

A BILL

FOR

AN ACT TO ESTABLISH THE NATIONAL CHILD PROTECTION AND ENFORCEMENT AGENCY

Sponsored by Hon. Beni Lar

[] Commencement

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

PART - I ESTABLISHMENT

1. -(1) There is hereby established a body to be known as the National Child Protection and Enforcement Agency (in this Act referred to as the "Agency").

Establishment of the National Child Protection and Enforcement Agency

(2) The Agency Shall be a body corporate with perpetual succession, have a common seal and may sue and be sued in its corporate name.

(3) The Head Office of the Agency shall be in Abuja, with Zonal Offices in the six geo-political zones of the country.

2. -(1) There is hereby established for the Agency a Governing Council (in this Act referred to as the "Council") which shall be the governing authority responsible for its policies and shall also superintend generally the affairs of the Agency.

Establishment, Membership and Appointment of Members of the Governing Council

(2) The Council shall consist of-

(a) a Chairman who shall be a person whom by reason of his/her ability, character and knowledge, is experienced in child protection matters;

(b) a representative each, not lower than the rank of a director, of the following Federal Ministries and Agencies:

(i) Women Affairs and Social Development;

(ii) Education;

(iii) Health;

- 1 (iv) Justice;
- 2 (v) National Human Right Commission;
- 3 (vi) National Population Commission;
- 4 (vii) The Nigerian Police (not lower than the rank of a Commissioner
- 5 of Police);
- 6 (c) one representatives from Child Right NGO;
- 7 (d) one member of the National Child Right Committee;
- 8 (e) a representative of the Christian Association of Nigeria;
- 9 (f) a representative of the Supreme Council of Islamic Affairs;
- 10 (g) one person from each geo-political zone;
- 11 (h) the Executive Secretary of the Agency.

12 (3) The Chairman and members of the Council, who are not

13 representing Ministries and other statutory bodies, shall be appointed by the

14 President on the recommendation of the Minister subject to confirmation by

15 the Senate.

16 (4) The supplementary provisions set out in Schedule 1 to this Act

17 shall have effect with respect to the proceedings of the Council and other

18 matters contained therein.

Tenure of Office,
etc,

19 3.-(1) A member of the Council, other than Executive Secretary, shall

20 hold office for a term of four years and may be re-appointed for one further term

21 of four years and no more PROVIDED that the representatives from the 6 geo-

22 political zones shall operate on a rotational basis within each zone and shall

23 serve for a term of four year only with no extension.

24 (2) A member of the Council may at any time resign his/her office in

25 writing addressed to the President and such resignation shall become effective

26 on acceptance by the President.

27 (3) Members of the Council shall be paid such allowances as may be

28 determined by the Federal Government.

Cessation of
Membership

29 4. -(1) A member of the Council shall cease to hold office if-

30 (a) he/she becomes of unsound mind; or

1 (b) he/she becomes bankrupt or makes a compromise with his
2 creditors;

3 (c) he/she is convicted of a felony or any offence involving
4 dishonesty; or

5 (d) he/she is guilty of serious misconduct in relation to his/her
6 duties.

7 (2) A member of the Council may be removed from office by the
8 President on the recommendation of the Council if he satisfied that it is not
9 in the interest of the public that the member should remain in office.

10 (3) Where a member of the Council ceases to hold Office for any
11 reason whatsoever before the expiration of the term for which he is
12 appointed, another person representing the same interest as that member
13 shall be appointed to the Council for the unexpired term.

14 PART II - FUNCTIONS AND POWERS

15 5. The Agency shall-

Functions of the
Agency

16 (a) deal with all matters relating to the protection of children as
17 guaranteed by the Constitution of the Federal Republic of Nigeria and all
18 other domestic and international laws operative in Nigeria;

19 (b) ensure Child sensitive social protection policies that addresses
20 child poverty, vulnerability and risks.

21 (c) monitor and analyze patterns and trends of child rights
22 violations in Nigeria in liaison with States child rights (human rights)
23 monitoring bodies, and other child protection agencies, and make
24 appropriate recommendations to the Government for policies, guidelines
25 and programmes on prevention and mitigation measures;

26 (d) undertake studies, researches, surveys, etc on all matters
27 relating to the protection of children and assist the Government in the
28 formulation of appropriate policies;

29 (e) compile data regularly on child rights violations in
30 collaboration with relevant sectors including, but not limited to, justice,

1 public health, education, social welfare, and publish regularly reports on the
2 state of child rights protection in Nigeria;

3 (f) coordinate and supervise the activities of all child protection
4 service providers in Nigeria, to ensure timely provision of appropriate
5 assistance to victims of child rights violation;

6 (g) monitor the provision of victims' assistance support with a view to
7 identify gaps and bottlenecks and make recommendations on corrective
8 measures;

9 (h) advise the Government in the formulation of appropriate policies
10 and guidelines to establish and ensure the standard of services for redress and
11 remedies and make recommendations for capacity building wherever
12 necessary;

13 (i) organize and/or participate in seminars, workshops, conferences
14 and other activities on child protection issues, alone or in collaboration with
15 other organizations, both within and outside Nigeria;

16 (j) present periodic progress report to the Minister for onward
17 transmission to the National Assembly;

18 (k) networking with similar Agencies outside Nigeria; and

19 (l) carry out all such other functions as are necessary or expedient for
20 the performance of these functions under the Act.

21 6. The Agency shall have power to-

22 (a) act as a coordinating, regulatory and enforcement mechanism for
23 Government and Non-Governmental bodies involved in the prevention of
24 child abuse, child exploitation, the protection and rehabilitation of victims of
25 such abuse;

26 (b) cause investigations to be conducted with respect to the
27 Commission of offences under the Childs Rights Act.

28 (c) do all things which by this Act or any other enactment are required
29 or permitted to be done by the Agency, and

30 (d) do such other things as are necessary or expedient for the

1 performance of its functions under this Act.

2 7. -(1) For the effective conduct of the functions of the Agency, Establishment of
3 there shall be established the following units: Special Units

4 (a) the Investigation Unit;

5 (b) the Counseling and Rehabilitation Unit;

6 (c) the Public Enlightenment Unit;

7 (d) the Legal Unit;

8 (e) the Research and Statistics Unit;

9 (f) such other units as the Agency may deem fit to establish with
10 the approval of the Council.

11 (2) Notwithstanding the provisions of sub-section (1) of this
12 section, the Agency shall have power to set up Technical Committees and
13 Task Forces to assist the Agency in the performance of its duties and
14 functions under this Act.

15 8.-(1) The Investigation Unit shall investigate complaints and
16 petitions received in respect of violations of the provisions of the Child
17 Right Act and shall liaise and collaborate with the Police and other relevant
18 Agencies for the prevention of offences and detention of offenders in
19 violation of the provisions of the Child Rights Act.

20 (2) The Counseling and Rehabilitation Unit shall in collaboration
21 with the Ministry and other relevant Agencies be responsible for-

22 (a) counseling, aftercare rehabilitation, social reintegration and
23 education of abused children;

24 (b) counseling and promotion of the welfare of abused children.

25 (3) The Public Enlightenment Unit shall be responsible for
26 campaigns, seminars and workshops aimed at educating the public on the
27 provisions of the Child Rights Act and the need for the Protection of the
28 rights and welfare of Children.

29 (4) The Legal Unit shall be responsible for ensuring the
30 prosecution of offenders and violators of the provisions of the Childs Rights

1 Act in collaboration with the relevant Agencies.

2 (5) The Research and Statistic Unit shall be responsible for the
3 production of relevant documents and Children Databank and resources which
4 are to be updated periodically.

5 (6) There shall be appointed for each of the Units a Principal Officer
6 who shall be known by such designation as the Agency may determine.

7 PART III - STAFF

Executive
Secretary of the
Agency

8 9. -(1) There shall be for the Agency an Executive Secretary who shall
9 be the Chief Executive and Accounting Officer of the Agency and be appointed
10 by the President on the recommendation of the Minister subject to
11 confirmation by the Senate.

12 (2) The Executive Secretary shall hold office for a term of four years
13 in the first instance on such terms and conditions as the President may, on the
14 recommendation of the Minister determine, and may be re-appointed for one
15 further term of four years and no more.

16 (3) Subject to such general directions as the Council may give, the
17 Executive Director shall be responsible for the day-to-day administration of
18 the Agency and the implementation of the decisions of the Board.

19 (4) The Executive Secretary shall perform the functions of keeping
20 the records of proceedings and decisions of the Council and such other
21 functions as the Board may, from time to time, direct.

Other Staff of
the Agency

22 10.-(1) The Council shall have power to appoint directly, and either on
23 transfer or on secondment from any public service in the Federation, such
24 number of employee as may, in the opinion of the Council, be required to assist
25 the Agency in the discharge of any of its functions under this Act, and shall have
26 power to pay to persons so employed such remuneration (including
27 allowances) as the Council may determine.

28 (2) The terms and conditions of service (including terms and
29 conditions as to remuneration, allowances, pensions, gratuities and other
30 benefits) of the persons employed by the Agency shall be as determined by the

1 Council from time to time.

2 (3) The Council may engage such consultants and advisers as its
3 may require for the proper and efficient discharge of the functions of the
4 Agency.

5 11. The Agency may subject to the provisions of this Act, make Staff Regulations
6 staff regulations relating generally to the conditions of service of the
7 employees of the Agency and without prejudice to the generality of the
8 foregoing, such regulations may provide for-

9 (a) the appointment, promotion and disciplinary control (including
10 dismissal) of employees of the Agency; and

11 (b) appeals by such employees against dismissal or other
12 disciplinary measures.

13 12. The Agency shall, with the approval of the Minister determine Condition of
Service
14 its conditions of service, including pensions and gratuities, as are
15 appropriate for its employees.

16 13. -(1) It is hereby declared that service in the Agency is a Pensions
Cap 346 LFN
17 scheduled service and shall be deemed to be pensionable under this Act and,
18 accordingly, employees of the Agency shall in respect of their service in the
19 Agency, be entitled to pensions, gratuities and other retirement benefits as
20 are prescribed there-under.

21 (2) Notwithstanding the provisions of sub-section (1) of this
22 section, nothing in this Act shall prevent the appointment of a person to any
23 office on terms which preclude the grant of a pension or gratuity in respect of
24 that office.

25 PART IV - FINANCIAL PROVISIONS

26 14. -(1) The Agency shall establish and maintain a fund which shall Funds of the
Agency
27 be applied towards the discharge of its functions under this Act.

28 (2) There shall be paid and credited to the fund established
29 pursuant to sub-section (1) of this section-

30 (a) such sums as may be provided by the Government of the

1 Federation for the Agency.

2 (b) Any fees charged for services rendered by the Agency; and

3 (c) All other sums accruing to the Agency by way of gifts,
4 testamentary depositions, endowments, contributions from philanthropic
5 persons and organizations or otherwise.

6 15. -(1) The Agency may accept gift of land, money or other property
7 on such terms and conditions, if any, as may be specified by the person or
8 organization making the gift.

9 (2) The Agency shall not accept any gift if the conditions attached by
10 the person or organization making the gift are inconsistent with the functions of
11 the Agency.

Borrowing
Powers, etc.

12 16.-(1) The Council may, with the consent or in accordance with any
13 specific authority given by the Minister, borrow by overdraft or otherwise from
14 any source approved by the Minister such specified amount of money as may
15 be required by the Agency for meeting its obligation and discharging its
16 functions under this Act.

17 (2) The Council may, subject to the Provisions of this Act and the
18 conditions of any trust created in respect of any property, invest all or any of its
19 funds with consent or general authority of the Minister.

Cap 449, LFN

20 (3) The Council may invest any surplus funds of the Agency in
21 securities prescribed by the Trustee Investment Act or such other securities as
22 may, from time to time, be approved by the Minister.

Cap 202, LFN

23 (4) Subject to the provisions of the Land Use Act, and any special or
24 general direction which the Minister may give in that behalf, the Council may
25 acquire or lease any land required for its purpose under this Act.

Annual Estimates,
Accounts and
Audit

26 17.-(1) The Council shall cause to be prepared, not later than 30th
27 September in each year, an estimate of the expenditure and income of the
28 Agency during the next succeeding year and when prepared they shall be
29 submitted to the Minister.

30 (2) The Council shall cause to be kept proper accounts and proper

1 records in relation thereto and when certified by the Board such accounts
2 shall be audited as provided in sub-section (3) of this section.

3 (3) The accounts of the Agency shall be audited by auditors
4 appointed from the list of auditors and in accordance with the guidelines
5 issued by the Auditor-General of the Federation and the fees of the auditors
6 and the expenses for the audit generally shall be paid from the funds of the
7 Agency.

8 18. The Council shall not later than six months after the end of each
9 year, submit, through the Minister to the Federal Executive Council a report
10 on the activities of the Agency and its administration during the immediate
11 preceding year and shall include in the report the audited accounts of the
12 Agency and the auditors comments thereon.

13 PART V - MISCELLANEOUS PROVISIONS

14 19. Subject to the provisions of this Act, the Minister may give to
15 the Council such directives of a general nature with regard to the exercise by
16 the Board of its functions under this Act. Power of
Supervising
Minister to give
Directive

17 20. The Minister may make such regulations as he/she deems to be Regulations
18 necessary or expedient for giving full effect to the provisions of this Act.

19 21. In this Act, unless the context otherwise requires- Interpretation
20 "Agency" means the National Child Protection and Enforcement Agency as
21 establishment under section (1) of this Act;
22 "Child Abuse and exploitation" include A political, economic, social or
23 cultural treatment that promotes a deprivation and violation of children's
24 right, or an action that deprives a child from the fundamental rights to life,
25 development, protection and participation;
26 "Council" means the Governing Council established for the Agency under
27 this Act;
28 "Domestic Laws on Children" include Child Right Act Federation, various
29 State Legislations on specific issues pertaining to children, provisions of
30 Federal laws, relating to children such as the Criminal Code, Panel Code,

1 Labour laws, Immigration laws, legislations on health issues, etc;
2 "International laws on children" include the UN Convention on the Rights of
3 the Child (1989), the African Charter on the Rights and Welfare of the Child
4 (1990), ILO Convention 182 on Minimum Age on Elimination of the Worse
5 Forms of Child Labour (1999), Optional Protocol on the Convention on
6 Elimination of All Forms of Discrimination Against Women (1979), Optional
7 Protocol on the involvement of Children in armed Conflicts (2000), Optional
8 Protocol on the sale of Children, Child Prostitution and Child Pornography
9 (2000), UN Convention Against Transnational Organized Crime (2000), and
10 supplementing trafficking Protocol to prevent, suppress and punish
11 Trafficking in Persons, especially Women and Children (2000), African
12 Charter on Human and People's Rights (1981) and its Protocol relating to the
13 Rights of Women (2002);
14 "Minister" means the appropriate supervisory Minister for the Agency;
15 "Ministry" means the appropriate supervisory Ministry for the Agency;
16 "President" means the President of the Federal Republic of Nigeria;
17 "Vulnerable Children" means Child who, because of circumstances of birth or
18 immediate environment, is prone to abuse or deprivation of basic needs, care
19 and protection, and thus disadvantaged relative to his or her peers, Categories
20 of vulnerable children include: children who have lost one or both parents,
21 children living with terminally or chronically ill parent(s) or caregiver(s),
22 children on or off the street/child hawkers, children living with aged or frail
23 grandparent(s), children who get married before 18 years, neglected and
24 abandoned children, children in child-headed homes, children infected with
25 HIV, child beggars/destitute children (including exploited almajiris),
26 internally displaced or separated children, child domestic servants, child sex
27 worker, children with special challenges or disability, child victims of
28 trafficking, children in conflict with the law, children of migrant workers e.g.
29 fishermen or women, nomads and children living with teenage parent(s).

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Miscellaneous

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The fixing of the seal of the Agency shall be authorized by the signature of the Chairman or any person specifically authorized to act for that purpose by the Council.

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SCHEDULE 2 (Section 6(a))

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In the exercise of its powers of enforcement provided for under Section 6 (a), the Agency may refer matters to the family court and such other courts established under other relevant laws.

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22. In this Act, unless the context otherwise requires-

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"Agency" means the National Agency for Child Protection as established under Section (1) of this Act.

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23. This Bill may be cited as the National Child Protection and Enforcement Agency Bill, 2015

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Citation

EXPLANATORY MEMORANDUM

This Bill seeks to Establish the National Child Protection and Enforcement Agency, and to provide necessary protection and care for the Nigerian Child.