



**CROSS RIVER STATE OF NIGERIA**

**LAW NO. 3 (2026)**

***A Law to provide for the Prohibition of Open Defecation in Cross River State, Mandatory Provision of Toilet Facilities, and for matters connected therewith***

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LAW No. 3 2026

*A Law to provide for the Prohibition of Open Defecation in Cross River State, Mandatory Provision of Toilet Facilities, and for matters connected therewith*

Long Title.

( )

Commencement.

**The Cross River State House of Assembly enacts as follows -**

Enactment.

1. (1) Notwithstanding anything contained in any other law for the time being in force, no person shall deliberately defecate or dispose excreta on any place other than household toilets, public toilets or any other place designated for that purpose.

Prohibition of  
Open  
Defecation.

(2) Any person who contravenes the provision of sub section (1) of this section commits an offence and shall be liable upon conviction to one month imprisonment or a fine of fifty Thousand Naira only or sanitation related community service or the combination of the above as the Court may deem appropriate in the circumstances.

(3) Any person who counsels, intentionally aids or abets any person who defecates or disposes of excreta in any place other than in household toilets, public toilets or any other place designated for that purpose commits an offence and shall be liable upon conviction to a fine of twenty Thousand Naira or sanitation-related community service for a period of not less than three days.

(4) The parent, guardian or adult who fails to take proper care of a child he or she is responsible for and ordinarily knows such child may defecate, dispose of excreta in any place other than in household toilets, public toilets or any other place designated for that purpose shall be liable as if he or she committed the offence.

2. (1) Not later than six months after the commencement of this Law, every house owner and owners of public places like, business premises, religious institutions, health facilities, schools and other public institutions in the state shall make adequate provisions for toilet facilities in the house or institution.

Provision of  
Toilet  
Facilities in  
Household  
and public  
institutions.

(2) Every person that constructs a house or a public institution in the State shall make adequate provision for toilet facilities before such house or public institution is put to use.

2.

(3) Whoever contravenes the provision of sub-section (1) or (2) of this Section commits an offence and shall on conviction be punished with sanitation-related community service of one month or with fine of Fifty Thousand Naira or both, and in the case of companies, with a fine of Five Hundred Thousand Naira and remedial actions taken to correct the damages.

**Provided that:** such an offender shall be liable to pay Fifteen Thousand Naira fine for every day of default subsequent thereto.

(4) The court shall in addition to any punishment make an order for compliance with the provisions of this Law.

(5) The Court may upon application by a health/WASH Sanitation Officer, make Order for the sealing of any premises that fail to comply with the provisions of this Law or with an Order of the Court.

Provision of Toilet  
by State and  
Local  
Government  
Councils

3. (1) The State Government and Local Government shall ensure adequate provision and maintenance of toilet facilities in public institutions and other strategic locations across the State and across the Local Government Areas.

(2) The State Government, in collaboration with Local Government Authorities and humanitarian organizations, shall establish community-based and easily accessible water and sanitation facilities to meet the specific needs of the poor, internally displaced persons (IDPs), and individuals with mental health challenges.

(3) Public toilets, particularly in IDPs' camps, markets, Parks, rehabilitation centres, and areas with a high concentration of economically disadvantaged individuals, shall be made available at no cost or with subsidized fees to ensure zero barrier to accessing the sanitation and hygiene facilities.

(4) The State Government, through the Rural Water Supply and Sanitation Agency (RUWATSSA) and other relevant authorities, shall provide portable and mobile sanitation facilities in travelling routes in the State.

(5) For the purpose of provision of sub-section (1) of this section the State and Local Governments shall have regard to religion, culture, gender Sensitivity, Persons with Disability (PWD), morality and accessibility to all persons.

4. The State Task Group on Water Sanitation and Hygiene (STG-WASH), in collaboration with other Relevant Agencies and Law Enforcement Agencies in the State and the LGAs Shall be responsible for proper implementation and enforcement of the provisions of this Law. Implementation

5. (1) The Local Government WASH Department shall issue a licence under the supervision of the State WASH Regulatory Commission to any person desiring to establish and maintain a public convenience in accordance with the guidelines made pursuant to sub-section (2) of this section. Power to issue Licence.

(2) The State Task Group on Water Sanitation and Hygiene (STG-WASH) shall issue guidelines in line with National and State WASH Policies for the licensing and operation of public convenience.

6. (1) There shall be established a State Task Group on WASH which shall be guided by State Policies and Regulation on WASH and shall comprise the following members – Establishment of State Task Group of WASH/Funding

- (a) the Permanent Secretary of the Ministry of Water Resources shall be the Chairman;
- (b) the Managing Director Cross River State Water Board Limited (MD CRSWBL) shall be the Vice Chairman;
- (c) the General Manager of CRS-RUWATSSA shall be the secretary;
- (d) Chairman House Committee on Water Resources and Sanitation – member;
- (e) Special Adviser to the Governor on Water and sanitation – member;
- (f) Managing Director Small Town Water Supply and Sanitation Agency (STOWASSA) – member;
- (g) representative, State Budget and Planning Office – member
- (h) representative, Ministry of Finance
- (i) representative, Auditor General for Local Government
- (j) representative, Ministry of Environment - member
- (k) representative, Ministry of Health - member

4.

- (l) representative, Ministry of Local Government Affairs
- (m) representative, Ministry of Education
- (n) representative Ministry of Women Affairs
- (o) representative, Ministry of Justice
- (p) representative, Ministry of Information
- (q) representative National Orientation Agency (NOA)
- (r) representative State Universal Basic Education Board (SUBEB)
- (s) representative State Primary Health Care; Development Agency (PHCDA)
- (t) representative of Civil Societies Organisation (CSOs) working in the area of Water Sanitation and Hygiene;
- (u) Desk officer of Clean Nigeria Use the Toilet Campaign;
- (v) resident, Chamber of Commerce and Industry Cross River State;
- (w) representative of Security Agencies;
- (x) representative WASH Media Network;
- (y) representative Ministry of Social Welfare;
- (z) representative State Planning Commission
- (aa) representative of religious groups
- (bb) representative of Private Sector e.g. Boreholes Drillers Association in Nigeria (BODAN) etc
- (cc) representative from the Academia
- ((dd) representative of Environmental Health Professional Bodies
- (ee) representative, Network of Water and Sanitation in Nigeria (NEWSAN)
- (ff) representative, Urban Development Authority (UDA)
- (gg) representative, State Bureau of Statistics (SBS)

(hh) representative, Ministry of International Donor (MIDC) Coordination.

(2) The State Task Group on Sanitation shall be funded by the State budget through the Ministry of Water Resources

7. The functions of the State Task Group – WASH shall be to –

Functions of State Task Group - WASH

- (a) Coordinate all Water, Sanitation and Hygiene initiatives in the State;
- (b) ensure all Local Government in the State achieve and maintain Open Defecation free status;
- (c) implement and strengthen WASH system to improve Local Sanitation, Water access, and overall health condition;
- (d) drive State wide WASH Government and implementing State level policies on Water and Hygiene;
- (e) provide supervision top Local Task Group on WASH and supporting rehabilitation of sector infrastructure; and
- (f) liaise with National and International Organizations on Water, Sanitation and Hygiene policies,

8. (1) There shall be established a Local Task Group on WASH in each of the Local Government Councils which should be guided by the Local Task Group on Water Sanitation and Hygiene (LTGWASH) Terms of Reference (TOR). The composition shall comprise the following members -

Establishment of Local Government Task Group on WASH/Funding

- (a) the Head of Local Government Administration (HOLGA) of the Local Government Council as the Chairman;
- (b) the Head of Personnel in the LGA as the Vice-Chairman;
- (c) the Director/HOD WASH Department as the secretary;
- (d) the Leader of the Local Government Legislative Council-member;
- (e) House Committee member on Health;
- (f) Director Education and Social Services;

6.

- (g) WASH desk officers from LGEA
- (h) Director General Services and Administration;
- (i) Director or Head of Department (HOD) Community Development
- (j) The Desk Officer National Orientation Agency (NOA) in the LGA
- (k) Local Government Information Officer;
- (l) representative of Community Base Organisation/Civil Society Organisation (CBOs/CSOs) working in the Area of Water Sanitation and Hygiene in the Local Government;
- (m) Representative of the organised private sector in the Local Government.
- (n) representative of Security Agencies
- (o) Chief Security Officer (CSO) of the LGA
- (p) representative, National Union Road Transport Workers (NURTW)
- (q) Primary Health Care (PHC) Coordinator of the LGA
- (r) representative, People with Disability (PWDs)
- (s) representative of Women groups/organisation
- (t) Women Development Officer in the LGA
- (u) Legal Adviser of the Local Government Council.

(2) Local Task Group shall be funded through Appropriation of the various Local Government Councils through the Department of Water, Sanitation and Hygiene as provided in the Local Government Law.

Jurisdiction of  
Court

9. Notwithstanding the provisions of any other Law, the Magistrate Courts and Tribunals constituted for Environmental and Health related matters shall have jurisdiction to try offences under this Law.

10. In this Law –

“Court” means Magistrate Court, and Tribunals established for this purpose;

“Defecation” Means the discharge of faeces or other solid waste from the human body;

“Excreta” means waste matter discharged from the human body including urine and faeces;

“Health officer” includes a medical officer of health, a sanitary inspector, an environmental health officer who is qualified, registered and licenced, or any other person appointed and charged with the responsibility of enforcing the provisions of this Law;

“Local Government” means the Local Government Councils in the State:

“Open defecation” means defecating at open places including abandoned buildings, bushes, canals, drainages, forests, highways, open bodies of water, streets, uncompleted structures and other places accessible to people that are inappropriate for defecation;

“Person” means a natural person or juristic personality or anybody of persons corporate or un-incorporated;

“Public place” means any place to which the public or a substantial group of the public has access and includes, but not limited to streets, highways and the common areas of schools, hospitals, apartment, houses, office buildings, transport facilities, shops, bushes, motor parks, drainages, markets, places of worship etc.;

“State” means Cross River State of Nigeria.

11. This Law may be cited as the Cross River State Open Defecation (Prohibition) Law, 2026 and shall come into force on the .....day of.....2026.

Short Title and Commencement

This printed impression has been carefully compared by me with the Law which has been passed by the Cross River State House of Assembly and found by me to be a true and correctly printed copy of the said Law.

**BARR. MRS. CATHERINE U. UBI**

*CLERK OF THE HOUSE*

I assent

**SENATOR PRINCE BASSEY EDET OTU**  
**GOVERNOR**  
**CROSS RIVER STATE**

MADE AT Calabar this *20th* day of *APRIL* 2026.