ] Commencement

BE IT ENACTED by the National Assembly of the Federal Republic of Nigeria as follows:

1            1. The Child's Right Act 2003 (hereinafter referred at as "the  
2            Principal Act" is hereby amended as set out in this Bill. Amendment of  
the Principal Act

3            2. Section 25 of the Principle Act is Amended by inserting new Amendment of  
section 25 of the  
Principal Act  
4            subsections 3,4,5, after section 25(2) As follows:

5            "25(3):

6            It shall be unlawful for any person, group or business entity:

7            (a) To sell Alcohol and Tobacco to a child

8            (b) To buy or attempt to buy Alcohol and Tobacco for a child

9            (c) To compel a child to buy, sell or consumed alcohol or tobacco

10          "25(4):

11          (a) It is a defiance to the change under section 25(3) if it is proved  
12          that such child deceived the accused into believing that such a child is over  
13          the age of (18) eighteen years of age at the time of the alleged commission of  
14          the offence and the accused person reasonably believed that the child over  
15          the age of eighteen;

16          (b) The proof of reasonable belief referred to in the section 25(4)

17          (a) is to be determined having regard to all the circumstances, including the  
18          steps taken by the accused person to ascertain the age of the child.

19          "25(5):

1 A person, group or business entity who contravenes the provision of 25 (3) of  
2 this Section Commits an offence and is liable to imprisonment to the term one  
3 (1) years or a fine not exceeding the sum of Five Hundred Thousand Naira or to  
4 both.

Amendment of  
section 31 of the  
Principal Act

5 3. Section 31 of the principal Act is amended by inserting new  
6 subsections (4) after section "31(3) as follows:

7 "31(4):

8 A person who attempts to commit an act which would cause penetration with a  
9 child of an offence and liable upon years.

Amendment of  
section 32 of the  
Principal Act

10 4. Section 32 of the Principal Act is amended by replacing the section  
11 with the following new section:

12 "32(1):

13 It is an offence and illegal:

14 (a) To sexually groom a child either in person or through the internet  
15 or other digital technologies;

16 (b) Cause a child to watch a sexual Act;

17 (c) Engage on solicitation of a child for sexually purpose;

18 (d) To engage in online and offline child sexually exploitation through  
19 the internet in person or other digital technologies;

20 (e) To use coercion, force or threat to sexually abuse a child by a  
21 person in apposition of trust, authority or influence over the child including  
22 within the family;

23 (f) Sexually assault a child in a vulnerable situation because of a  
24 mental or physical disability or situation of dependency;

25 (g) Sexual abuse by a member of the family, a guardian of the child, a  
26 person cohabiting with the child, fosters care giver of the child or a person of  
27 authority;

28 (h) Sexually assault a child with intent to infect the child with  
29 sexually transmitted diseases;

30 (i) A person who sexually abuses or exploits a child in any manner not

1 already mentioned under this section commits an offence.

2 "32(2):

3 Any person who contravenes subsection (1) of this section is guilty of an  
4 offence and is liable on conviction to imprisonment for a term of Fourteen  
5 (14) years.

6 32(3):

7 Any person who upon the commission of the offence in this section,  
8 intentionally aids or abets the perpetrator of the offence is liable on  
9 conviction to imprisonment for a term of (7) years.

10 5. Section 33 of the Principal Act is amended by replacing the  
11 section with the following new section:

Amendment of  
section 33 of the  
Principal Act

12 33(1):

13 Without prejudice to the provision of section 20 of this Act, and the rights of  
14 any parent.

15 Any person who:

16 (a) Intentionally applies undue force, directly or indirectly, thereby  
17 causing grievous bodily harm on a child to compel him to carry out or to  
18 obey instruction;

19 (b) Subjects a child to an inhumane treatment, physical assault  
20 because of witchcraft, relationship and other reason not already mentioned  
21 under this Act commit an offence.

22 33(2):

23 A person who commits an offence under this section is guilty of an offence  
24 and is liable on conviction to imprisonment for a term of seven (7) years.

25 6. Section 249 of the Principal Act is amended by renumbering  
26 subsection 249(1)(g) as subsection 249(1)(h) and inserting new subsection  
27 249(1)(g) as follows:

Amendment of  
section 249 of the  
Principal Act

28 249(1)(g):

29 A child sexual abuse and domestic violence rehabilitation and social  
30 reintegration preparatory Centre.

Amendment of section 250 of the Principal Act

1 7. Section 250 of the Principal Act is amended by renumbering  
2 subsection 250 (8) as subsection 250 (9) and inserting new subsection 250 (8)  
3 as follows:

4 250 (8):

5 A child sexual abuse and domestic violence rehabilitation and social  
6 reintegration preparatory centre shall be a place where child abuse and  
7 domestic violence victims and survivors shall be placed on protection,  
8 counseled, supported, trained and prepared for their social reintegration.

Citation

9 8. This Bill may be cited as the Child's Right (Amendment) Bill,  
10 2017.

EXPLANATORY MEMORANDUM

This Bill seeks to amend the Child's Right Act 2003 to close any loophole by having a clear unambiguous and unequivocal provision as well as reflect the dynamic and ever changing social and digital trends of our society among other things.

Ministry of  
Social Services  
and  
Human Resources