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**EXCERPT OF THE
LAGOS STATE
CHILD'S RIGHT LAW 2007**

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Supplement to Lagos State of Nigeria Official Gazette Extraordinary No. 22, Vol. 41 of

25th March 2008 — Part A

ASSENTED TO AT IKEJA, THIS 28TH DAY OF MAY 2007.

CHIEF BOLA AHMED TINUBU

Governor of Lagos State



Law No. 11

2007

Lagos State of Nigeria

CHILD'S RIGHTS LAW 2007

A LAW TO ENFORCE THE RIGHTS AND ADVANCE THE WELFARE OF THE CHILD, AND TO AMEND AND CONSOLIDATE ALL LEGISLATIONS RELATING TO THE PROTECTION AND WELFARE OF THE CHILD IN LAGOS STATE AND FOR OTHER CONNECTED AND INCIDENTAL PURPOSES

(28th May 2007)

THE LAGOS STATE HOUSE OF ASSEMBLY enacts as follows:

1. As from the commencement of this Law, every action concerning a child, undertaken by any Individual, Public or Private Body, Institution, Court of Law, Administrative or Legislative Authority, the best interest of the child shall be the primary consideration.
2. (i) A child shall be given protection and care as necessary for the wellbeing of the child, taking into consideration the rights and duties of the child's parents, legal guardians, individuals, institutions, services, agencies, organisations or bodies legally responsible for the child.

(ii) Every person, institution, service, agency, organisation and body responsible for the care or protection of children shall conform with the standards laid down by the appropriate authorities, particularly in the areas of safety, health, welfare, and suitability of their staff and competent supervision.
3. Every child has the right to life, survival and development.
4. (i) Every child has the right to a name and, accordingly, shall be given a name on his birth or on such other date as is dictated by the culture of his parents or guardians.

(ii) The birth of every child shall be registered.
5. Every child has the right to freedom of association and peaceful assembly in conformity with the law and in accordance with the necessary guidance and directions of his parents or guardians.
6. (i) Every child has the right to freedom of thought, conscience and religion.

- (ii) Parents and, where applicable, legal guardians shall provide guidance and direction in the exercise of these rights having regard to the evolving capacities and best interest of the child.
 - (iii) The duty of parents and, where applicable, legal guardians to provide guidance and direction in the enjoyment of the right in subsection (i) of this Section by their child or ward shall be respected by all Persons, Bodies, Institutions and Authorities.
 - (iv) Whenever the fostering, custody, guardianship or adoption of a child is in issue, the right of the child on how to practise his religion shall be of paramount consideration.
- 7.** (i) Every child is entitled to his privacy, family life, home, correspondence, telephone conversation and telegraphic communications.
- (ii) No child shall be subjected to any interference with his right in subsection (i) of this Section.
- (iii) Nothing in the provisions of subsections (i) and (ii) of this Section shall affect the rights of parents and legal guardians, to exercise reasonable supervision and control over the conduct of their children and wards.
- 8.** (i) Every child is entitled to freedom of movement in conformity with the law.
- (ii) Nothing in subsection (i) of this Section shall affect the right of a parent, and where applicable, a legal guardian or other appropriate authority to exercise control over the movement of the child in the interest of the education, safety and welfare of the child.
- 9.** (i) A child shall not be subjected to any form of discrimination merely by reason of his parents belonging to a particular community or ethnic group or by reason of his place of origin, sex, religion or political opinion.
- (ii) No child shall be subjected to any disability or deprivation merely by reason of the circumstances of his birth or that of his parents.
- 10.** Every child is entitled to respect the dignity of his person, and accordingly, no child shall be—
- (a) subjected to physical, mental or emotional injury, abuse, neglect or maltreatment, including sexual abuse;
- (b) subjected to torture, inhuman or degrading treatment or punishment; (c) subjected to attacks upon his honour or reputation; or
- (d) held in slavery or servitude, while in the care of a parent, legal guardian or school authority or any other person having authority for the care of the child.
- 11.** (i) Every child is entitled to rest and leisure and to engage in play and recreational activities appropriate to his age.
- (ii) Every child is entitled to participate fully in the cultural and artistic activities of Lagos State, Nigerian, African and world communities.
- (iii) Every Government, Person, Institution, Service, Agency, Organisation and Body, responsible for the care and welfare of a child shall, at all times, ensure adequate opportunities for the child in the enjoyment of the rights provided for the child in subsections (i) and (ii) of this Section.
- 12.** (i) Every child is entitled to enjoy the best attainable state of physical, mental and spiritual health.
- (ii) Every parent, guardian, Institution, Service, Agency, Organisation or Body responsible for the care of a child shall endeavour to provide for the child the best attainable state of health.
- (iii) Every Local Government in Lagos State shall —

- (a) endeavour to reduce infant mortality rate;
- (b) ensure the provision of necessary medical assistance and health care services to all children with emphasis on the development of primary health care;
- (c) ensure the provision of adequate nutrition and safe drinking water; (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; and
- (g) support, through technical and financial means, the mobilisation of national and local community resources in the development of primary health care for children.

(iv) Every parent, guardian or person having the care and custody of a child under the age of two years shall ensure that the child is provided with full immunization.

(v) The Court may grant, in substitution for or in addition to any penalty stipulated under subsection (v) of this Section, an order compelling the parent or guardian to get the child immunised.

13. (i) Every child has a right to parental care and protection and accordingly, no child shall be separated from his parents against the wish of the child except—

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

(ii) Every child has the right to maintenance by his parents or guardians in accordance with the extent of their means, and the child shall have the right, in appropriate circumstances, to enforce this right in the Family Court.

14. (i) Every child has the right to free, compulsory and universal basic education and it shall be the duty of the Lagos State Government to provide such comprehensive education.

(ii) Every parent or guardian shall ensure that his child or ward attends and completes his basic school education.

(iii) Every parent or guardian shall encourage his child or ward to attend and complete his secondary school education.

(iv) Every parent, guardian or person who has the care and custody of a child below the age of eighteen years, shall endeavour to send the child to a secondary school, except as provided for in sub-section (v) of this Section.

(v) Where a child to whom subsection (iv) of this Section applies is not sent to secondary school, the child shall be encouraged to learn an appropriate trade and the parent or guardian or any other person or authority in charge of the child shall provide the necessaries for learning.

(vi) 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.

- 15.** (i) Every child who is in need of special protection measures has the right to such measure that is appropriate to his physical, social, economic, emotional and mental needs and under conditions which ensure his dignity, promote his self-reliance and active participation in the affairs of the community.
- (ii) Every person, authority, body or institution having the care or the responsibility for ensuring the care of a child in need of special measure of protection shall endeavour within the available resources, to provide the child with such assistance and facilities which are necessary for his education, training, preparation for employment, rehabilitation, and recreational opportunities in a manner conducive to his achieving the fullest possible social integration, individual development and his cultural and moral development.
- 16.** (i) A child may bring an action for damages against a person for harm or injury caused to the child wilfully, recklessly, negligently or through neglect before, during or after the birth of that child.
- (ii) Where the father of an unborn child dies intestate, the unborn child is entitled to be considered in the distribution of the estate of the deceased father.
- (iii) If the mother of a new born child dies intestate before, the child is entitled to be considered in the distribution of the estate of the deceased mother.
- 17.** (i) Except as provided in this Section, no child is capable of entering into any contract.
- (ii) All contracts, except contracts for necessities, entered into by a child for repayment of money lent or for payment of goods supplied to the child, shall be absolutely void.
- (iii) Accordingly —
- (a) no action shall be brought against a child by a person after that child has attained the age of maturity to pay a debt contracted as a child or ratified or any promise of contract made as a child before maturity whether there was consideration for the promise or not after the child attained maturity.
- (b) if a child having contracted a loan which is void agrees after maturity to pay the loan, the agreement in whatever form shall be void inasmuch as it relates to money which is payable in respect of the loan.
- 18.** (i) Every child has responsibilities towards his family and society, the State and other legally recognised communities, nationally and internationally.
- (ii) It is the duty of a child, subject to his age and ability and such other limitations as shall be contained in this Law and any other law, to—
- (a) work for the cohesion of his family;
- (b) and assist them in case of need;
- (c) serve Lagos State and Nigeria as a whole by placing his physical and intellectual abilities at its service;
- (d) contribute to the moral well-being of the society;
- (e) preserve and strengthen social and national solidarity;
- (f) preserve and strengthen the independence and integrity of the State;
- (g) respect the ideals of democracy, freedom, equality, humaneness and justice for all persons;
- (h) relate with other members of the society, with different cultural values in the spirit of tolerance, dialogue and consultation;

(i) contribute to the best of his ability, at all times and at all levels, to the promotion and achievement of Lagos State, Nigerian, African and World unity; and

(j) contribute to the best of his abilities at all times and at all levels, to the solidarity of Lagosians and the Human Race.

19. Parents, guardians, institutions, persons and authorities having responsibility for the care, maintenance, upbringing, education, training, socialisation, employment and rehabilitation of children have the duty to provide the necessary guidance, education and training for children in their care such as will equip the children to secure their assimilation, appreciation and observance of the responsibilities set out in this Law.

20. No child shall be capable of contracting a valid marriage. Accordingly, a marriage so contracted shall be null and void and of no effect whatsoever.

21. (i) No parent, guardian or any other person shall betroth a child to any person.

(ii) A betrothal in contravention of subsection (i) of this Section shall be null and void and of no effect whatsoever.

22. (i) No person shall employ, expose or involve a child in the production or distribution of narcotic drugs and drugs psychotropic substances.

(ii) No person shall employ, expose or involve a child in the use of narcotic drugs or psychotropic substances.

23. 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 part of this Law.

24. No person shall remove or take a child out of the custody or protection of his father or mother, guardian or such other person having lawful care or charge of the child against the will of the father, mother, guardian or other person.

25. (i) Subject to this Law, no child shall be—

(a) subjected to any forced or exploitative labour; or

(b) employed to work in any capacity except where he is employed by a member of his family on light work of an agricultural, horticultural or domestic character approved by the Commissioner; or

(c) required, in any case, to lift, carry or move anything so heavy as to be likely to adversely affect his physical, mental, spiritual, moral or social development; or

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

(ii) No child shall be employed or work in an industrial undertaking and nothing in this subsection shall apply to work done by children in technical schools or similar approved institutions if the work is supervised by the appropriate authority.

26. No person shall buy, sell, hire, let on hire, dispose of, obtain possession of or deal in a child—

(a) with intent that the child shall be employed or used for the purpose of hawking, begging for alms, or prostitution or for any unlawful or immoral purpose; or

- (c) knowing that the child, will likely be employed or used for any purpose specified in subsection (i) of this Section.
- 27.** (i) No person shall have sexual intercourse with a child.
- (ii) Where a person is charged with an offence under this Section, it is immaterial that—
- (a) the offender believed the person to be of or above the age of eighteen years, or
- (b) the sexual intercourse was with the consent of the child.
- 28.** No person shall sexually abuse or sexually exploit a child in any manner not already specified under this Law.
- 29.** No person shall exploit a child in any other form or way not already specified in this part of this Law which is prejudicial to the welfare of the child.
- 30.** (i) No child shall be recruited into any of the branches of the Armed Forces in the Federation.
- (ii) The Government or any other relevant agency or body shall ensure that no child is directly involved in any military operation or hostilities.
- 31.** No person shall import any harmful publication as defined in this Law.
- 32.** (i) Where an information is brought before a Magistrate that a person has committed or is suspected of committing an offence under Section 33 of this Law with respect to any harmful publication, the Magistrate may issue a warrant for the arrest of that person.
- (ii) A Magistrate, if satisfied by the information substantiated on oath, that there is reasonable ground for suspecting that a person charged with or suspected of committing an offence has in his possession—
- (a) copies of any harmful publication; or
- (b) any photographic plate prepared for the purpose of printing copies of any harmful publication may grant a search warrant authorising a Police Officer named to enter (if necessary by force) any premises specified in the warrant and any vehicle, shop or stall or any place where such harmful publication may be kept, used by the said person for the purpose of any trade or business, and to search the premises, vehicle, shop or stall or any place where such harmful publication may be kept.
- (iii) The Police Officer on searching the premises, may seize any of the following items—
- (a) any copy of the harmful publication; and
- (b) any plate or photographic film which have been prepared for the purpose of printing copies of any harmful publication.