



**STATE OF NIGERIA**  
**2017, LAW NO. 19**

A Law to institute in Imo State, policies aimed at eliminating all forms of monetary transactions on babies, providing penalties and sanctions for their violation, establishing the necessary institutional mechanisms for the protection and support of such babies and other related matters.

*Long Title*

BE IT ENACTED by the Imo State House of Assembly of Nigeria as follows –

*Enactment*

1. This Law may be cited as the Imo State Protection of Babies Law, 2017.

*Citation*

2. In this Law unless the context otherwise requires –

*Interpretation*

“Law Enforcement Agencies” include the Nigerian Police, the Nigerian Security and Civil Defence Corps (NSCDC), the Nigerian Army, etc;

“Licensed Establishments” include Motherless Babies Homes, Hospitals, Clinics, Maternity Homes, Orphanage homes, etc, that have been granted operational licenses by the State Government;

“Ministry” means the Ministry in charge of Women Affairs and Social Development in the State,

“State” means Imo State of Nigeria;

“State Government” means Imo State Government;

“Worship Center” means a place where people gather together to worship such as a Church, Synagogue or Mosque, etc.

3. It is hereby declared that the State values the dignity of every individual as enshrined in section 34(1)(a) of the 1999 Constitution of the Federal Republic of Nigeria (as amended) and in pursuit of this, the State shall aim to eliminate all acts of monetary transactions on babies and protect babies from the threat of inhuman and degrading treatments.

*Declaration  
of Policy*

4. To give effect to the provisions of section 3 of this Law, it shall be unlawful for any person, natural or juridical to commit any of the following acts -

*Prohibition of  
certain acts  
that  
constitute the  
offence of  
monetary  
transactions  
on babies*

- (a) to hire, recruit or solicit a pregnant woman to bear a baby for the purpose of selling the baby or using the baby for any other illegal purposes after delivery;
- (b) to enter into an agreement with a pregnant woman to provide for, compensate monetarily, harbour, accommodate and/or maintain such a pregnant woman by whatever means including those done voluntarily, by coercion or by force for the purpose of selling or disposing of the baby under any guise including adoption after delivery. It shall be immaterial that a pregnant woman had no financial capacity to take care of herself or the baby;
- (c) to operate a licensed or unlicensed establishment where pregnant women are harboured, accommodated and maintained with the intention of taking possession of their babies after delivery to sell or dispose of the babies in exchange for some pecuniary consideration being offered to the pregnant women. It shall be immaterial that --
- (i) the establishments referred to in paragraph (c) of this section got involved to recoup the money spent on the



upkeep, maintenance and/or medical treatment of the pregnant women; or

- (ii) the parties were ignorant of the fact that their action is unlawful;
  - (d) to operate a worship centre where pregnant women are harboured, accommodated and/or maintained with the intention of selling or disposing of the babies by whatever means after delivery. It shall be immaterial that the person in charge of a worship centre was taking care of the spiritual needs of the pregnant women;
  - (e) to actually sell babies born under the circumstances listed in paragraphs (a), (b), (c) and (d) of this Section;
  - (f) to adopt or facilitate the adoption of babies from establishments other than those licensed by the State Government to engage in adoption processes or to go against the guidelines prescribed by the State Government for adoption in the case of operators of licensed homes and establishments; and
  - (g) to solicit and acquire custody of a baby through any illegal means from places such as Day Care Centres, Nurseries, Crèches and from parents.
- 5(1) Whoever knowingly aids or abets in the execution of any of the acts listed in Section 4 of this law is guilty of an offence.
- (2) Whoever has knowledge of the commission of any of the acts listed in Section 4 above, without having participated therein either as the principal or an accomplice and does not make a report of any of those acts to the Law Enforcement Agencies is guilty of an offence.

*Aiding and  
abetting of  
offences of  
Transactions  
on Babies*

6 Any person who has personal knowledge of the commission of any offence under this Law may file a complaint to any of the Law Enforcement Agencies and they shall, as soon as the complaint is made, make necessary arrangements to commence investigations into the complaint”

*Complaint to  
the Law  
Enforcement  
Agencies*

7(1) Any person who commits any of the offences listed in Section 4 of this Law shall on conviction be liable to five (5) years imprisonment whether or not such a person is an official of –

*Penalties and  
sanctions*

(a) a licensed establishment;

(b) an unlicensed establishment;

(c) a worship centre; or

(d) an establishment owned and operated by the State or Local Government; and

(i) in the case of a licensed establishment, a fine of five Million Naira (₦5,000,000) only; loss of operating license and forfeiture of the premises to the State Government;

(ii) in the case of an unlicensed establishment, a fine of five Million Naira (₦5,000,000) only and immediate sealing and closure of the establishment as well as forfeiture of the Premises to the State Government;

(iii) in the case of a worship centre, a fine of five Million Naira (₦5,000,000) only in addition to the premises of the worship centre being permanently closed and forfeited to the State Government; and

(iv) in the case of an establishment owned and operated by the State or Local Government the termination of appointment of any staff found liable.

(2) Any person who commits any of the offences listed in Section 5 of this Law shall be treated as a principal offender



and shall be liable on conviction to five years imprisonment or a fine of Five Million Naira (₦5,000,000) only or to both such term of imprisonment and fine

8.(1) A mother who is under investigation for an offence under this Law shall have custody of her baby during the period of such investigation and subsequent trial in court except where there are cogent and compelling reasons to show that the mother cannot adequately take care of the baby, in which case, the Ministry in charge of Women Affairs and Social Development in the State shall place the baby in a licensed motherless babies home at the expense of the State Government pending the final determination of the suit.

*Custody of  
Babies where  
mothers are  
under  
investigation  
or have been  
convicted*

(2) Where a mother is found guilty and is convicted of an offence under this Law, the custody of her baby shall be granted to any close relative of the baby who applies for such custody after hearing to determine the suitability or otherwise of the applicant:  
Where no such application is made by any of the baby's relatives, the baby shall be handed over to the Ministry in charge of Women Affairs and Social Development in the State for placement in any licensed motherless babies home at the expense of the State Government until such a time that the mother serves out her sentence: and shall be at liberty to apply for custody of the baby.

This printed impression has been carefully compared by me with the Bill which has been passed by the House of Assembly and found by me to be a true and correct printed copy of the said Bill.

**BARR. CHRISTOPHER O. DURU**  
Clerk of the House of Assembly  
Imo State of Nigeria

Assented to by me this ..... day of ....., 2017



**OWELLE ANAYO ROCHAS OKOROCHA, OON**  
Governor  
Imo State of Nigeria

Assent withheld by me this ..... day of ....., 2017

**OWELLE ANAYO ROCHAS OKOROCHA, OON**  
Governor  
Imo State of Nigeria

Passed again by the Imo House of Assembly by two-thirds majority this .....  
Day of ....., 2017.



**RT. HON. IHIM IHEANACHO CELESTINE**  
Speaker  
Imo State House of Assembly