

**SPECIAL RAPPORTEUR
ON THE SALE OF CHILDREN, CHILD
PROSTITUTION AND CHILD
PORNOGRAPHY**



**SPECIAL REPRESENTATIVE
OF THE SECRETARY-GENERAL ON VIOLENCE
AGAINST CHILDREN**

12 August 2010

Dear Sir or Madam,

We have the honour to address you pursuant to Resolution 13/20 in which the Human Rights Council:

*“Invites the Special Rapporteur on the sale of children, child prostitution and child pornography and the Special Representative to the Secretary-General on Violence against Children to cooperate on themes of mutual interest within their respective mandates and to report to the Council at its sixteenth session on **effective and child-sensitive counselling, complaint and reporting mechanisms to which children can safely report incidents of violence, including sexual violence and exploitation**; and invites them in so doing, to cooperate with States and relevant partners such as the Committee on the Rights of the Child, the Special Representatives of the Secretary-General for Children in Armed Conflict and on Sexual Violence in Conflict, national human rights institutions and ombudspersons for children, United Nations agencies, regional organizations, civil society organizations and children themselves.”*

In this regard, we kindly request the collaboration of your organization and invite you to provide all relevant information and/or documentation on the issue of effective and child-sensitive counselling, complaint and reporting mechanisms to which children can safely report incidents of violence, including sexual violence and exploitation. It would be particularly helpful to receive the following information from your organization:

A. Name and date of creation:

National Human Rights Commission, 1995

B. Status of the institution (to tick)

- Separate or autonomous institution, established by law, with reference to the Convention on the rights of the child
- *Institution integrated in a general human rights institution (Human Rights Commission / Mediator / General Ombudsperson) without specific legislation
- Conformity with the Paris Principles and General Comment no. 2 of the Committee on the Rights of the Child

C. Mandate and Competences

- Which general principles are contained in the mandate of the institution?
 - Which laws? Which treaties? - National Human Rights Act 1995, Constitution of the Federal Republic of Nigeria, United Nations Charter, Universal Declaration of Human Rights, and other

international treaties on Human Rights to which Nigeria is a signatory. This includes the Convention on the Rights of the Child.

- Affirmation of the principle of independence?

Independent in line with the Law setting up the Commission and the Paris Principles.

- Best interests of the child? – The Commission has the rights of the child as one of its thematic areas of focus. It also works in line with the Child Rights Act 2003.

- What is its overall mission? The National Human Rights Commission is established to create an enabling environment for the promotion, protection and extra-judicial recognition and enforcement of human rights.

➤ Which powers has it been attributed?

- Jurisdiction: public sector/private sector? Both

- Powers of investigation:

- Referral powers different than those for adults? Can it take up cases as of right? Yes.

- Visit places for children without need for prior - authorization (detention centres, schools, hospitals, workplaces, children's centres, etc.) - Yes

- Obligation for other actors to provide documentation and/or testimony upon request? – No with present law, but with the amendment of the NHRC Act just passed by parliament and awaiting presidential assent, yes.

- Possibility for the institution to refer a case to the courts? - No with present law, but with the amendment of the NHRC Act just passed by parliament and awaiting presidential assent, yes.

- Advice and recommendations on laws and policies:

- Possibility for the institution to make recommendations regarding the adoption of or amendments to laws, in particular with respect to the right to effective protection from violence and sexual exploitation? - Yes

- Possibility for the institution to provide advice on draft laws in order to ensure conformity with the Convention on the Rights of the Child, in particular with respect to the right to effective protection from violence and sexual exploitation? – Yes,

- Responsibility to promote child participation and taking children's views into account in all matters affecting them? - Yes as provided by the Child Rights Act 2003.

- Responsibility to promote human rights/child rights education? – Yes as provided by the NHRC Act and the Child Rights Act 2003.

- Advice provided to children directly? – Yes at human rights programs for schools.

➤ Is a system/mechanism of individual complaints established and operational within the institution? - Yes as provided by the NHRC Act through the complaints handling mechanism.

D Level of intervention (to tick)

- *Regional
- *National

- Local

E. Functioning of the institution

- How is the head of the agency appointed? **By the President of Nigeria**
 - a. Which authorities are involved in the process? What is the role of civil society in such a process? Child participation? – **CSO's are members of the NHRC Governing Council. No child participation in the process.**
 - b. Conditions of eligibility? (age, functions, competencies) – **Appointees must have experience in human rights issues.**
 - c. Conflicts of interest? – **Not applicable.**
 - d. Conditions of resignation? - **The President may remove any member of the council if he is satisfied that it is not in the interest of the public that the member should remain in the office.**
 - How is the staff selected? – **Through interviews process.**
 - e. Child rights specialists?- **The Commission has governing council members as Special Rapporteurs on child rights and staff members as programme officers on child rights issues.**
 - f. Lawyers? Psychologists? Social Workers? – **Yes as staff of the Commission.**
 - g. Full time or part time staff? – **full time staff**
 - If there is a complaints mechanism within the institution, how is its budget allocated? **Budget is allocated to the Commission by the government. The Commission allocates funds to its activities.**
 - h. Portion of the overall budget of the institution? **Yes**
 - i. Budget for a hotline? **Yes, the Commission in partnership with the Nigeria Bar association and an NGO , with support of funders has set up Rights Nigeria Call Centre for a 24 hour service.**
- Allocated by the Executive? By Parliament? **Both**
- *Possibility to raise funds from other sources? (eg. private sector, international organizations, NGOs, etc) **Yes**

F. Participation of civil society and of children in the functioning of the complaints mechanism

- Specific system for child participation? Representation of children within the institution? If so, of what nature? Representation of girls or of children in difficult circumstances? – **The Programme Officer on child issues and the staff handling children and women issues in the complaints department deal with issues relating to children. Most of the complaints are brought by the parents or extended families of the children.**
- Mechanism of coordination/advice involving civil society? - **No**
- What is the nature of cooperation between the institution and civil society organizations? Possibility of signing agreements? **Partnership/ collaborative projects to do with complaints handling e.g complaints involving torture or child abuse.**

Insofar as an individual complaints mechanism is in place:

G. Accessibility

- To all children, without discrimination? Means by which children can access the mechanism and that are known to them (address, hotline, sms) – [All and written complaints and visits to the Commission offices.](#)
- Physical accessibility: child-friendly reception (trained staff and child-friendly space)? - [Yes](#)
- Geographic accessibility (local branches? In areas frequented by children?) Does the mechanism depend on existing structures (NGOs, schools)? Effectiveness? Relationship between the national and local levels? – [The Commission has 6 Zonal offices in the country and complaints are received there also. Need for more local offices to reach out to the Communities.](#)
- Practical/material accessibility (languages; access by children with disabilities) - [Yes](#)
- Activities in place to provide information and advice to children, in a child-sensitive manner, particularly to child victims of sexual violence or exploitation? – [Yes, through schools human rights clubs activities.](#)
- Dissemination of information on the role and existence of the complaints mechanism to potential users? – [Through media Jingles, Newsletters and IEC Materials.](#)

H. Protection

- Description of allegations received and processed regarding violence against children, particularly cases of sexual violence and exploitation (numbers, nature, form)- [Child Abuse and Child Abandonment, 220](#)
- Proactive in visiting structures and private spaces? (number, reports, results obtained) – [Yes, the Commission in partnership with UNICEF visits prisons, remand homes, children’s homes in Nigeria.](#)
- Contribution to child protection policies (legislative reform, child protection strategies)? – [Spearheaded advocacy/ sensitization on the passage of Nigerian Child Rights Act](#)

I. Confidentiality and protection of the child’s right to privacy

- How does your institution ensure the protection of the confidentiality of the child? – [Through capacity building of staff handling child issues.](#)
- What are the procedures for archiving documents?- [Not applicable](#)
- What kind of relationships does your institution establish with parents/tutors of children? – [Through schools human rights clubs the Commission builds up its relationships with the teachers.](#)
- Are there any mechanisms of coordination with NGOs, associations or institutions for children? With other human rights mechanisms? - [No](#)

J. Follow-up / Evaluation

- Follow-up of judicial procedures? – [Through National Child Rights implementation Committee at the National and State Level](#)
- Follow-up of child victims, particularly child victims of sexual violence and exploitation? – [By child rights programme officers at the Commission..](#)
- Obligation of annual reporting? If so, to which authorities? – [Yes to the government through the Justice ministry and also to the Nigerian Bar Association.](#)

K. Challenges, Good practices and Recommendations –

The Special Rapporteur and the SRSG would be particularly grateful to receive information regarding your main concerns and lessons learned regarding effective and child-sensitive counselling, complaint and reporting mechanisms to which children can safely report incidents of violence, including sexual violence and

exploitation, as well as any recommendations you may wish to make in order to strengthen the effectiveness of such mechanisms.

Due to our culture of silence most parents will not want to disclose that their children have been sexually exploited because of stigmatization. There is need for more awareness creation and sensitization of families and school teachers to report incidents of violations / abuses of children to the Commission and the police. Need for capacity building of Commission's staff on child sensitive counselling also.

Kindly send your contribution before 10 September 2010, through the Office of the High Commissioner for Human Rights, Palais des Nations CH-1211, Switzerland (to the attention of Ms. Dima Yared, childrenstudy@ohchr.org).

Sincerely,

Najat Maalla M'jid
Special Rapporteur
on the sale of children
child prostitution and child pornography

Marta Santos-País
Special Representative to the
Secretary-General on violence
against children