

A BILL

FOR

AN ACT TO ESTABLISH THE NATIONAL CHILD PROTECTION AND ENFORCEMENT AGENCY TO PROVIDE NECESSARY PROTECTION AND CARE FOR THE NIGERIAN CHILDREN; AND FOR RELATED MATTERS, 2018

Sponsored by Senator Ahmad Lawan

[] Commencement

ENACTED by the National Assembly of the Federal Republic of Nigeria-

1 PART 1 - ESTABLISHMENT OF THE NATIONAL CHILD PROTECTION
2 AND ENFORCEMENT AGENCY

3 1.-(1) There is established the National Child Protection and
4 Enforcement Agency (in this Act referred to as "the Agency").

Establishment of the National Child Protection and Enforcement Agency

5 (2) The Agency-

6 (a) shall be a body corporate with perpetual succession and a
7 common seal; and

8 (b) may sue and be sued in its corporate name.

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

11 2.-(1) There is established for the Agency a Governing Council (in
12 this Bill referred to as "the Council") which shall-

Establishment and membership of th Governing Council

13 (a) be the governing authority responsible for its policies; and

14 (b) superintend over the general affairs of the Agency.

15 (2) The Council shall consist of-

16 (a) a chairman who shall be a person with ability, character,
17 knowledge and experienced in child protection matters;

18 (b) a representative each, not lower than the rank of a Director,
19 from the Federal Ministries of-

20 (i) Women Affairs and Social Development;

- 1 (ii) Education;
- 2 (iii) Health;
- 3 (iv) Justice;
- 4 (c) a representative of the-
- 5 (i) National Human Rights Commission;
- 6 (ii) National Population Commission; and
- 7 (iii) Nigeria Police Force (not lower than the rank of a Commissioner
- 8 of Police);
- 9 (iv) Non-Governmental Organisation on Child's Rights;
- 10 (v) National Child's Right's Committee;
- 11 (vi) Christian Association of Nigeria;
- 12 (vii) Supreme Council of Islamic Affairs; and
- 13 (viii) each geopolitical zone; and
- 14 (d) the Executive Secretary of the Agency.

15 (3) The Chairman and members of the Council, who are not
16 representing Ministries and other statutory bodies, shall be appointed by the
17 President on the recommendation of the Minister subject to confirmation by
18 the Senate.

First Schedule

19 (4) The supplementary provisions set out in the First Schedule to this
20 Bill shall have effect with respect to the proceedings of the Council and other
21 matters.

Tenure of office
and allowances
of members

22 3.-(1) A member of the Council, other than Executive Secretary, shall
23 hold office for a term of four years and may be re-appointed for another term of
24 four years and no more provided that the representatives from the six
25 geopolitical zones shall-

- 26 (a) operate on a rotational basis within each zone; and
- 27 (b) serve for a term of four years only with no extension.

28 (2) Members of the Council shall be paid remuneration and such
29 allowances as may be determined by the Federal Government.

Cessation of
membership

30 4.-(1) A member of the Council ceases to hold office if he-

- 1 (a) becomes of unsound mind;
- 2 (b) becomes bankrupt or makes a compromise with his creditors;
- 3 (c) is convicted of a felony or any offence involving dishonesty; or
- 4 (d) is guilty of serious misconduct in relation to his duties.

5 (2) A member of the Council may at any time resign from office in
6 writing addressed to the President and such resignation becomes effective
7 on acceptance by the President.

8 (3) A member of the Council may be removed from office by the
9 President, on the recommendation of the Council, if he is satisfied that it is
10 not in the interest of the public that the member remains in the office.

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

15 PART II - FUNCTIONS AND POWERS OF THE AGENCY

16 5. The Agency shall-

Functions of the
Agency

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

20 (b) ensure child sensitive social protection policies that address
21 child poverty, vulnerability and risks;

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

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

30 (e) compile data regularly on child rights violations in

1 collaboration with relevant sectors including, justice, public health, education,
2 social welfare, and publish regularly reports on the state of child rights
3 protection in Nigeria;

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

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

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

14 (i) organise and participate in seminars, workshops, conferences and
15 other activities on child protection issues, alone or in collaboration with other
16 organisations, both within and outside Nigeria;

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

19 (k) network with similar agencies outside Nigeria; and

20 (l) carry out such other functions that are necessary or expedient for
21 the attainment of its objectives under this Bill.

Special powers
of the Agency
Second Schedule

22 6. The Agency shall have power to-

23 (a) act as a coordinating, regulatory and enforcement mechanism for
24 government and non-governmental bodies involved in the prevention of child
25 abuse, exploitation, protection and rehabilitation of victims of such abuse as
26 provided in the Second Schedule to this Bill;

27 *Act No. 26, 2003.*

28 (b) cause investigations to be conducted with respect to the
29 commission of offences under the Child's Right Act;

30 (c) do all things which, by this Bill or any other enactment, are

1 required or permitted to be done by the Agency; and

2 (d) do such other things as are necessary or expedient for the
3 exercise of its power under this Bill.

4 7.-(1) For the effective performance of the functions of the Agency, Establishment
5 there shall be established- of special units

6 (a) the Investigation Unit;

7 (b) the Counseling and Rehabilitation Unit;

8 (c) the Public Enlightenment Unit;

9 (d) the Legal Unit;

10 (e) the Research and Statistics Unit; and

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

13 (2) Notwithstanding the provisions of subsection (1) of this
14 section, the Agency shall have power to set up Technical Committees and
15 Task Forces to assist the Agency in the performance of its functions under
16 this Bill.

17 8.-(1) The Investigation Unit shall-

Duties of the
units

18 *Act No. 26, 2003.*

19 (a) investigate complaints and petitions received in respect of
20 violations of the provisions of the Child's Rights Act and

21 (b) liaise and collaborate with the Police and other relevant
22 Agencies for the prevention of offences and detention of offenders in
23 violation of the provisions of the Child's Rights Act.

24 (2) The Counseling and Rehabilitation Unit shall, in collaboration
25 with the Ministry and other relevant agencies be responsible for:

26 (a) counseling, aftercare rehabilitation, social reintegration and
27 education of abused or vulnerable children; and

28 (b) counseling and promotion of the welfare of abused or
29 vulnerable children.

30 (3) The Public Enlightenment Unit shall be responsible for

1 campaigns, seminars and workshops aimed at educating the public on the
2 provisions of the Child's Rights Act and the need for the protection of the rights
3 and welfare of children.

4 (4) The Legal Unit shall be responsible for ensuring the prosecution
5 of offenders and violators of the provisions of the Child's Rights Act in
6 collaboration with the relevant Agencies.

7 (5) The Research and Statistics Unit shall be responsible for the
8 production of relevant documents and children databank and resources which
9 are to be updated periodically.

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

12 (7) For the purpose of this section, categories of vulnerable children
13 include:

14 (a) children who have lost one or both parents;

15 (b) children living with terminally or chronically ill parents or
16 caregivers;

17 (c) children on or off the street or child hawkers;

18 (d) children living with aged or frail grandparents,

19 (e) children who get married before 18 years who are neglected or
20 abandoned;

21 (f) children in child-headed homes;

22 (g) children infected with Human Immunodeficiency Virus (HIV);

23 (h) child beggars and destitute children (including exploited
24 almajiris);

25 (i) internally displaced or separated children, child domestic servants
26 and child sex workers;

27 (j) children with special challenges or disabilities;

28 (k) child victims of trafficking;

29 (l) children in conflict with the law;

30 (m) children of migrant workers; and

1 (n) children living with teenage parents.

2 PART III - STAFF OF THE AGENCY

3 9.-(1) There shall be for the Agency an Executive Secretary who Executive
4 shall be- Secretary of the
Agency

5 (a) the Chief Executive and Accounting Officer of the Agency; and

6 (b) appointed by the President on the recommendation of the
7 Minister subject to confirmation by the Senate.

8 (2) The Executive Secretary shall hold office for a term of four
9 years in the first instance on such terms and conditions as the President may,
10 on the recommendation of the Minister, determine, and may be re-appointed
11 for another term of four years and no more.

12 (3) Subject to such general directions as the Council may give, the
13 Executive Secretary shall be responsible for the day-to-day administration
14 of the Agency and the implementation of the decisions of the Council.

15 (4) The Executive Secretary shall perform the functions of keeping
16 the records of proceedings and decisions of the Council and such other
17 functions as the Council may direct.

18 10.-(1) The Council may appoint directly, and either on transfer or Other staff of
19 on secondment from any Public Service in the Federation, such number of the Agency
20 employees as may, in the opinion of the Council, be required to assist the
21 Agency in the discharge of any of its duties under this Bill, and shall pay to
22 persons so employed such remuneration (including allowances) as the
23 Council may determine.

24 (2) The terms and conditions of service, including terms and
25 conditions as to remuneration, allowances, pensions, gratuities and other
26 benefits, of the persons employed by the Agency shall be as determined by
27 the Council.

28 (3) The Council may engage such consultants and advisers as it
29 requires for the proper and efficient performance of the functions of the
30 Agency.

Staff regulations 1 11. The Agency may, subject to the provisions of this Bill, make staff
2 regulations relating generally to the conditions of service of the employees of
3 the Agency and without prejudice to the generality of the provisions of this Bill,
4 such regulations may provide for-

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

7 (b) appeals by such employees against dismissal or other disciplinary
8 measures.

Condition of service 9 12. The Agency shall, with the approval of the Minister, determine its
10 conditions of service, including pensions and gratuities as are appropriate for
11 its employees.

12 13.-(1) The service in the Agency is a scheduled service and is
13 deemed to be pensionable under this Bill and employees of the Agency shall,
14 in respect of their service in the Agency, be entitled to pensions, gratuities and
15 other retirement benefits as are prescribed.

16 (2) Notwithstanding the provisions of subsection (1) of this section,
17 nothing in this Bill shall prevent the appointment of a person to any office on
18 terms which preclude the grant of a pension or gratuity in respect of that office.

19 PART IV - FINANCIAL PROVISIONS

Fund of the Agency 20 14.-(1) The Agency shall establish and maintain a fund which shall be
21 applied towards the performance of its functions under this Bill.

22 (2) There shall be paid and credited to the Fund-

23 (a) such sums as may be provided by the Government of the
24 Federation for the Agency;

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

26 (c) all other sums accruing to the Agency by way of gifts,
27 testamentary depositions, endowments, contributions from philanthropic
28 persons and organisations or otherwise.

Gift 29 15.-(1) The Agency may accept gift of land, money or other property
30 on such terms and conditions, if any, as may be specified by the person or

1 organisation making the gift.

2 (2) The Agency shall not accept any gift if the conditions attached
3 by the person or organisation making the gift are inconsistent with the
4 functions of the Agency.

5 16.-(1) The Council may, with the consent of, or in accordance with
6 any specific authority given by, the Minister, borrow by overdraft or
7 otherwise from any source approved by the Minister such specified amount
8 of money as may be required by the Agency for meeting its obligations and
9 performance of its functions under this Bill.

Borrowing
powers

10 (2) The Council may, subject to the provisions of this Bill and the
11 conditions of any trust created in respect of any property, invest all or any of
12 its funds with consent or general authority of the Minister

13 *Cap. T22, LFN, 2004.*

14 (3) The Council may invest any surplus fund of the Agency in
15 securities prescribed by the Trustee Investment Act or such other securities
16 as may be approved by the Minister.

17 *Cap. L5, LFN, 2004.*

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

21 17.-(1) The Council shall cause to be prepared, not later than 30th
22 September in each year, an estimate of the expenditure and income of the
23 Agency during the next succeeding year and, when prepared, they shall be
24 submitted to the Minister.

Annual estimates,
accounts and audit

25 (2) The Council shall cause to be kept proper accounts and records
26 and, when certified by the Council, such accounts shall be audited as
27 provided in sub-section (3) of this section.

28 (3) The accounts of the Agency shall be audited by auditors
29 appointed from the list of auditors and in accordance with the guidelines
30 issued by the Auditor-General for the Federation and the fees of the auditors

1 and the expenses for the audit generally shall be paid from the funds of the
2 Agency.

Annual report

3 18. The Council shall, not later than six months after the end of each
4 year, submit, through the Minister, to the Federal Executive Council, a report
5 on the activities of the Agency and its administration during the immediate
6 preceding year and shall include in the report the audited accounts of the
7 Agency and the auditor's comments.

8 PART V - MISCELLANEOUS PROVISIONS

Minister to give
directive

9 19. Subject to the provisions of this Bill, the Minister shall give to the
10 Council such directives of a general nature with regard to the exercise by the
11 Council of its powers under this Bill.

Regulations

12 20. The Minister may make such regulations as he deems necessary
13 or expedient for giving full effect to the provisions of this Bill.

Interpretation

14 21. In this Bill-

15 "Agency" means the National Child Protection and Enforcement Agency
16 established under section 1 (1) of this Bill;

17 "child abuse" includes a political, economic, social or cultural treatment that
18 promotes a deprivation and violation of children's rights, or an action that
19 deprives a child from the fundamental rights to life, development, protection
20 and participation;

21 "Council" means the Governing Council established for the Agency under
22 section 2 (1) of this Bill;

23 "domestic laws on children" includes-

24 (a) Child's Rights Act 2003;

25 (b) various State legislation on specific issues pertaining to children;

26 and

27 (c) provisions of the Federal laws, relating to children such as -

28 (i) the Criminal Code,

29 (ii) Penal Code,

30 (iii) Labour Act,

1 (iv) Immigration Act, and

2 (v) legislation on health issues.

3 "international laws on children" includes-

4 (a) the UN Convention on the Rights of the Child (1989);

5 (b) the African Charter on the Rights and Welfare of the Child
6 (1990);

7 (c) International Labour Organisation Convention 182 on
8 Minimum Age on Elimination of the Worse Forms of Child Labour (1999);

9 (d) Optional Protocol on the Convention on Elimination of All
10 Forms of Discrimination Against Women (1979);

11 (e) Optional Protocol on the involvement of Children in armed
12 Conflicts (2000);

13 (f) Optional Protocol on the sale of Children, Child Prostitution
14 and Child Pornography (2000);

15 (g) United Nations Convention Against Transnational Organized
16 Crime (2000);

17 (h) Supplementing Trafficking Protocol to prevent, suppress and
18 punish trafficking in persons, especially women and children (2000); and

19 (i) African Charter on Human and People's Rights (1981) and its
20 Protocol relating to the Rights of Women (2002);

21 "Minister" means the appropriate supervisory Minister for the Agency;

22 "Ministry" means the appropriate supervisory Ministry for the Agency;

23 "President" means the President of the Federal Republic of Nigeria; and

24 "Vulnerable children" means children who, because of circumstances of
25 birth or immediate environment, are prone to abuse or deprivation of basic
26 needs, care and protection, and thus disadvantaged relative to their peers, for
27 the purpose of this section.

28 **22.** This Bill may be cited as the National Child Protection and Citation
29 Enforcement Agency (Establishment) Bill, 2018.

1 SCHEDULES
2 FIRST SCHEDULE

3 *Section 2 (4)*

4 SUPPLEMENTARY PROVISION RELATING TO THE BOARD ETC.

5 *Procedure of the Council*

6 1.-(1) Subject to this Act and section 27 of the Interpretation Act, the
7 Council may make standing orders regulating its proceedings or those of any of
8 its committees.

9 (2) Every meeting shall be presided over by the Chairman and if the
10 Chairman is unable to attend a particular meeting the members present at the
11 meeting shall elect one of the member to preside at the meeting.

12 (3) The quorum of the Council shall be the Chairman or the person
13 presiding at the meeting and nine other members of the Council.

14 (4) Upon any special occasion, the Council may co-opt any person to
15 be a member for as many meetings as may be necessary, and that person so co-
16 opted shall have all the rights and privileges of a member, except that he shall
17 not be entitled to vote or count towards a quorum.

18 (5) Subject to its standing orders, the Council may set up such number
19 of standing and ad-hoc committees, as it thinks fit, to consider and report on
20 any matter with which the Agency is concerned.

21 (6) Every committee set up under the provisions of subparagraph (5)
22 shall be presided over by a member of the Council and shall be made up of such
23 number of persons, not necessarily members of the Council, as the Council
24 may determine in each case.

25 (7) The decision of a committee shall be of no effect until it is
26 confirmed by the Council.

27 *Miscellaneous*

28 2.-(1) The fixing of the seal of the Agency shall be authenticated by
29 the signature of the Chairman of the Council or any person authorised to act for
30 that purpose.

1 (2) A contract or instrument, which if made by a person not being a
2 body corporate, would not be required to be under seal, may be made or
3 executed on behalf of the Agency by the Executive Secretary of the Agency

4 (3) A document purporting to be a contract or instrument or other
5 document signed or sealed on behalf of the Agency shall be received in
6 evidence and, unless the contrary is proved, be presumed, without further
7 proof, to have been so signed or sealed.

8 (4) The validity of any proceeding of the Council or a committee
9 shall not be adversely affected by-

10 (a) any vacancy in the membership of the Council;

11 (b) any defect in the appointment of a member of the Council or
12 committee; and

13 (c) reason that a person not entitled to do so took part in the
14 proceeding.

15 SECOND SCHEDULE

16 *Section 6 (a)*

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

EXPLANATORY MEMORANDUM

This Bill seeks to establish the National Child Protection and Enforcement Agency to Provide necessary Protection and Care for the Nigerian Children.

