

A BILL

FOR

AN ACT TO AMEND THE CHILD'S RIGHT ACT, 2003

Sponsored by Hon. Joan Onyemaechi Mrakpor

[] Commencement

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

1 1. The Child's Right Act, 2003 (in this Bill referred to as "the
2 principal Act") is amended as set out in this Bill.

Amendment of
Child's Right Act,
2003 CAP. C50
LFN

3 2. There is inserted immediately after the existing subsection
4 (l)(d) of the Principal Act, the following new subparagraphs (i) to (ix)
5 thereon, that is:

Amendment of
Section 131

6 “(i) the applicant is a citizen of Nigeria or a non-resident of Nigeria
7 or in the case of a joint application, both applicants are citizens of Nigeria,
8 both eligible to adopt from any state of the Nigerian federation;

9 (ii) the applicant or, in the case of a joint application, both of the
10 applicant(s) are husband and wife of opposite sex (man and woman) and at
11 the least one of the applicants is a resident alien in Nigeria within the
12 definition of the law of the Federation of Nigeria by which an alien is
13 lawfully registered and resident in Nigeria;

14 (iii) the applicant or in the case of a joint application, both
15 applicants are husband and wife of opposite sex (man and woman) and are
16 aliens in Nigeria within the definition of the law of the Federation of Nigeria
17 and such applicant(s) have no criminal record in Nigeria or any other
18 country to the satisfaction of the court of adoption in Nigeria. The burden of
19 proof of no criminal record shall lie on the applicant;

20 (iv) the applicant or in the case of joint application, both applicants
21 husband and wife of opposite sex (man and woman) and at least one of the
22 applicants is an alien who has met the requirements of the lawful adoption

1 within the definition of the law of the Federation of Nigeria and has resided in
2 either Nigeria or outside Nigeria and had no criminal record in Nigeria or other
3 country to the satisfaction of the court of adoption in Nigeria. The burden of
4 proof of no criminal record shall lie on the applicant. A non-resident applicant
5 shall be physically present in Nigeria during the time of the adoption process of
6 the child;

7 (v) the applicant or, in the case of joint application, both of the
8 applicant(s) are husband and wife of opposite sex (man and woman) and not
9 citizens of and non-residents in Nigeria, Provided the applicant or, in the case
10 of joint application, both of the applicants have met all requirements of
11 adoption as provided in this Section of the Act and the Act in general or any
12 other Act or law of the Federation of Nigeria in addition to bilateral policy or
13 policies between Nigeria and the country of citizenship, or in the case of joint
14 application, country of residency of the applicants and United Nations
15 Conventions on welfare at least one of the applicants undertakes to satisfy all
16 ancillary and or other matters relating to adoption and security of welfare of the
17 child in any country of citizenship or residency of the applicant or applicants of
18 the child and provided the applicant or, in the case of joint application, other
19 matters relating to adoption and security of welfare of the child with the child as
20 may in the opinion of the adoption court in Nigeria be incorporated in the
21 adoption Act;

22 (vi) within thirty calendar days after the date of first anniversary of the
23 decree of adoption and up to the eighteenth birth date of the child as in the
24 record of adoption, the applicant or, in the case of joint application, at least one
25 of the applicants shall by signed writing under seal of notary public or similar
26 public officer or appropriate court in the country of residence of the applicant
27 with the child, notify diplomatic office or interest section of Nigeria in the
28 country of citizenship or lawful residency of the applicant with the child which
29 shall transmit same to appropriate child welfare section of the relevant
30 Ministry of the Federal Government of Nigeria that the welfare of the child was

1 in the previous calendar year adequately protected in accordance with the
 2 provisions of the Child's Right Act, 2003 of Nigeria or as may be most
 3 currently amended;

4 (vii) regardless of the citizenship of the adoptive parents, children
 5 adopted from Nigeria have the right to choose their country of citizenship
 6 when they are 18 years of age;

7 (viii) all applicants shall show proof of means of supporting the
 8 child and make every necessary, proper and reasonable effort to ensure that
 9 total welfare of the child, including education shall be paramount in any
 10 situation wherever the applicant or applicants may reside with the child;

11 (ix) the applicant who is a lawful alien or, in the case of joint
 12 application, at least one of the applicants, if a lawful alien is on notice
 13 that in any legal process in any country in which the welfare of adopted child
 14 is an issue, United Nations Conventions on welfare of the child shall at the
 15 least, on notice to appropriate diplomatic representation of Nigeria in the
 16 foreign country prevail as the law of adjudication of the case.

17 3. Section 261 of the principal Act is amended by adding in
 18 paragraph (j) of subsection (1) immediately after the word "rights" thereof,
 19 the word's "and welfare" thereon.

Amendment of
Section 261

20 4.-(1) There is inserted, immediately after the existing section 275
 21 of the Principal Act, the following new section 276, thereon, that is:

Insertion of a
new Section 276

22 "276. Nothing in this Act shall prejudice or prevent the practice or
 23 observance of any religious belief by any person or group of persons, so as to
 24 deny that person the right to practice his religion within the definition of the
 25 laws of the Federation of Nigeria.

26 ~~(2) The existing sections 276, 277 and 278 of the Principal Act~~
 27 ~~thereof are renumbered as sections 277, 278 and 279 respectively therefor.~~

28 5. This Bill may be cited as the Child's Rights (Amendment) Bill,
 29 2016.

Citation

EXPLANATORY MEMORANDUM

This Bill seeks to amend the Child's Right Act, 2003 to provide for the eligibility of foreigners whether resident or non-resident in Nigeria as well as Nigerian citizens not resident in Nigeria, and for other matters connected therewith.