

BE IT ENACTED by the House of Assembly of Niger State of Nigeria and by the Authority of same in this present State Assembly as follows:

PART I
TITLE, COMMENCEMENT AND INTERPRETATION

1. This Law may be cited as the Child Right Law, 2010 and shall come into force on 2nd day of March, 2010. *Title and Commencement*

2. In this Law, unless the context otherwise requires.

“Appropriate authority” means the Executive Governor, or the Commissioner charged with the responsibility for matters relating to education or the authority in charge of an approved institution for treatment and training of the child. *Interpretation*

“Commissioner” means Commissioner or Commissioners in charge of Social Welfare Matters and Women Affairs in the State.

“Child” means a person under the age of eighteen (18) years;

“Controller General” means the Controller General of the Nigeria Prison Service;

“Court” includes Family Court, Magistrate Court, High Court, Shariah Court of Appeal, Shariah Court and tribunal;

“Culture” includes religious or Islamic way of life.

“Education Authority” means the Ministry of Education of the State;

“Governor” means the Governor of Niger State;

“Foster parent” means a person:

- (a) Appointed by the State Government to foster a child or;
- (b) With whom a child has been placed in a voluntary organization, for fostering or;
- (c) With whom a child has been placed to be fostered privately.

“Government” means Niger State Government;

“Guardian” means a person who is the guardian of a child by virtue of the provisions of this Law or a person lawfully appointed to be guardian of the child by head or will or by an order of a court of competent jurisdiction or by operation of law.

“Harm” means ill treatment or impairment of physical and mental development;

“Home” includes an institution;

“Nursing mother” means a mother whose child is not more than two years old;

“Street Child” includes: -

- (a) Child who is homeless and forced to live on the street, in market places, and under bridges; and

- (b) Child who though not homeless, is on the street engaging in begging for alms child labour, prostitution, and other criminal activities which are detrimental to the well being of the child.

“Health Authority” means the Ministry of Health of the state;

“Premises” include vehicles, caravan and cabin;

“Person responsible for the Child” means a person who for the time being has care of the child by virtue of a care order;

“Relative” means a grandparent, brother, sister, uncle, niece, or nephew, aunt, whether of the full blood or half blood or by affinity or step parents;

PART II
RIGHTS AND RESPONSIBILITIES OF A CHILD, CHILD RIGHTS
IMPLEMENTATION COMMITTEE AND FAMILY COURT

3. (1) Every child is entitled to rest, leisure and to engage in play, sport and recreational activities appropriate to his age.

Right to encourage a child to participate in leisure Recreation and culture activities

(2) Every child is entitled to participate fully in the Cultural artistic activities of Nigeria, Africa and World communities.

(3) Every Government, Person, Institution, Service, Agency, Organization and Body responsible for the care and welfare of a child shall, at all times, ensure adequate opportunities for the child in the rights provided for the child in sub-section (1) and (2) of this Section.

4. (1) Every child is entitled to enjoy the best attainable State of physical mental and spiritual health.

Right to health and health services

(2) Every Government, parent, guardian, institution, Service, Agency, or Organization or Body responsible for the care of a child shall endeavour to provide for the child the best attainable state of health.

(3) The State Government Shall: -

(a) Endeavour to reduce infant and child mortality rate;

(b) Ensure the provision of necessary Medical Assistance and health care services to all children with emphasis on the development Primary Health Care;

- (c) Ensure the provision of safe drinking water and adequate nutrition;
- (d) Ensure the provision of good hygiene and environmental sanitation;
- (e) Combat disease and malnutrition within the framework of Primary Health Care through the application of appropriate technology;
- (f) Ensure appropriate health care for expectant and Nursing mothers;
- (g) Support through technical and financial the mobilization of National and Local Community resources in the development of Primary Health Care for children.

5. Government shall ensure that a child below the age of six is immunized against the communicable diseases. (Polio, measles, whooping cough, etc).

Right of child to be immunized

6. (1) Every child has a right to parental care, protection and accordingly no child shall unreasonably be separated from his parent except:

Right to parental care, protection and maintenance

- (a) For the purpose of his education and welfare; or
- (b) In the exercise of a judicial determination in accordance with the provisions of the Law, in the best interest of this child.

(2) Every child has the right to maintenance by his parents or guardian in accordance with their means.

7. (1) Every child has the right to free compulsory and Universal Basic Education and it shall be the duty of the Government to provide such education.

*Right to free and
Universal Basic
Education*

(2) Subject to the provisions of subsection 3 every parent or guardian shall ensure that his child or ward attends and complete his:

- (a) Primary School Education;
- (b) Junior Secondary Education; and
- (c) Senior Secondary Education.

(3) Where a child to whom subsection (2) of this Section applied is not sent to Senior Secondary School, the child shall be encouraged to learn an appropriate trade and the employer of the child shall provide the necessities for learning the trade.

(4) A female child who becomes pregnant before completing her education shall be given the opportunity, after delivery to continue with her education, on the basis of her individual ability.

(5) Where a parent, guardian or person who has care and custody of a child fails in the duty imposed on him under subsection (2) of this law to send a child to school is guilty of an offence and is liable on first conviction.

- (a) To be reprimanded;
- (b) On subsequent conviction to a fine of not less than Two Thousand Naira or one-month imprisonment or both;

(c) On any subsequent conviction to a fine not exceeding Five Thousand Naira (N5,000.00) only or two months imprisonment or both.

(6) The provision of this Section shall not apply to children with mental disabilities.

8. (1) Subject to this Law, a child may bring an action for damages against a person for injury caused to the child willfully, recklessly, and negligently before, during or after the birth of the child.

Right of the child
to protection
against harm
after birth

(2) Where the father or mother of an unborn child dies intestate, before the child is delivered, the child is entitled, if he survives his father or mother in the distribution of the estate of the deceased father or mother.

9. (1) Except as provided for in this Section, no child is capable of entering into a contract.

Contractual right
of the child

(2) Any contract except a contract for necessities entered into by a child for repayment of money lent or for payment or goods supplied to the child, shall be void;

Accordingly:

(a) No action shall be brought against a child by a person after the child has attained the age of maturity, to pay a debt contracted before maturity or ratified on maturity or any promise of contract made by the child before maturity, whether or not there was no consideration for the promises

or ratification after the child attained maturity.

(b) If a child who has entered into a contract for a loan which is void agrees after maturity to pay the loan, the agreement in whatever form, shall be void so far as it relates to money which is payable in respect of the loan.

10. (1) Every child has responsibilities towards his family and society, the Federal Republic of Nigeria and other legally recognized communities, nationally and internationally.

*Responsibilities
of the child and
parent*

(2) It is the duty of the child, subject to his age, and ability and such other limitations as may be contained in this law, and any other law, to: -

- (a) work towards the cohesion of his family and community;
- (b) respect his parents, superiors and elders at all times and assist them in case of need;
- (c) contribute to the moral well being of the society;
- (d) preserve and strengthen social and national solidarity;
- (e) preserve and strengthen the independence and integrity of Federal Republic of Nigeria.

- (f) relate with the members of the society with different cultural values in the spirit of tolerance, dialogue and consultation.

11. Every parent, guardian instituting person, and authority responsible for the care, maintenance, upbringing, educating, training, socialization, employment and rehabilitation of a child has the duty to provide the necessary guidance, discipline, education and training for the child in his care such as to equip the child to secure his assimilation appreciation and observance of the responsibilities set out in this Law.

Right to education discipline and training the child

12. (1) Subject to the provisions of this Law no person shall remove or take a child out of the custody or protection of his father, mother, guardians or such person having lawful care of the child.

Prohibition of removal of the child from lawful custody

(2) Any person who contravenes the provisions of Section 12 (1) above commits an offence and liable on conviction to imprisonment for a period of 3 months without option of fine.

13. (1) No person below the age of 18 years is capable of contracting a valid marriage. Accordingly, any marriage so contracted is null and void and of no effect.

Prohibition of the child marriage

(2) A person who marries a child or promote the marriage of a child below the age of 18 commits an offence and is liable on conviction to a fine of Fifty Thousand (N50,000.00) Naira or imprisonment for a term of one (1) year or both.

14. (1) No person shall: -

*Exposure to use
production and
trafficking of
narcotic drugs
etc.*

- (a) expose or involve a child in the use of narcotic drugs and psychotropic substances; or
- (b) expose or involve a child in the production or trafficking of narcotic drugs or psychotropic substances.

(2) A person who contravenes the provision of Subsection (1) of this Section commits an offence and is liable on conviction to imprisonment not less than 5 years without option of fine.

15. (1) No person shall employ, use or involve a child in any activity involving or leading to the commission of any other offence not already specified in this Law.

*Use of child in
other criminal
activities.*

(2) A person who contravenes the provision of subsection (1) of this Section commits an offence and is liable on conviction to imprisonment for a term of Five years (5) or an option of fine of N200,000.00.

16. (1) Subject to the provision of this Law, no child shall be:

*Prohibition to
exploitative
labour*

- (a) subjected to any force or exploitative labour except where he is: -
 - (i) employed to work by a member of his family on light work of an agricultural or domestic character.

- (ii) employed as a domestic help outside his own home or family environment.

(2) Any person who contravenes the provisions of subsection (1) of this section commits an offence and shall be liable on conviction to imprisonment for a term of 5 years or to a fine of N50,000.00 or both.

17. (1) No person shall buy, sell, hire, let, dispose of, obtain, possession of or otherwise deal in a child.

Prohibition of buying, selling, hiring or otherwise dealing in children for the purpose of hawking or begging for aims or prostitution etc.

(2) (a) for the purpose of begging for alms, guiding beggars, prostitution, domestic or sexual labour or for any unlawful or immoral purpose;

(b) as a slave or for practices similar to slavery such as trafficking of the child debt bondage or serfdom and forced or compulsory labour;

(c) for any purpose that deprives the child of the opportunity to attend and remain in school as provided for under the compulsory, Free Universal Basic Education Law.

(3) Any person who contravenes the provisions of this Section commits an offence and is liable on conviction to imprisonment for a term of ten years or a fine of not less than N200,000.00 or both.

18. (1) No person shall have sexual intercourse with a child. *Unlawful sexual intercourse with a child*

(2) A person who contravenes the provision of subsection (1) of this section commits an offence of Rape and is liable on conviction to imprisonment for life.

(3) Where a person is charged with an offence under this section, it is immaterial that the sexual intercourse was with the consent of the child.

19. (1) A person who sexually abuses or sexually exploits a child in any manner not already mentioned in this section of the law commits an offence. *Forms of sexual abuse and exploitation*

(2) A person who commits an offence under subsection (1) of this section is liable on conviction to imprisonment for a term of fourteen (14) years.

20. (1) The State Government or an appropriate authority may apply to the court for an emergency protection order with respect to a street child and the court may make the order if it is satisfied. *Emergency protection orders*

- (a) That there is reasonable cause to believe that the child is likely to suffer significant harm if;
- (b) He is not removed to an emergency protection center or any other approved suitable accommodation provided by or on behalf of the applicant.

(2) While an emergency protection order is in force, it gives the applicant parental responsibilities for the child in order to safe guard the welfare of the child.

(3) Where the Court makes an emergency protection order, it may give such directions, as it considers appropriate with respect to:

- (a) To contact which is or is not, to be allowed between the child and any named person or;
- (b) Medical, Psychiatric examination, or any other assessment of the child.

(3) Where an emergency protection order is in force in respect of a child and it appears to the applicant that it is safe for the child to be returned to the care of the person from whose care the child was removed, the applicant shall return the child to the care of the person from whose care the child was removed.

21. An emergency protection order shall have effect to include evacuation of such children to their states or last place of abode.

Duration of emergency protection order etc.

22. (1) No child under the age of 18 shall be kept in police custody. However, where a child is being tried jointly with an adult, a child shall not be kept in the same custody with adult.

Protection of child from police custody

(2) The term "Conviction" and "Sentence" shall not used in relation to a child brought before a court of law.

23. (1) There is hereby established a committee to be known as the State Child Rights Implementation Committee.

*Establishment
and membership
of the state child
right
implementation
committee*

(2) The State Committee shall comprise: -

- (a) The Permanent Secretary State Ministry of Women Affairs as the Chairman.
- (b) One person to represent each of the following State Ministries, Government Bodies and Agencies;

- (1) Women Affairs;
- (2) Education;
- (3) Information;
- (4) Health;
- (5) Justice;
- (6) Youth and Sport;
- (7) Labour and Productivity;
- (8) Nigerian Immigration Services;
- (9) Nigerian Police;
- (10) Nigerian Prison Service;
- (11) State Agency for Mass Literacy;
- (12) State Council of Chiefs;
- (13) Nigeria Union of Teachers;
- (14) Civil Society;
- (15) Niger State Law Reform Commission;
- (16) Two persons to represent Non-Governmental Organizations Concerned with right and welfare of children;
- (17) One person to represent Nigeria Union of Journalists.

(18) One person each to represent each of the following United Nations Agencies: -

(i) United Nations Children Education Fund as collaborating agency;

(ii) World Health Organization, as an observed agency; and

(19) Such other persons or bodies as the Commissioner may, from time to time appoints.

24. (1) The functions of the state Committee are to:

- i. Initiate actions that will ensure the observance of the right and welfare of the child as provided for in this Law;
- ii. The United Nations conventions on the Rights of the child.
- iii. The Organization of African Union Charter on the rights and welfare of the child; and
- iv. Collect and document information on all matters relating to the rights and welfare of the child in the State.

(2) The Secretary of the State Committee shall appoint by the Ministry responsible for children.

25. (1) No pupil or student shall be withdraw from any school for marriage or for any purpose before the period of completion of his or her course.

(2) Any person who withdraws any Pupil or student from school within the state shall be guilty of an offence and shall be liable on conviction to a fine of N20,000.00 or 12 months imprisonment or both.

(3) Any person who impregnates a female pupil or student from any school within the state before period of completion of her course shall be guilty of an offence and shall be liable on conviction to fine of N50,000.00 or 12 months imprisonment or both.

(4) The provision of subsections (1) (2) shall not apply to any person who transfers his pupil from one school to another on medical grounds.

26. (1) Any person who has attained the age of eighteen years (18) and who has the custody, charge, care of any child and who willfully ill-treats, neglects, abandons, exposes him or her, causes, procures him or her to be assaulted, ill-treated, neglected, abandoned, exposes him or her in a manner that leads to injury, loss of sight, loss of hearing, loss of limb or any organ of the body, exposes him to the risk of burning by allowing him or her to be in any place near an open fire without any protection, guard against the risk of being burnt, scalded without taking any reasonable precaution against the risk, shall be guilty of an office and is liable upon conviction to a fine not exceeding Five Thousand (N5,000.00) Naira or to a term of imprisonment not exceeding two (2) months.

III treatment of children

Conflict between the Provisions of this law and Islamic law

27. (1) Where there is a conflict involving questions of Islamic personal law with any of the provisions of this law, Islamic personal law shall prevail.

28. Without prejudice to the provisions of Section 21 of this Law parents of the pregnated pupil shall have right to claim damages from such male partner.

29. Any Magistrate or Shariah Court of any grade shall have jurisdiction to try offences under this law.

30. Any person who pregnates any female pupil shall if the male partner is a pupil be suspended from his school for the period, which the girl is away from school.

31. Without prejudice to the provisions of this law, a pupil may be withdrawn from any school within the state if the parent or guardian of such pupil is transferred from one town to another.

32. (1) There shall be established for the state a court to be known as the family court (in this law referred to as "the court") for the purpose of hearing and determining matters relating to children.

*Establishment of
the Family Court*

(2) The Court shall be at two levels –

(a) The Court as a Magistrate and Sharia Courts being Courts with original jurisdiction; and

(b) High Court as a court with appellate jurisdiction.

*Jurisdiction of the
court*

(3) Any Magistrate or Shariah Court of any grade shall have jurisdiction to try offences under this law.

(4) Other members of the court with original jurisdiction, apart from the Magistrate and Judge of the Sharia Court shall be appointed by the Chief Judge and Grand Khadi of the State and the court shall be duly constituted if it consists of: -

Appointment of members of the court and composition

(a) A Magistrate; or Judge of the Sharia Courts; and

(b) Two assessors as members one of whom shall be a woman and the other person who has attributes of dealing with children preferably in the area of child psychology education.

(5) High Court shall only exercise appellate and supervisory jurisdiction on cases from the court with original jurisdiction.

Jurisdiction of High Court

(6) Judges and members of the High Court shall be appointed by the Chief Judge of the state and shall consist of such number of: -

(a) Three Judges of the High Court, and

(b) Two Assessors consisting of: -

(i) Chief Child Development officer from the Ministry; and

- (ii) Person who has attributes of dealing with children and matters relating with children preferably in the area of child psychology education.

(7) A child has the right to be represented by a legal practitioner and free legal aid in the hearing and determination of any matter concerning the child in the Court.

Right to Counsel etc.

(8) No person, other than: -

Exclusion of persons from attending Courts.

- (a) The members and officers of the Court.
- (b) The parties to the case, their solicitors and counsel.
- (c) Parents or guardians of the child; and
- (d) Other persons directly concerned in the case shall be allowed to attend the Court, and accordingly members of the press are excluded from attending the Courts.

(9) No person shall publish the name, address, school, photograph or anything likely to lead to the identification of a child whose matter is before the Court, except in so far as is required by the provisions of this law.

(10) Any person who contravenes the provisions of this section commits an offence and is liable on conviction to a fine of fifty thousand naira or imprisonment for a term of five years or to both such fine and imprisonment.

(11) The proceedings in the Court shall be conducive to the best interest of the child and shall be conducted in such a way to allow a child to express himself and participate in the proceedings.

Proceeding to be in the interest of the child.

(12) In any proceedings in which the Court is hearing an application for order under this law, or is considering whether to make an order, the Court may order the parents, guardians or the child concerned to attend such stage or stages of the proceeding as may be specified in the order.

Attendance of parents, guardians or child at the hearing in the Court

(13) The power conferred by subsection (1) of this section shall be exercised in accordance with the rules of Court.

(14) Where an order made under subsection (1) of this section has not been complied with or the court has reasonable cause to believe that it was not complied with, the court may: -

- (a) Make an order authorizing a police officer or such other person as may be specified in the order to: -
 - (i) Take charge of the child and to bring him to the court; and

- (ii) Enter and search any premises specified in the order if he has reasonable cause to believe that the child may be found on the premises; or
- (b) Order any person who is in a position to do so bring the child to the Court.

(15) Where the Court has reason to believe that a person has information about the whereabouts of a child, it may be order, require the person to discloses such information.

(16) A person who refuses to comply with an order made under this section commits offence and is liable on conviction to a fine not exceeding Ten Thousand Naira or to imprisonment for a term not exceeding eight months or to both such fine and imprisonment.

(17) In any proceeding, where her civil or criminal, he evidences of a child may be given un-sworn. *Evidence given by a child*

(18) A deposition of a child's sworn evidence shall be taken for the purposes of any proceeding, whether civil or criminal, as if that evidence had been given on oath.

(19) The Chief Judge of the State may *Rules* make rules regulating the proceedings in the court, the parties entitled to participate in any proceedings, the fee to be charged and forms to be used in proceedings.

(20) The provisions of any written Law relating to the practice and procedure in magistrate, Sharia court or High Courts as the case may be, not inconsistent in the court shall apply to the family court.

(21) Notwithstanding any Jurisdictional limitation on the powers of magistrate and Shaira courts and any other court in relation to the imposition of fines or terms of imprisonment contained in any law, a magistrate court or any other court before which the offences created in this part of this law are tried shall have the full jurisdictional powers to impose up to the maximum penalties prescribed for the offences created in this part of this law.

Removal of jurisdiction limitation of magistrate

(22) Any provision in any other law securing the protection of the child, shall continue to apply and are hereby adopted for the protection of the child by this law, notwithstanding that the provision has not otherwise been specifically provided for by this law.

Application of criminal provision of law

33. Withdrawal of pupils from schools (prohibition) Edict 1985 is hereby repealed.

34. The Government may make regulations for effective implementation of this Law for:

Power to make regulation

- (a) Prohibiting the employment of children of young persons in any particular trade, occupation, business or calling; and

- (b) Securing the health and welfare of children.

35. (1) A child development officer, a police officer or any other person authorized by the commissioner may bring a child before the court if he has reasonable grounds for believing that the child: -

- (a) is an orphan or is deserted by his relatives; or
- (b) has been neglected or ill-treated or battered by the person having the care and custody of the child; or
- (c) has a parent or guardian who does not exercise proper guidance and control, over the child; or
- (d) if found destitute, has both parents or his surviving parents, undergoing imprisonment or mentally disordered or otherwise severely incapacitated; or
- (e) Is under the care of a parent or guardian who, by reason of criminal or drunken habits, is unfit to have the care of the child; or
- (f) is otherwise exposed to moral or physical danger; or
- (g) is otherwise in need of care, protection or control; or

- (h) is beyond the control of this parents or guardians.

(2) The person making an application under subsection (1) of this section shall before hearing of the application, take such steps as are reasonably practicable to ensure that notice of the application is given to: -

- (a) The parent of the child; or
- (b) A person who, though not parent of the child, has parental responsibility for the child; or
- (c) Any other person who has the care of the child; or
- (d) The child concerned, if he has sufficient understanding.

(3) The court, if satisfied that a child brought before it comes within any of the paragraphs of subsection (1) of this section shall make appropriate corrective orders.

36. (1) Where a child is committed: -

- (a) To the care of an individual under this law; or
- (b) In exceptional circumstances, to an approved institution or any other institution, and the court is satisfied that

Power of court to order parents etc to contribute to maintenance of the child

need for the order arose from the neglect on the of any of the person named in subsection(2)of this section, the court may order that person to me such contribution towards the maintenance of child as it may think having regards to all circumstances of the case, including the means of person ordered to make the contribution.

(2) The persons referred to in subsection of this section are:

- (a) The father step mother or step moths the child or
- (b) The person in whose and custody the child been during the two immediately the date e order of committal.

(3) The court shall specify certain amount of money to be contributed by the person ordered to the contribution.

37. (1) The court may on the application of the commissioner, and appropriate authority or any authorized person, make a:- *Care supervision and general Orders*

- (a) Care order, placing a child respect tow human application

made in the care of a designated authorized person, authority or commissioner.

(2) A court may make a care or supervision order if it is satisfied that:-

(a) The care given to the child to be given to the child if the order were not made, is not what a parent would reasonably be expected to give to the child; or

(b) The child is beyond parental control

(3) No care order or supervision shall be made with respect to person who has attained the age of eighteen years.

(4) An authorized person who an application under this section shall before making the application, consult the commissioner or the appropriate authority appearing to him to be authority in whose jurisdiction the child concerned is ordinarily reside.

(5) An application for a care or a supervision order made by an authorized person shall not be entertained by the court if, at the time when it is made the child concerned is: -

(a) The subject of an earlier application for a care

order or supervision order
which has not been
disposed of; or

(b) Subject to a care order or
supervision order.

(6) The state designated in care order or
supervision order shall:

(a) Be the state in which the
child is ordinarily resident;
or

(b) Where the child does not
reside in the state, be the
state which any
circumstances arose in
consequences of which
the order is being made.

(7) Where the question as to whether harm
suffered by a child is significant on the child's health
or development, his health or development shall be
compared with that which could reasonably be
expected of a child of similar circumstances.

38. (1) A court before which an application for an
order is brought under this part of this law shall in
consideration of any rules made pursuant to subsection
(2) of this section: -

*Period within
which application
for order under
this part must be
disposed*

(a) Draw up a time table
with a view to disposing
of the

application without
delay; and

- (b) Give such directions as it considers appropriate for the purpose of ensuring so far as is reasonably practicable, that the timetable is adhered to.

(2) The Court may by rules: -

- (a) Specify the period within which steps must be taken in relation to the proceeding; and
- (b) Make other provisions with respect to the proceedings for the purpose of ensuring so far as is reasonably practicable, that the proceedings are disposed of without further delay.

39. (1) Where a care order is made, the state and the Appropriate authority designated by the order shall receive the child into its care and keep the child in its care while the order remains in force.

*Effect of care order
etc.*

(2) While a care order is in force the state or appropriate authority designated by the order shall:-

- (a) Make adequate arrangement within their reach to make the child comfortable by providing basic needs of the child;
- (b) Not commit the child to enter in to any form of contract;
- (c) Cause the child to be brought up in any religious persuasion, other than that in which he would have been brought up if the order had not been made; and
- (d) Do any other thing that will not be in the interest of the child.

40. State or an appropriate authority, shall subject to the provision of this section, allow a child under its care, reasonable contact with: -

Parent contact etc which children in case.

- (a) The parents of the child;
- (b) The guardian of the child;
- (c) A person in whose favour a residence order was immediately before a care order was made; and
- (d) A person who immediately before the care was made, had care of

child by virtue of an order made by the court.

Duty of supervision while supervision orders are in force.

41. (1) While a supervisory order is in force, it shall be the duty of the supervisor to:

- (a) Advise, assist and be friendly with the supervised' child;
- (b) Take such steps as are reasonably necessary to give effect to the orders; and
- (c) Where: -
 - (i) The order is not wholly complied with; or
 - (ii) The supervisor considers that the order may no longer be necessary, consider whether or not to apply to the court for its variation or discharge.

42. (1) The state shall keep a register into which shall be entered the names and particulars of persons who:

Registration of child minding and day care centre.

- (a) Acts as child on domestic premises with in the area of the appropriate authority;
- (b) Provided any care for children under the age of six years on

premises other than domestic premises within the areas of the appropriate authority.

(2) A person may act as child minder if:-

- (i) The person looks after one or more children under the age of six years for reward; and
- (ii) Provides day care for children if the period or the total periods during which children are looked after by the person in any day exceeds two hours.

(3) The state shall issue guidelines in respect of child minding and day care for children which shall be complied with.

43. (1) The state shall make such arrangements as it *Establishment of community homes.* considers appropriate for securing the homes to be known as community homes, established within the state:-

- (a) For the care and accommodation of children looked by it; and
- (b) For purposes connected with the welfare of children, whether or not looked after by it.

(2) In making arrangements, the state shall have regard to the need for securing availability of accommodation: -

(3) A community home may be: -

(a) Provided, managed, equipped and maintained by the state; or

(b) Provided by a voluntary organization but in respect of which the state and the organization: -

(i) Propose that, in accordance with an instrument of management, the management, equipment and maintenance of the home shall be the responsibility of the state; or

(ii) Propose that the management, equipment and maintenance of the home shall be the responsibility of the voluntary organization.

44. (1) Where the state is to be responsible for the management of a community home provided by a voluntary organization the state shall designate the home as a "controlled community home"

(2) Where a voluntary organization is to be responsible for the management of a community home provided by the voluntary organization, the state shall design the home as an "assisted community home"

45. The commissioner shall make regulations in respect of community homes.

Registration for establishment and use of community homes

46. (1) Where it appears to the commissioner that: -

Directives by commissioner to discontinue the use of premises as community home

(a) any premises used for the purposes used for the purpose of a community home is unsuitable to those purposes; or

(b) the conduct of a community home: -

(i) is not in accordance with regulations made by him under section 52 of this law.

(ii) is otherwise unsatisfactory, he may by notice in writing served on the body concerned, direct that as from such date as may be specified in the notice, the premises shall not be used for the purpose of a community home.

47. (1) No child shall be cared for or provided with accommodation in a children home unless the home is registered. *Registered children's Home*

(2) The commissioner may cause a register to be kept for the purpose of subsection (1) of this section.

48. No child shall be subjected to the criminal sanctions, but a child alleged to have committed an act which would constitute a criminal offence if he were an adult shall be subjected only to the child system and processes set out in this law. *Child to be subjected to only child system and in processes*

49. (1) The right of the child to privacy shall be observed at all stages of child justice administration in order to avoid harm being caused to the child by undue publicity or by the process of labeling. *Privacy*

(2) Accordingly, no information that may lead to the identification of a child offender shall be published.

(3) Record of a child offender shall:-

- (a) be kept strictly confidential and closed to third parties;
- (b) made accessible only to persons directly concerned with the disposition of the case at hand or other duly authorized persons; and
- (c) not to be used in adult proceedings in subsequent cases involving the same child offender.

50. (1) The specialized children police unit of the state police command, referred to as the "Unit" shall primarily engaged in the prevention of child offences.

Specialization with the Nigeria Police Force

(2) The unit shall be charged with the following functions, that is:-

- (a) the prevention and control of child offences;
- (b) the apprehension of child offenders;
- (c) the investigation of child offences; and
- (d) such other functions as may be referred to the unit by this law or by regulation made under this law or by other enactment.

(3) Members of the Unit shall be continually trained and instructed specially for the functions conferred on the unit under subsection (2) of this section.

51. (1) In view of the varying needs of children and the variety of measures available, a person who makes determination on child offenders shall exercise such direction, as he deems most appropriate in each case, at all stages of

Use of direction

the proceedings and at the different levels of child justice administration, including investigation, prosecution, adjudication and the follow up of dispositions.

(2) Every person who exercises discretion shall be specially qualified or trained to exercise the discretion judiciously.

52. (1) The Police prosecutor or any other person dealing with a case involving a child shall:

- (a) have the power to dispose of the case without resorting to formal trial by using means of settlement, including supervision, guidance restitution and compensation of victims; and
- (b) encourage the parties involved in the case to settle the case, as provided in paragraph (a) of this section.

(2) The Police prosecutor or other person referred to in subsection (1) of this section may exercise the power conferred under that subsection if the offences involved is of a non-serious nature and

- (a) there is need for reconciliation; or

- (b) the family, the school or other institution involved has reacted or is likely to react in an appropriate or constructive manner; or
- (c) where in any other circumstances, the police prosecutor or other person deems it necessary or appropriate in the interest of the child offender and parties involved to exercise the power.

(3) Police investigation and adjudication before the court shall be used only as measures of last resort.

53. (1) On the apprehension of a child:-

Initial contact with the child

- (a) the parents or guardian of the child shall
 - (i) be immediately notified; or
 - (ii) notification is not possible, be notified within the shortest time possible after the apprehension of the child;
- (b) case may be, shall without delay

consider the issue of
release

(c) contacts between the
police and the child shall
be managed in such a
way as to: -

(i) respect the legal
status of the child;

(ii) avoid harm to the
child, having due
regards to the
situation of the child
and the
circumstance of the
case; and

(iii) promote the best
interest and well-
being of the child.

54. (1) Detention pending trial shall:-

Detention pending trial

(a) If possible, be replaced by
alternative measures, including
close supervision care and
placement with a family or in
an educational setting or
home.

(2) While in close supervision, a child shall be
given care, protection and all necessary assistance

including social, educational, vocational, psychological medical and physical assistance that he may require having regard to his age, sex and personality.

55. In trial of a child under this law his right of fair hearing, other rights and compliance with due process shall be observed.

*Rights to fair hearing
compliance with the
process*

56. The appropriate officer shall before a case other than that involving a minor offence is finally disposed of the court-

Social inquiry report

- (a) properly investigate: -
 - (i) the background of the child;
 - (ii) the circumstances in which the child is living; and
 - (iii) the condition under which the offence has been committed; and
- (b) inform the court of all relevant facts, relating to the child including his social and family background, school career and educational experience arising out of the investigation

under paragraph a of this subsection.

57. (1) The commissioner may cause to be inspected, from time to time, any

Inspection of children's home etc by authorized persons

- (a) children's home
- (b) premises which a child is being cared for by an appropriate authority is living.
- (c) premises in which a child who is being accommodated by or on behalf of an education authority, health authority or voluntary organization is living.
- (d) premises on which a person is acting as a child minder.
- (e) independent school providing accommodation for a child.

(2) An inspection under this section shall be conducted by a person authorized to do so by the commissioner.

(3) An officer of the state shall not be authorized as provided in subsection (2) of this section except with the consent of the state.

(4) The commissioner may require a person specified in subsection (5) of this section to furnish him with such information, or allow to inspect such records, in whatever form they are held, relating to: -

- (a) any premises to which subsection (1) of this section applies; or
- (b) a child who is living in any of the premises to which subsection (1) of this section applies; or
- (c) the discharge by the commissioner of any of these functions under this law; or
- (d) the discharge by the state of any of his functions under this law, as the commissioner may, from time to time direct

(5) The people referred to in subsection (4) of this section are: -

- (a) The State;
- (b) A voluntary organization;
- (c) The proprietor of an independents school;

- (d) A person managing children's home;
- (e) An education authority providing accommodation for a child.
- (f) A person employed in a teaching or administrative capacity.

(6) A person inspecting any home or other premises under this section may: -

- (a) inspect the children kept in the home or premises; and
- (b) make such examination into the state and management of the home or premises and the treatment of the children put in the home or premises as he thinks fit.

(7) A person authorized to inspect any premises under this section shall have a right to enter the premises for that purpose and for any purpose specified in subsection (4) of this section at any reasonable time and, if so required shall produce some authenticated documents showing his authority to do so.

(8) A person who willfully obstructs another person in the exercise of a power conferred by this section commits an offence and is liable on summary conviction to a fine not exceeding two thousand five hundred naira or imprisonment for a term not exceeding three months or to both such fine and imprisonment.

58. The commissioner may cause an inquiry to be held into any matter connected with: - *Inquiries*

- (a) the functions of the supervision inspection service in the state;
- (b) the functions of a voluntary organization, in so far as those functions relate to children;
- (c) a registered children's home or voluntary homes; and
- (c) a residential care' home, nursing home or mental nursing home, so far as it provides accommodation for children.

59. (1) The commissioner may, defray or contribute towards: *Financial support*

- (a) any fees or expenses incurred by a person undergoing approved child care training.

- (b) any fees charged and expenses incurred, by a person providing approved child care training or preparing material for use in connection with the training; and
- (c) the cause of maintaining a person undergoing approved child care training.

(2) The commissioner may make grants to a voluntary organization towards:

- (a) expenditure incurred by it in connection with the establishment, maintenance or improvement of voluntary homes which, at the time when the expenditure was incurred:
 - (i) were assisted community homes; or
 - (ii) were designated as assisted community home.
- (b) expenses incurred in respect of the borrowing of money to defray any of those expenditure.

(3) The commissioner may arrange for the provision, equipment and maintenance of homes for

the accommodation of children who are in need of particular facilities and services which: -

- (a) are or will be provided in these homes; and
- (b) In the opinion of the commissioner is unlikely to be readily available in community homes.

(4) Any grant made under this section shall be of such amount, and shall be subject to such conditions, as the commissioner may determine.

(5) An approved institution consists of approved children institutions and special mother's centers.

(6) The commissioner shall: -

*Establishment of
approved
institution*

(a) establish, in any part of the state, the following institutions to be known as approved children institutions: -

- (i) A children attendance centre
- (ii) A children centre
- (iii) A children residential centre

- (iv) A children correctional centre
 - (v) A special children correction centre;
 - (vi) Such other institutions as the commissioner may from time to time established and
- (b) Make rules for the management, up keep and inspection of the approved children institution.

(7) The commissioner may perform any other functions in relation to execution of a child rights and protection of such rights provided by this law.

FIRST SCHEDULE

I assented this 15th day of April, 2010; Time 11:40am

Chief Servant of Niger State
Dr. Mu'azu Babangida Aliyu OON
Governor of Niger State

SECOND SCHEDULE

I withheld assent this day of 2010 Time

Chief Servant of Niger State
Dr. Mu'azu Babangida Aliyu OON
Governor of Niger State

THIRD SCHEDULE

I, Mohammed A. Rijau, Clerk to the Legislature of Niger State hereby certify that this Law has been passed in accordance with sub-Section 3 of Section 100 of the constitution of the Federal Republic of Nigeria 1999. This printed impression has been carefully compared by me with the Bill," which has been passed by the Legislature and found by-me to be a true and correctly printed copy of the said Bill.

MOHAMMED A. RIJAU
Clerk to the Legislature