

A BILL

FOR

AN ACT TO AUTHORISE THE PROVISION OF FREE PRE-NATAL AND POST-NATAL HEALTH SERVICES TO EVERY NIGERIAN WOMAN PREGNANT IN GOVERNMENT HOSPITALS, AND FOR RELATED MATTERS

Sponsored by Hon. Tony Nwoye

[] Commencement

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

- 1 1.-(1) Any woman residing in Nigeria certified as pregnant by a
- 2 Medical Practitioner shall:
- 3 (a) Before child birth:
- 4 (i) Be required to register her condition of pregnancy with any
- 5 government and licensed and designated private facilities (hereinafter in
- 6 this Act referred to as "maternity hospital") nearest to her place of abode
- 7 within three months of the happening of her condition of pregnancy;
- 8 (ii) Be required to attend all antenatal appointments as specified for
- 9 her by the relevant health care provider;
- 10 (iii) Be eligible to obtain or receive free pre-natal and post-natal
- 11 health services from a government hospital which shall be within minimum
- 12 acceptable standard;
- 13 (iv) Not be subjected to any person or authority; to any form of
- 14 abuse of discrimination, strenuous duties or forced labour;
- 15 (v) Be given prompt and courteous health services at any maternity
- 16 hospital where she is seeking maternity services;
- 17 (vi) During child birth shall:
- 18 (vii) Be attended to by a skilled birth attendant;
- 19 (ii) Upon her request not be denied the company of her choice and
- 20 that such request should not be unreasonably withheld;

Directives as to welfare and health services for pregnant women before, during after childbirth

1 (b) After childbirth shall:

2 (i) Be placed under suitable post-natal care and supervision with her
3 baby in the appropriate maternity hospital;

4 (ii) Be issued a child health card for her child by the relevant maternity
5 hospital, which shall specify the dates and times for the administration of any
6 vaccination or treatment;

7 (iii) Not be charged any fees whatsoever by the relevant government
8 maternity hospital for the delivery of her child;

9 (iv) Be eligible to receive or obtain post-natal medical treatment for a
10 period for six weeks;

11 (v) Encourage optimal breast-feeding of her child in line with the
12 National Breast Feeding Policy; and

13 (vi) In the event that the mother gave birth to a set of triplet and above,
14 the government; shall provide stipends to assist the family where such family is
15 indigent.

16 (2) In the event of a new born child being abandoned or deserted by
17 the mother soon after birth, in any such hospital shall;

18 (a) Make every possible effort to locate the parents or parent or
19 relatives as the case may be of such a child;

20 (b) Where the parents or parent or relatives cannot be located, take
21 necessary steps to report the matter to the police or make necessary
22 arrangements to transfer the said new born child to any social welfare
23 establishment nearest to the child's place of birth, for proper care; and

24 (c) Continue to render necessary health services to any such
25 abandoned or deserted new born child wherever the child may be for not less
26 than two years thereafter.

27 2.-(1) The Medical Director or Officer or any other person in charge
28 of a maternity hospital to which this Bill relates, shall:

29 (a) Maintain registers and these registers made available when
30 demanded for by relevant government authority or ministry charged with the

1 responsibility for the maternity hospital;

2 (b) Not refuse or decline the registration of any woman pregnant
3 with child coming before it for pre-natal and post-natal health services,
4 otherwise than as is specified or prescribed under this Act;

5 (c) Ensure the provision of free pre-natal health services specified
6 under Section 1 (1) (a) and (b) of this Bill, to any woman pregnant with child,
7 before and after childbirth promptly and courteously, without any charge or
8 exaction of fees; and

9 (d) Upon a request made (for any reason) by a woman pregnant
10 with child, before, during or after birth, or upon medical advice and
11 recommendation for specialist attention, issue a letter providing for the
12 transfer of a woman pregnant with child, before, during or after birth, to any
13 other maternity hospital or to any duly recognised government hospital or
14 medical centre rendering maternity services (which the said woman may
15 request) for a continuation of her ante-natal or post-natal treatment and care,
16 or for any specialised or expert medical treatment and care which he may
17 recommend for any such woman.

18 (2) Without prejudice to the provision of this Section, a woman
19 pregnant with child issued a letter of transfer from a maternity hospital
20 where she is registered to any other maternity hospital in the Federation,
21 shall continue to receive such free pre-natal and post-natal health services
22 which she is entitled to, if she had not been transferred to the new maternity
23 hospital.

24 **3.-(1) The Government of the Federation or of any State or of a**
25 **Local Government Council shall:**

26 (a) Have responsibility to ensure the proper and adequate funding,
27 equipment, and maintenance of the maternity hospital under their
28 jurisdiction so as to ensure the satisfactory provision of the free pre-natal
29 and post-natal health services contemplated under this Bill for any woman
30 pregnant with child, before, during and after childbirth;

Responsibility of
Government to
ensure proper and
adequate funding
of maternity
Hospitals

1 (b) Have powers to demand and obtain at any time, data and other
2 information relating to the number of Nigerian women pregnant with child,
3 before, during and after childbirth, registered in any maternity hospital;

4 (c) Make necessary arrangements, well in advance, to ensure that
5 every woman pregnant with child, registered in a maternity hospital is
6 adequately provided for, in accordance with the provisions of this Bill; and

7 (d) Have powers to carry out or conduct verification or investigate
8 exercises in any maternity hospital, at any time, for the purposes of
9 ascertaining or substantiating or corroborating or justifying any figures, data or
10 other information received by it with respect to the provision of free pre-natal
11 health services and Health Care services, authorised under this Bill.

12 (2) Notwithstanding the foregoing provision of this section, not less
13 than 30% of the health budget at all levels of the government shall be allocated
14 to maternal, new born and child health services.

15 4.-(1) In consonance with existing laws it is hereby declared that
16 every employer of labour in the Federation shall:

17 (a) Grant a minimum of 14 weeks maternity leave to a working
18 mother whether single or married;

19 (b) Grant a working mother, whose child is less than six months old
20 upon request at least three hours of break, each working day, to enable the said
21 working mother to breastfeed her child or attend any scheduled post-natal
22 appointment in any maternity hospital where she is registered;

23 (c) In any letter of appointment to a woman, guarantee her right to
24 retain the same position or an equivalent position, and paid at the same rate, at
25 the end of her maternity leave;

26 (d) Not demand or conduct a test for pregnancy or demand the
27 certificate of such a test when a woman is applying for employment except in
28 respect of any such law in the Federation or any part thereof, regulations, in
29 respect of such work, is prohibited or restricted for pregnant and nursing
30 women;

Special provision
as regards rights of
working mothers
in the Federation

1 (e) Not terminate the appointment of a working woman on the
2 grounds of her pregnancy or childbirth and its consequences or nursing
3 needs; and

4 (d) Encourage the establishment of a creche in the premises of its
5 offices, for the purpose of facilitating breast-feeding and proper care of
6 infants by their working mother.

7 (2) Accordingly:

8 (a) The period of break specified in Subsection (1) (b) of this
9 section shall be counted as working time by every employer of labour in the
10 Federation, and remunerated accordingly.

11 5.-(1) Any person who:

Offences

12 (a) Subjects any woman pregnant with child to any form of abuse,
13 strenuous duties or labour;

14 (b) Through any act of negligence or omission or dereliction of his
15 lawful duties or influences, the miscarriage or termination of pregnancy of
16 any woman;

17 (c) Being an employer of labour terminates the appointment of a
18 working mother or otherwise downgrades her position or reduces her
19 remuneration on the grounds of her pregnancy or childbirth and its
20 consequences or nursing needs; or

21 (d) Aids or abets, colludes with or influences or encourages any
22 other person to commit any of the offences specified under this subsection of
23 this section, is guilty of an offence under this Bill.

24 (2) Anybody corporate or incorporate that aids, abets or colludes
25 with or induces any other person to commit any of the offences specified
26 under subsection of this section is guilty of an offence under this Bill.

27 6.-(1) Any person who is found guilty of an offence under section 5 Penalties

28 (1) (a)- (d) of this Bill shall on conviction be liable to a fine of five hundred
29 thousand naira (N500,000.00) or to imprisonment for a period not
30 exceeding five years or to both such fine and imprisonment.

1 (2) Where an offence under this Bill has been committed by a body
2 Corporate is proved to have been committed with the connivance of or to be
3 attributable to any neglect on the part of the Director, Manager, Secretary or to
4 other similar officer of the body corporate or any person purporting to act in
5 any such capacity, he as well as the body corporate, shall jointly be guilty of the
6 offence and liable on conviction to a fine of five million naira (N5,000,000.00).

Regulations

7 7.-(1) The Minister shall make regulations prescribing uniform
8 procedure for the registration of any woman pregnant with child and rendering
9 of health care services contemplated under this Bill.

10 (2) Subject to the provision of this Bill, it is hereby declared that the
11 overall responsibility for ensuring proper and satisfactory administration,
12 funding and management of the requirements and provisions contained herein,
13 with regards to the free pre-natal and post-natal health services and health care
14 services contemplated in the same Bill shall be on the Minister who is for the
15 time being charged with the responsibility for matters relating to health in the
16 Federation.

Interpretation

17 8.-(1) In this Act, except the context otherwise requires:
18 "breast feeding" means the act of giving milk to a child from the breasts or
19 mammary glands of a woman rather than from the bottle;
20 "Child birth" means the act of giving birth to a child (parturition);
21 "Creche" means a public nursery for babies;
22 "Federation" means Federal Republic of Nigeria.

Citation

23 9. This Bill may be cited as the Free Pre-Natal and Post-Natal Health
24 Services Bill, 2016.

EXPLANATORY MEMORANDUM

This Bill seeks to authorise the provision of Free Pre-Natal and Post-Natal Health Services to every Nigerian woman pregnant in Government Hospitals.