

# Nigeria

## National Child Protection Legislation

### National Legislation

- Age of Child – **Under the age of 18 years**  
[Child's Rights Act, 2003](#)  
**Sec. 277 – Interpretation**  
In this Act-  
"age of majority" means the age at which a person attains the age of eighteen years.
  - Age of Consent – **18 years of age**  
[Child's Rights Act, 2003](#)  
**Sec. 31 – Unlawful sexual intercourse with a child, etc.**  
(1) No person shall have 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 –  
(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.
  - Age of Marriage – **18 years of age**  
[Child's Rights Act, 2003](#)  
**Sec. 21 – Prohibition of child marriage**  
No person under the age of 18 years is capable of contracting a valid marriage, and accordingly a marriage so contracted is null and void and of no effect whatsoever.  
**Sec. 22 – Prohibition of child betrothal**  
(1) No parent, guardian or any other person shall betroth a child to any person.  
(2) A betrothal in contravention of subsection (1) of this section is null and void.
  - Age of Criminal Responsibility – **Under the age of 7 years**  
[Criminal Code Act 1990](#)  
**Sec. 30**  
A person under the age of seven years is not criminally responsible for any act or omission.
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- **Extraterritoriality**  
[Criminal Code Act 1990](#)  
**Sec. 12A –**  
(1) Where by the provisions of any law of a State the doing of any act or the making of any omission is constituted an offence, those provisions shall apply to every person who is in the State at the time of his doing the act or making the omission.  
(2) With regard to any such offence which is of such a nature that it comprises several elements, if any acts or omissions or events actually occur, which, if they all occurred in

the State, would constitute an offence, and any of such acts or omissions or events occur in the State, although all or some of the other acts or omissions or events which, if they occurred in the State, would be elements of the offence occur elsewhere than in the State, then-

- (a) if the act or omission, which in the case of an offence committed wholly in the State would be the initial element of the offence, occurs in the State, the person who does that act or makes that omission is guilty of an offence of the same kind and is liable to the same punishment as if all the subsequent elements of the offence had occurred in the State; and
- (b) if that act or omission occurs elsewhere than in the State, and the person who does that act or makes that omission afterwards comes into the State, he is by such coming into the State guilty of an offence of the same kind and is liable to the same punishment, as if that act or omission had occurred in the State and he had been in the State when it occurred.

But in any such case it is a defence to the charge to prove that the Focused person did not intend that the act or omission should have effect in the State. This subsection does not extend to a case in which the only material event that occurs in the State is the death in the State of a person whose death is caused by an act, done or omitted to be done, at a place not in the State and at a time when he was not in the State.

### **Sec. 13**

- (1) Any person who, having while out of Nigeria procured another to do or omit to do in Nigeria an act of such a nature that if he had himself done the act or made the omission in Nigeria, he would have been guilty of an offence, afterwards comes into Nigeria, is by such coming into Nigeria guilty of an offence of the same kind, and is liable to the same punishment, as if he himself had done the act or made the omission in Nigeria.

Any person who, having while out of Nigeria counselled or procured the commission of an offence which is actually committed in Nigeria, afterwards comes into Nigeria, is by such coming into Nigeria guilty of an offence of the same kind, and is liable to the same punishment, as if he had been in Nigeria when the offence was committed.

- (2) In this section, "offence" means an offence against any Federal law.

### ▪ **Dual Criminality**

#### [Extradition Act](#)

#### **Sec. 20 – Returnable offences**

- (1) A fugitive criminal may only be returned for a returnable offence.
- (2) For the purposes of this Act, a returnable offence is an offence however described, which is punishable by imprisonment for two years or a greater penalty both in Nigeria as well as the Commonwealth country seeking his surrender.

### ▪ **Mandatory reporting requirements**

**No information found.**

### ▪ **Obligations of Educational Institutions**

#### [Teachers Registration Council of Nigeria Act](#)

*Note: "Committee" means the Teachers Disciplinary Committee established by Sec. 9 of this Act.*

#### **Sec. 10 – Penalties for unprofessional conduct, etc.**

- (1) Where-

- (a) a member is judged by the Committee to be guilty of infamous conduct in any professional respect; or
  - (b) a member is convicted, by any court or tribunal in Nigeria or elsewhere having power to award imprisonment, of an offence (whether or not punishable with imprisonment) which in the opinion of the Committee is incompatible with the status of a teacher; or
  - (c) the Committee is satisfied that the name of any person has been fraudulently registered,
- the Committee may, if it thinks fit, give a direction reprimanding that person or ordering the registrar to strike his name off the relevant part of the register.
- (7) A person whose name is removed from the register in pursuance of a direction of the Committee under this section, shall not be entitled to be registered again except in pursuance of a direction in that behalf given by the Committee on the application of that person; and a direction under this section for the removal of a person's name from the register, may prohibit an application under this subsection by that person until the expiration of such period from the date of the direction (and where he has duly made such an application, from the date of his last application) as may be specified in the direction.

#### **Sec. 11 – Duty to report**

- (1) It shall be the duty of the head of an educational institution to report any misconduct by a registered member to the Panel.
- (2) A person in breach of the provisions of subsection C l) of this section shall be guilty of an offence and liable on conviction to a fine of NI 000 or to imprisonment for a term of three months.

#### **Sec. 12 – When person is deemed a registered member**

A person shall be deemed to practice as a registered teacher if, in consideration of remuneration received or to be received, and whether by himself or in partnership with any other person-

- (a) he engages himself in teaching or holds himself out to the public as a teacher; or;
- (b) he renders any other service which may by regulations made by the Council with the approval of the Minister be designated as service constituting teaching.

#### **Sec. 13 – Rules as to practising fees, etc.**

- (1) The Council may make rules-
  - (a) for the training of suitable persons in teaching practice and method;
  - (b) for the supervision and regulations of the engagement, training and transfer of such persons; and
  - (c) for the fees to be paid by registered members.
- (2) The Council may also make rules prescribing the amount and due date for payment of the annual subscription and for such purposes different amounts may be prescribed by the rules according to whether the registered member of the profession is a qualified or an auxiliary teacher.
- (3) Rules when made under this section shall, if the chairman of the Council so directs, be published in the newspapers.

#### ▪ **Prohibition to hold certain positions**

No information found.

- **Employment Law**

- [Labour Act](#)

- Sec. 9 – Contracts general**

- (7) A contract shall be terminated-

- (a) by the expiry of the period for which it was made; or
    - (b) by the death of the worker before the expiry of that period; or
    - (c) by notice in accordance with section 11 of this Act or in any other way in which a contract is legally terminable or held to be terminated.

- Sec. 11 – Termination of contracts by notice**

- (1) Either party to a contract of employment may terminate the contract on the expiration of notice given by him to the other party of his intention to do so.

- **Criminal Law - Defamation**

- [Criminal Code Act 1990](#)

- Sec. 60**

- Any person who, without such justification or excuse as would be sufficient in the case of the defamation of a private person, publishes anything intended to be read, or any sign or visible representation, tending to expose to hatred or contempt in the estimation of the people of any foreign State any person exercising sovereign authority over that State is guilty of a misdemeanor, and is liable to imprisonment for two years.

- Sec. 373**

- (1) Defamatory matter is matter likely to injure the reputation of any person by exposing him to hatred, contempt, or ridicule, or likely to damage any person in his profession or trade by an injury to his reputation.

- Such matter may be expressed in spoken words or in any audible sounds, or in words legibly marked on any substance whatever, or by any sign or object signifying such matter otherwise than by words, and may be expressed either directly or by insinuation or irony.

- It is immaterial whether at the time of the publication of the defamatory matter, the person concerning whom such matter is published is living or dead:

- Provided that no prosecution for the publication of defamatory matter concerning a dead person shall be instituted without the consent of the Attorney-General of the Federation.

- (a) in the case of spoken words or audible sounds, the speaking of such words or the making of such sounds in the hearing of the person defamed or any other person;
    - (b) in other cases, the exhibiting it in public, or causing it to be read or seen, or showing or delivering it, or causing it to be shown or delivered, with intent that it may be read or seen by the person defamed or by any other person.
  - (2) Sounds where recorded shall, if defamatory, be deemed to be published if reproduced in any place to the hearing of persons other than the person causing it to be reproduced.
  - (3) In this section-  
"recorded" means sounds collected or stored by means of tape, disc, cylinder or other means whatsoever, where the sounds are capable of being reproduced or are intended for

reproduction by electrical or mechanical means at any time or from time to time thereafter, and includes the matrix, and cognate expressions shall have the like meaning; "sound" includes speech and mere noise.

▪ **Private Fostering**

[Child's Rights Act, 2003](#)

**Sec. 120 – Private arrangement for fostering children**

- (1) For the purposes of this Part of this Act and subject to subsection (2) of this section -
  - (a) a child shall be deemed to be fostered privately if he is cared for, and provided with accommodation by a person other than-
    - (i) a parent of the child; or
    - (ii) any other person who has parental responsibility for the child, or
    - (iii) a relative of the child; and -
  - (b) a person shall be deemed to foster a child privately if he cares for the child in circumstances in which the child is fostered privately as defined under paragraph (a) of this subsection.
- (2) A child is not fostered privately if the person caring for and accommodating the child has done so for a period of less than twenty-eight days and does not intend to do so for any longer period.
- (3) The provisions in Part III of Fourth Schedule to this Act shall have effect for the purpose of supplementing the provisions of this section.

**Sec. 121 – Welfare of a child fostered privately**

- (1) Every State Government shall-
  - (a) satisfy itself that the welfare and best interest of a child who is fostered privately within the State are satisfactorily safeguarded and promoted; and
  - (b) ensure that persons caring for that child are given such advice as appears to the State Government to be needed.
- (2) Where a person who is authorised by a State Government to visit a child who is fostered privately has reasonable cause to believe that a child who is or is proposed to be fostered privately is being accommodated in premises within the State, may, at any reasonable time, inspect those premises and any child accommodated therein,
- (3) A person exercising the power under subsection (2) of this section shall, if so required, produce some duly authenticated document showing his authority to do so.
- (4) Where an officer of the State Government is not satisfied that the welfare of a child who is fostered privately within the State is satisfactorily safeguarded or promoted, he shall-
  - (a) unless he considers that it would not be in the best interest of the child, take such steps as are reasonably practicable to secure that the care and accommodation of the child is undertaken by-
    - (i) a parent of the child, or
    - (ii) any other person who has parental responsibility for the child, or
    - (iii) a relative of the child, and
  - (b) consider the extent to which, if at all, they shall exercise any of their powers under this Act with respect to the child.
- (5) The Minister may make regulations-
  - (a) requiring every child who is fostered privately within a State to be visited by an officer of State Government-
    - (i) in prescribed circumstances, and
    - (ii) on specified occasions or within specified periods; and

- (b) imposing requirements which are to be met by any State officer in carrying out his functions under this section.

**Sec. 122 – A person disqualified from fostering a child privately**

- (1) A person shall not foster a child privately if he is disqualified from doing so by regulations made by the Minister for the purposes of this section, unless he has disclosed the fact to the appropriate authority and obtained its written consent.
- (2) The regulations shall, in particular, provide for a person to be so disqualified where-
  - (a) an order of a kind specified in the regulations has been made at any time-
    - (i) with respect to that person, or
    - (ii) with respect to a child who has been in the care of that person;
  - (b) a requirement of a kind so specified has been imposed by an enactment;
  - (c) he has been convicted of an offence of a kind so specified, or has been placed on probation or discharged absolutely or conditionally for any offence;
  - (d) a prohibition has been imposed on him at any time under section 123 of this Act or under any other specified enactment;
  - (e) his rights and powers with respect to a child have at any time been vested in a specified authority under a specified enactment.
- (3) A person shall not foster a child privately if-
  - (a) he lives in the same household as a person who is himself prevented from fostering a child by subsection (i) of this section; or
  - (b) he lives in a household at which any such person is employed, unless he has disclosed the fact to the appropriate authority and obtained their written consent.
- (4) Where an appropriate authority refuses to give its consent under this section, it shall inform the applicant by a written notice-
  - (a) the reason for the refusal;
  - (b) the applicant's rights to appeal against the refusal; and
  - (c) the time within which he may appeal.
- (5) The form set out in Part IV of the Fourth Schedule to this Act and the provisions contained in Part V and VI of that Schedule shall be used and have effect for the purposes of this section and this Part of this Act.

**Sec. 123 – Power of State Government to prohibit private fostering**

- (1) This section applies where a person-
  - (a) proposes to foster a child privately; or
  - (b) is fostering a child privately.
- (2) Where the State Government in whose State the child is proposed to be, or is being fostered, is of the opinion that-
  - (a) a person is not a suitable person to foster a child; or
  - (b) the premises in which the child will be, or is being accommodated, are not suitable; or
  - (c) it would be prejudicial to the welfare of the child for him to, or continue to be, accommodated by that person in those premises, the State Government may impose on him a prohibition specified under subsection (3) of this section.
- (3) A prohibition imposed on a person under subsection (2) of this section may prohibit him from fostering privately-
  - (a) any child in any premises within the State; or
  - (b) any child in premises specified in the prohibition; or
  - (c) a child identified in the prohibition, in premises specified in the prohibition.
- (4) A State Government which has imposed a prohibition on any person under subsection (2) of this section, may, if it thinks fit, cancel the prohibition-
  - (a) of its own motion; or

- (b) on an application made by that person, if it is satisfied that the prohibition is no longer justified.
- (5) A prohibition imposed under this section shall be imposed by notice in writing addressed to the person on whom it is imposed and informing him of-
  - (a) the reason for imposing the prohibition;
  - (b) his right to appeal against the prohibition; and
  - (c) the time within which he may appeal.

## Sexual Offenses Against Children

### [Child's Rights Act, 2003](#)

#### **Sec. 11 – Right to dignity of the child**

Every child is entitled to respect for 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.

#### **Sec. 30 – Prohibition of buying, selling, hiring or otherwise dealing in children for the purpose of hawking or begging for alms or prostitution, etc.**

- (1) No person shall buy, sell, hire, let on hire, dispose of or obtain possession of or otherwise deal in a child.
- (2) A child shall not be used –
  - (a) for the purpose of begging for alms, guiding beggars, prostitution, domestic or sexual labor or for any unlawful immoral purpose; or
  - (b) as a slave or for practice similar to slavery such as sale or trafficking of the child, debt bondage or serfdom and forced or compulsory labor;
  - (c) for hawking of goods or services on main city streets, brothels or highways;
  - ...
  - (e) procured or offered for prostitution or for the production of pornography or for any pornographic performance; ...

#### **Sec. 31 – Unlawful sexual intercourse with a child, etc.**

- (1) No person shall have 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–
  - (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.

#### **Sec. 32 – Forms of sexual abuse and exploitation**

- (1) A person who sexually abuses or sexually exploits a child in any manner not already mentioned under this part of this act commits an offence.
- (2) A person who commits an offence under subsection (1) of this section is liable on conviction to imprisonment for a term of fourteen years.

#### **Sec. 33 – Other forms of exploitation**

- (1) A person who exploits a child in any other form or way not already mentioned in this Part of this Act which is prejudicial to the welfare of the child commits an offence.
- (2) A person who commits an offence under subsection (1) of this section is liable on conviction to a fine of five hundred thousand naira or imprisonment to a term of five years, or to both such fine and imprisonment.

### Sexual Offenses Bill

#### **Sec. 7**

- (1) A person who commits an act which causes penetration with a child is guilty of an offence called defilement
- (2) A person who commits an offence of defilement with a child aged eleven years or less shall upon conviction be sentenced to imprisonment for life
- (3) A person who commits an offence of defilement with a child between the age of twelve and fifteen years is liable upon conviction to imprisonment for life
- (4) A person who commits an offence of defilement with a child between the age of sixteen and eighteen years old is liable upon conviction to imprisonment for life.

#### **Sec. 10**

- (1) Any person who commits an indecent act with a child is guilty of the offence of committing an indecent act with a child and is liable upon conviction to imprisonment for a term of not less than ten years

### Cybercrimes (Prohibition, Prevention, Etc.) Act, 2015

#### **Sec. 23 – Child pornography and related offences**

- (1) Any person who intentionally uses any computer system or network in or for--
  - (a) producing child pornography;
  - (b) offering or making available child pornography;
  - (c) distributing or transmitting child pornography;
  - (d) procuring child pornography for oneself or for another person;
  - (e) possessing child pornography in a computer system or on a computer--data storage medium: commits an offence under this Act and shall be liable on conviction--
    - (i) in the case of paragraphs (a),(b)and (c) to imprisonment for a term of 10 years or a fine of not more than N20,000,000.00 or to both fine and imprisonment; and
    - (ii) in the case of paragraphs(d) and (e) of this subsection, to imprisonment for a term of not more than 5 years or a fine of not more than N10,000,000.00 or to both such fine and imprisonment.
- (2) Any person who knowingly makes or sends other pornographic images to another computer by way of unsolicited distribution shall be guilty of an offence and upon conviction shall be sentenced to One year imprisonment or a fine of Two Hundred and Fifty Thousand Naira or both.
- (3) Any person who, intentionally proposes, grooms or solicits, through any computer system or network, to meet a child for the purpose of:
  - (a) engaging in sexual activities with the child;
  - (b) engaging in sexual activities with the child where--
    - (i) use is made of coercion, inducement, force or threats;
    - (ii) abuse is made of a recognized position of trust, authority or influence over the child, including within the family; or
    - (iii) abuse is made of a particularly vulnerable situation of the child, mental or physical disability or a situation of dependence;
  - (c) recruiting, inducing, coercing, exposing, or causing a child to participate in pornographic performances or profiting from or otherwise exploiting a child for such purposes; commits an offence under this Act and shall be liable on conviction--
    - (i) in the case of paragraphs (a) to imprisonment for a term of not more than 10 years and a fine of not more than N15,000,000.00; and
    - (ii) in the case of paragraphs(b) and(c) of this subsection, to imprisonment for a term of not more than 15 years and a fine of not more than N25,000,000.



- (4) For the purpose of subsection (1) above, the term “child pornography” shall include pornographic material that visually depicts-
  - (a) a minor engaged in sexually explicit conduct;
  - (b) a person appearing to be a minor engaged in sexually explicit conduct; and
  - (c) realistic images representing a minor engaged in sexually explicit conduct.
- (5) For the purpose of this section, the term “child” or “minor” means a person below 18 years of age.

### [Violence Against Persons \(Prohibition\) Act, 2015](#)

#### **Sec. 1 – Definition of Rape**

- (1) A person commits the offence of rape if-
  - (a) he or she intentionally penetrates the vagina, anus or mouth of another person with any other part of his or her body or anything else;
  - (b) the other person does not consent to the penetration; or
  - (c) the consent is obtained by force or means of threat or intimidation of any kind or by fear of harm or by means of false and fraudulent representation as to the nature of the act or the use of any substance or additive capable of taking away the will of such person or in the case of a married person by impersonating his or her spouse.
- (2) A person convicted of an offence under subsection (1) of this section is liable to imprisonment for life except -
  - (a) where the offender is less than 14 years of age, the offender is liable to a maximum of 14 years imprisonment;
  - (b) in all other cases, to a minimum of 12 years imprisonment without an option of fine; or
  - (c) in the case of rape by a group of persons, the offenders are liable jointly to a minimum of 20 years imprisonment without an option of fine.
- (3) The Court shall also award appropriate compensation to the victim as it may deem fit in the circumstance.
- (4) A register for convicted sexual offenders shall be maintained and accessible to the public.

#### **Sec. 6 – Prohibition of female circumcision or genital mutilation**

- (1) The circumcision or genital mutilation of the girl child or woman is hereby prohibited.
- (2) A person who performs female circumcision or genital mutilation or engages another to carry out such circumcision or mutilation commits an offence and is liable on conviction to a term of imprisonment not exceeding 4 years or to a fine not exceeding N200,000.00 or both.
- (3) A person who attempts to commit the offence provided for in subsection (2) of this section commits an offence and is liable on conviction to a term of imprisonment not exceeding 2 years or to a fine not exceeding N100,000.00 or both.
- (4) A person who incites, aids, abets, or counsels another person to commit the offence provided for in subsection (2) of this section commits an offence and is liable on conviction to a term of imprisonment not exceeding 2 years or to a fine not exceeding N100,000.00 or both.

### [Trafficking in Persons \(Prohibition\) Enforcement and Administration Act, 2015](#)

#### **Sec. 13**

- (1) All acts of human trafficking are prohibited in Nigeria.
- (2) Any person who recruits, transports, transfers, harbours or receives another person by means of-
  - (a) threat or use of force or other forms of coercion;
  - (b) abduction, fraud, deception, abuse of power or position of vulnerability; or
  - (c) giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation of that person, commits an offence and is

- liable on conviction to imprisonment for a term of not less than 2 years and a fine of not less than N250,000.00.
- (3) For the purpose of sub-section (2)(c), abuse of a position of vulnerability includes intentionally using or otherwise taking advantage of an individual's personal, situational or circumstantial vulnerability to recruit, transport, transfer, harbour or receive that person for the purpose of exploiting him or her, such that the person believes that submitting to the will of the abuser is the only real or acceptable option available to him or her and that this belief is reasonable in the light of the victim's situation.
- (4) A person who in or outside Nigeria directly or indirectly—
- (a) does or threatens any act preparatory to or in furtherance of an act of trafficking in persons;
  - (b) omits to do anything that is reasonably necessary to prevent an act of trafficking in persons;
  - (c) assists or facilitates the activities of persons engaged in acts of trafficking in persons or is an accessory to any offence under this Act;
  - (d) procures any other person by any means to commit an offence under this Act;
  - (e) participates as an accomplice in the commission of a offence under this Act; or
  - (f) promises or induces any other person by any means to commit any of the offences referred to in this Act, commits an offence under this Act and is liable on conviction to imprisonment for a term of not less than 5 years and a fine of not less than N1,000,000.00.
- (5) The consent of a victim of trafficking in persons to the intended exploitation set forth in the definition of trafficking in persons in this Act shall be irrelevant where any of the means set forth in the definition has been used.
- (6) The recruitment, transportation, transfer, harboring or receipt of a child for the purpose of exploitation shall be considered trafficking in persons even if this does not involve any of the means set forth in the definition of trafficking in persons in this Act.

#### **Sec. 15**

Any person who—

- (a) by the use of deception, coercion, debt bondage or any means, induces any person under the age of 18 years to go from one place to another to do any act with intent that such person may be, or knowing that it is likely that the person will be forced or seduced into illicit intercourse with another person, or
- (b) keeps, detains or harbours any other person with intent, knowing or having reason to know that such a person is likely to be forced or induced into prostitution or other forms of sexual exploitation with or by any person or an animal, commits an offence and is liable on conviction to imprisonment for 5 years and a fine of N500,000.00.

#### **Sec. 16**

- (1) Any person who procures or recruits any person under the age of 18 years to be subjected to prostitution or other forms of sexual exploitation with himself, any person or persons, either in Nigeria or anywhere else, commits an offence and is liable on conviction to imprisonment for a term of not less than 7 years and a fine of not less than N1, 000,000.00.
- (2) Any person who procures or recruits any person under the age of 18 years to be conveyed from his usual place of abode, knowing or having reasons to know that such a person may be subjected or induced into prostitution or other forms of sexual exploitation in any place outside Nigeria, commits an offence and is liable on conviction to imprisonment for a term of not less than 7 years and a fine of not less than N1,000,000.00.

**Sec. 17**

- (1) Any person who-
  - (a) procures, recruits, uses or offers any person under the age of 18 years for the production of pornography or for pornographic performances ;
  - (b) allows a person under the age of 18 years to be harboured in a brothel, commits an offence and is liable on conviction to imprisonment for a term of not less than 7 years and a fine of not less than ~~N~~ 1,000,000.00.
- (2) Notwithstanding the punishment prescribed in subsection (1) of this section, a convicted person under this section shall, in addition to the prescribed punishment, be liable to a term of not less than 1 year imprisonment where he administered or stupefied the victim with any drug substance.