

A BILL

FOR

[EXECUTIVE]

AN ACT TO REPEAL THE TRAFFICKING IN PERSONS (PROHIBITION) LAW ENFORCEMENT AND ADMINISTRATION ACT, 2003 (AS AMENDED) AND TO ENACT THE TRAFFICKING IN PERSONS (PROHIBITION), ENFORCEMENT AND ADMINISTRATION ACT TO PROVIDE FOR MEASURES AGAINST TRAFFICKING AND SMUGGLING OF PERSONS AND RELATED MATTERS.

[] Commencement

BE IT ENACTED by the National Assembly of the Federal Republic of Nigeria:

PART I - OBJECTIVE

1. The objectives of this Act are to-

Objectives

- (a) provide an effective and comprehensive legal and institutional framework for the prohibition, prevention, detection, prosecution and punishment of human trafficking and related offences in Nigeria;
- (b) prevent and combat the illegal smuggling of migrants;
- (c) protect victims of human trafficking; and
- (d) promote and facilitate national and international cooperation in order to meet the objectives set out in paragraphs (a), (b) and (c) of this section.

PART II - PROHIBITION OF TRAFFICKING IN PERSONS

2. -(1) All acts of human trafficking are prohibited in Nigeria.

Prohibition of acts of Trafficking in Persons

- (2) Any person who recruits, transports, transfers, harbours or receives another person by means of-
 - (a) the threat or use of force or other forms of coercion,
 - (b) abduction, fraud, deception, abuse of power or of a position of vulnerability; or

1 (c) the giving or receiving of payments or benefits to achieve the
2 consent of a person having control over another person, for the purpose of
3 exploitation of that person, commits an offence and is liable on conviction to
4 imprisonment for a term of not less than 5 years and to a fine of not less than
5 N1,000,000.00.

6 (3) A person who in or outside Nigeria directly or indirectly-

7 (a) does, attempts or threatens any act preparatory to or in furtherance
8 of an act of trafficking in persons;

9 (b) omits to do anything that is reasonably necessary to prevent an act
10 of trafficking in persons;

11 (d) assists or facilitates the activities of persons engaged in acts of
12 trafficking in persons or is an accessory to any offence under this Act;

13 (e) procures any other person by any means whatsoever to commit an
14 offence under this Act;

15 (f) participates as an accomplice in the commission of an offence
16 under this Act, or

17 (g) promises or induces any other person by any means whatsoever to
18 commit any of the offences provided for in this Act; commits an offence under
19 this Act and is liable on conviction to imprisonment for a term of not less than 5
20 years and to a fine of not less than N1,000,000.00.

21 (4) Under this Act, an act of trafficking in persons means an act or
22 omission, in or outside Nigeria, which constitutes an offence within the scope
23 of any counter trafficking in persons convention, treaties and protocols duly
24 ratified by Nigeria.

25 (5) For the purpose of subsection 2(b) of this section, abuse of a
26 position of vulnerability includes intentionally using or otherwise taking
27 advantage of an individual's personal, situational or circumstantial
28 vulnerability to recruit, transport, transfer, harbour or receive that person for the
29 purpose of exploiting him or her, such that the person believes that submitting
30 to the will of the abuser is the only real or acceptable option available to him or

1 her and that this belief is reasonable in the light of the victim's situation.

2 PART III - OFFENCES AND PENALTIES

3 3. Any person who-

Importation and
Exportation of
any person

4 (a) imports another person into Nigeria, knowing or having reason
5 to know that the person will be forced or induced into prostitution or other
6 forms of sexual exploitation in Nigeria or while in transit; or

7 (b) exports another person from Nigeria, knowing or having reason
8 to know, that the person will be forced or induced into prostitution or other
9 forms of sexual exploitation in the country to which the person is exported or
10 while in transit; commits an offence and is liable on conviction to
11 imprisonment for a term of not less than 5 years and to a fine of not less than
12 N1,000,000.00.

13 4. Any person who by the use of force, deception, threat, coercion,
14 debt bondage (immediate or in the near future) or any means whatsoever-

Procurement of
any person for
the purpose of
sexual exploitation

15 (a) causes or induces any person to be conveyed from his usual
16 place of abode or from one place to another, knowing or having reason to
17 know that such person is likely to be forced or induced into prostitution or
18 other forms of sexual exploitation with or by any person or an animal; or

19 (b) keeps, detains or harbours any other person with intent,
20 knowing or having reason to know that such a person is likely to be forced or
21 induced into prostitution or other forms of sexual exploitation with or by any
22 person or an animal, commits an offence and is liable on conviction to
23 imprisonment for 5 years and to a fine of N500,000.00.

24 5. -(1) Any person who procures or recruits any person under the
25 age of eighteen years to be subjected to prostitution or other forms of sexual
26 exploitation with himself, any person or persons, either in Nigeria or
27 anywhere else, commits an offence and shall be liable on conviction to
28 imprisonment for a term of not less than 7 years and to a fine of not less than
29 N1,000,000.00.

Abuse, procurement
or recruitment of
any person under
eighteen years for
prostitution or
other forms of
sexual exploitation

30 (2) Any person who procures or recruits any person under the age

1 of eighteen years to be conveyed from his usual place of abode, knowing or
 2 having reasons to know that such a person may be subjected or induced into
 3 prostitution or other forms of sexual exploitation in any place outside Nigeria,
 4 commits an offence and is liable on conviction to imprisonment for a term of
 5 not less than 7 years and to a fine of not less than N1,000,000.00.

6 (3) Any person who, having the custody, charge or care of a person
 7 under the age of eighteen years, sexually exploits or abuses the person or
 8 causes or encourages the sexual exploitation of that person, commits an
 9 offence and is liable on conviction to imprisonment for 7 years and to a fine of
 10 not less than N1,000,000.00.

Procurement or
 recruitment of
 any person under
 the age of
 eighteen years
 for pornography,
 use in armed
 conflicts or
 brothel

11 6. Any person who-

12 (a) procures, recruits, uses or offers any person under eighteen years
 13 for the production of pornography or for pornographic performances;

14 (b) traffics any person under eighteen years for the purpose of forced
 15 or compulsory recruitment for use in armed conflict; or

16 (c) allows a person under the age of eighteen years to be harboured in
 17 a brothel.

18 commits an offence and is liable on conviction to imprisonment for a term of
 19 not less than 7 years and shall in addition be liable to a fine of not less than
 20 N1,000,000.00.

Foreign travel
 which promotes
 prostitution or
 sexual exploitation

21 7. Any person, who knowingly organizes, facilitates or promotes
 22 foreign travels, which promote prostitution or other forms of exploitation of
 23 any person or encourages such activity, commits an offence and is liable on
 24 conviction to imprisonment for not less than 7 years and to a fine of not less
 25 than N1,000,000.00.

Defilement of
 any person by
 fraudulent
 administration
 of drugs or
 substance

26 8. Any person who administers any drug or substance with intent to
 27 stupefy or over-power a person-

28 (a) in order to enable him, another person or animal, to sexually
 29 exploit or abuse that person; or

30 (b) for any pornographic purpose,

1 commits an offence and is liable on conviction to imprisonment for a term of
2 not less than 5 years and to a fine of not less than N1,000,000.00.

3 9. -(1) Any person who-

4 (a) through force, deception, threat, debt bondage or any form of
5 coercion;

Procurement or
recruitment of
any person for
exploitation or
organ harvesting

6 (i) abuses a situation of dominance or authority arising from a
7 given circumstance, or

8 (ii) abuses a vulnerable situation, or

9 (b) through the giving or receiving of payments or benefits;

10 in order to induce or obtain the consent of a person directly or through
11 another person who has control over him; enlist, transport, delivers,
12 accommodates or takes in another person with a view to exploiting the
13 person or removing the person's organs; commits an offence and is liable on
14 conviction to imprisonment for a term of not less than 7 years and to a fine of
15 not less than N5,000,000.00.

16 (2) Without prejudice to the provisions of subsection (1) of this
17 section, a person who

18 procures or offers any person, assists or is involved in anyway-

19 (a) in the removal of human organs; or

20 (b) buying and selling of human organs,

21 commits an offence and is liable on conviction to imprisonment for a term of
22 not less than 7 years and to a fine of not less than N5,000,000.00.

23 (3) Any person who enlists, transports, delivers, accommodates or
24 takes in another person under the age of eighteen; with a view to exploiting
25 the person or removing the person's organs, commits an offence and is liable
26 on conviction to imprisonment for a term of not less than 7 years and to a fine
27 of not less than N5,000,000.00.

28 10. Any person who buys, sells, hires, lets or otherwise obtains the
29 possession or disposal of any person with intent, knowing it to be likely or
30 having reasons to know that such a person will be subjected to exploitation

Prohibition of
buying or
selling of human
beings for the
purpose of
exploitation

1 and sexual abuse, commits an offence and is liable on conviction to
2 imprisonment for a term of not less than 5 years and to a fine of not less than
3 N2,000,000.00.

Forced labour

4 11. Any person who-

5 (a) requires, recruits, transports, harbours, receives or hires out a
6 person to be used for forced labour within or outside Nigeria; or

7 (b) permits any place or premises to be used for the purpose of forced
8 labour,

9 commits an offence and is liable on conviction to imprisonment for a term
10 of 7 years and to a fine of not less than N2,000,000.00.

Child labour
and inflicting
grievous harm

11 12. -(1) Any person who-

12 (a) employs, requires, recruits, transports, harbours, receives or hires
13 out any person under the age of eighteen years to work in a forced or
14 exploitative labour in any capacity except where he is employed for light work
15 of an agricultural, horticultural or domestic character;

16 (b) recruits or requires a child in any case to lift, carry or move
17 anything so heavy as to be likely to adversely affect his physical, mental,
18 psychological or social development;

19 (c) recruits, requires, transports, harbours, receives, hires out or takes
20 custody of a person under the age of eighteen years as a domestic help for the
21 purpose of exploitative labour, and

22 (d) while having the custody, charge or care of any person under the
23 age of eighteen years, inflicts grievous bodily harm on such person;

24 commits an offence and is liable on conviction to imprisonment for a minimum
25 term of 2 years but not exceeding 7 years without option of fine.

26 (2) Nothing in sub-section (1) of this section shall apply to work done
27 by children in technical schools or similar approved institutions if the work is
28 supervised by the appropriate authority.

Trafficking in
slaves and slave
dealing

29 13. -(1) Any person who recruits, imports, exports, transfers,
30 transports, buys, sells, disposes or in any way traffics in any person as a slave or

1 accepts, receives, detains or harbours a person as a slave, commits an
2 offence and is liable on conviction to imprisonment for a term of 7 years and
3 to a fine of not less than N2,000,000.00.

4 (2) Any person who-

5 (a) deals, keeps, receives or harbours any person for the purpose of
6 holding or treating that person as a slave;

7 (b) places, receives, harbours or holds any person as a pledge,
8 pawn, in servitude or security for debt or benefits; whether due or to be
9 incurred;

10 (c) transports, transfers or in any way induces any person to come
11 into Nigeria in order to hold, possess, deal or treat such person as a slave or to
12 be used as a pledge or security for debt; and

13 (d) enters into any contract or agreement with or without
14 consideration for the purpose of doing or accomplishing any of the purposes
15 enumerated in this section,

16 ~~is~~ commits an offence and is liable on conviction to imprisonment for a term of
17 7 years and to a fine of not less than N2,000,000.00.

18 14. -(1) Any person who knowingly, in order to obtain, directly or
19 indirectly a financial or material benefit, procures the illegal entry of a
20 person into a country of which the person is not a citizen or a permanent
21 resident commits an offence, and is liable on conviction to imprisonment for
22 a term of not less than 5 years without an option of fine.

23 (2) Any person who, intentionally in order to obtain a financial or
24 material benefit from another person, engages in fraudulent acts or conducts
25 purportedly for the purpose of procuring, facilitating or promoting the actual
26 or intended entry into, transit across or stay in a country in which that other
27 person is not a national or a permanent resident commits an offence, and is
28 liable on conviction to imprisonment for a term of not less than 5 years
29 without an option of fine and to refund all monies fraudulently obtained to
30 the victims.

Offences relating
to smuggling of
persons

1 (3) For the purpose of subsection (1) of this section "illegal entry"
2 shall mean crossing borders without complying with the necessary
3 requirements for legal entry into the receiving State.

Abuse of the
vulnerability of
a smuggled
person

4 15. -(1) Any person who intentionally or knowingly, in order to obtain
5 directly or indirectly a financial or material benefit, abuses, endangers or
6 exploits the vulnerability of a smuggled person commits an offence, and is
7 liable on conviction to imprisonment for a term of not less than 5 years without
8 an option of fine.

9 (2) For the purpose of this section, "abuse or exploitation of
10 vulnerability" includes circumstances where it is apparent or should have been
11 apparent to the person that the smuggled person had little or no choice of
12 resisting the-

13 (a) inhuman or degrading treatment;

14 (b) abnormal or dangerous travels, living or working conditions;

15 (c) provision of services either without payment or for abnormally
16 low payment; and

17 (d) payment of an excessive amount for goods or services, including
18 food, water, accommodation, transport, immigration and employment related
19 services.

Conspiracy

20 16. Any person who conspires with another to commit an offence
21 under this Act is liable-

22 (a) where the offence is committed to the punishment provided for the
23 commission of the offence; and

24 (b) where the offence is not committed, to a punishment which is half
25 the punishment for the offence.

Escape or aiding
and abetting
escape

26 17. Any person who-

27 (a) being in lawful custody, escapes, or

28 (b) aids, facilitates or abets the escape of a person in lawful custody of
29 the Agency, or suspected to have committed an offence under any of the
30 provisions of this Act;

1 commits an offence and shall be liable on conviction to imprisonment for a
2 term of five years.

3 **18.** Any person who attempts to commit any offence under this Act
4 shall be liable on conviction to half the punishment for the offence.

Attempt to
commit an offence
under this Act

5 **19.** -(1) Where a person is charged with any of the offences under
6 this Act and the evidence establishes an attempt to commit that offence, he
7 may be convicted of having attempted to commit the offence and shall be
8 liable on conviction to half the punishment for the offence.

Where evidence
establishes an
attempt to commit
an offence or the
commission of the
full offence

9 (3) Where a person is charged with an attempt to commit an offence
10 under this Act, but the evidence establishes the commission of the full
11 offence, the offender shall not be entitled to acquittal but shall be convicted
12 for the commission of the offence as provided under this Act.

13 **20.** -(1) Where an offence under this Act committed by a body
14 corporate is proved to have been committed on the instigation or with the
15 connivance of or is attributable to any neglect on the part of a director,
16 manager, secretary of the body corporate or any person purported to act in
17 any such capacity, the officer shall be liable on conviction to the same
18 punishment provided under this Act for individuals committing the offence.

Offences by a
body corporate

19 (2) Where a body corporate is convicted of an offence under this
20 Act, it shall be liable to a fine of Ten Million Naira and the court may issue an
21 order to wind-up the body corporate and its assets and properties transferred
22 to the Victims of Trafficking Trust Fund.

23 (3) Nothing contained in subsections (1) and (2) of this section
24 shall render any person liable to any punishment if he proves that the offence
25 was committed without his knowledge or that he exercised all due diligence
26 to prevent the commission of such offence.

27 **21.** -(1) A person who-
28 (a) wilfully obstructs the Agency or any authorized officer of the
29 Agency in the exercise of any of the powers conferred on the Agency by this
30 Act, or

Obstruction of the
Agency or her
authorized officer

1 (b) fails to comply with any lawful enquiry or requirements made by
 2 any authorized officer in accordance with the provisions of this Act,
 3 commits an offence and is liable on conviction to imprisonment for a term not
 4 exceeding 5 years or to a fine of N250,000.00 or to both.

5 (2) Any person who-

6 (a) refuses any officer of the Agency access to any premises, or fails to
 7 submit to a search by a person authorized to search him under this Act;

8 (b) assaults, or obstructs any officer of the Agency or any person
 9 authorized by the Agency in the execution of his duty under this Act; or

10 (c) fails to produce, conceals or attempts to conceal from an officer of
 11 the Agency any book, document, information storage system or article in
 12 relation to which such officer has reasonable grounds to believe or suspect that
 13 an offence under this Act or any other law prohibiting trafficking in persons and
 14 protection of children has been or is being committed, or which is liable to
 15 seizure under this Act;

16 commits an offence and is liable on conviction to imprisonment for a term not
 17 exceeding 5 years or to a fine of not less than N250,000.00 or to both.

Impersonation
 or the assumption
 of the character
 of an officer of
 the Agency

18 22. Any person who unlawfully assumes the name, character or
 19 designation of an officer of the Agency commits an offence under this Act and
 20 is liable on conviction to imprisonment for a term not exceeding 10 years
 21 without option of fine.

Tampering with
 evidence and
 witness

22 23. A person who tampers with-

23 (a) a witness by intimidation, threats, blackmail or similar acts, or

24 (b) evidence or exhibit by falsification, conversion, destruction or
 25 forgery,

26 commits an offence under this Act and is liable on conviction to imprisonment
 27 for a term not exceeding 5 years or to a fine not less than N250,000.00 or to
 28 both.

Responsibility of
 Airlines, commercial
 carriers, tour operators
 and travel agents

29 24. -(1) Every airline operator, sea vessel operator, commercial
 30 carrier, tour operator and travel agent is under obligation not to aid and abet,

1 facilitate and promote-

2 (i) traffic in or smuggling of persons; or

3 (ii) pornography and exploitation in tourism;

4 (2) Every airline operator, sea vessel operator, commercial carrier,
5 tour operator and travel agent shall notify its clients of its obligation under
6 subsection (1) of this section.

7 (3) Every airline operator, sea vessel operator, commercial carrier,
8 tour operator and travel agent is required to-

9 (a) provide a clause in contracts with corresponding suppliers in
10 destination countries, requiring the suppliers to comply with the obligations
11 stated in subsection (1) and (2) of this section;

12 (b) refrain from utilizing messages on printed materials, video or
13 the Internet that could suggest or allude to behaviour incompatible with the
14 objectives of this Act;

15 (c) inform their staff of their obligations under this Act; and

16 (d) include clauses regarding their obligations under this Act in
17 their conditions of service.

18 (4) Every airline operator, sea vessel operator, commercial carrier,
19 tour operator and travel agent who violates the provisions of subsection (1)
20 and (2) of this section; commits an offence and in addition to any other
21 penalty provided in any other law or enactment is liable on conviction to a
22 fine not exceeding N10,000,000.00

23 PART IV - THE NATIONAL AGENCY FOR THE PROHIBITION OF
24 TRAFFICKING IN PERSONS

25 25. -(1) There is established a body to be known as the National
26 Agency for the Prohibition of Trafficking in Persons (in this Act referred to
27 as "the Agency").

28 (2) The Agency shall be a body corporate-

29 (a) with perpetual succession and a common seal;

30 (b) which may sue or be sued in its corporate name; and

Establishment of
the National
Agency for the
Prohibition of
Trafficking in
Persons

1 (c) which may acquire, hold, purchase, mortgage and deal howsoever
2 with property, movable or immovable, real or personal.

Establishment
and composition
of the Governing
Board

3 26. -(1) There is established for the Agency, a part time Governing
4 Board (in this Act referred to as "the Board").

5 (2) The Board shall consist of-

6 (a) a Chairman who shall be a person with knowledge and experience
7 in matters related to counter-trafficking in persons;

8 (b) two representatives of civil society based organizations involved
9 in matters relating to trafficking in persons;

10 (c) a representative each of the following Institutions or Agencies
11 who shall be within the Directorate cadre-

12 (i) Federal Ministry of Justice;

13 (ii) Federal Ministry of Women Affairs;

14 (iii) Federal Ministry of labour and Productivity;

15 (iv) Ministry of Interior;

16 (v) Ministry of Foreign Affairs;

17 (vi) Nigeria Police Force;

18 (vii) National Intelligence Agency;

19 (viii) Nigeria Immigration Service; and

20 (ix) National Orientation Agency;

21 (d) the Director - General and Chief Executive Officer of the Agency
22 who shall be the Secretary to the Board.

23 (3) The Chairman and other members of the Board shall be appointed
24 by the President on the recommendation of the Minister.

25 (4) The provisions of the First Schedule to this Act shall have effect
26 with respect to the proceedings of the Board and other matters mentioned
27 therein.

Term of Office
of the Chairman
and members of
the Board

28 27. -(1) The Chairman and members of the Board other than the
29 Director - General and ex-officio members shall hold office for a term of four
30 years and shall be eligible for re-appointment for another term of four years and

1 no more.

2 (2) The office of the Chairman or a member of the Board shall
3 become vacant where-

4 (a) his term of office expires;

5 (b) he resigns his office by a notice in writing under his hand
6 addressed to the President;

7 (c) he dies;

8 (d) the Board by resolution declares the seat vacant because he-

9 (i) has been absent from the Board meetings for four consecutive
10 times without the permission of the Board;

11 (ii) becomes of unsound mind or incapable of carrying out his
12 duties; (iii) has been declared bankrupt or he makes compromise

13 with his creditors;

14 (iv) is incapacitated by physical or mental illness;

15 (v) has been convicted of a felony or any offence involving
16 dishonesty;

17 (vi) is guilty of gross misconduct relating to his duties; or

18 (e) in the case of an ex - officio member, he ceases to hold the office
19 on the basis of which he became a member of the Board.

20 (3) Notwithstanding the provisions of subsection (2) of this
21 section, the President may remove a member from the Board if he is satisfied
22 that it is not in the interest of the Agency or of the public for the person
23 appointed to continue in office.

24 (4) Where a vacancy occurs in the membership of the Board, it
25 shall be filled by an appointment by the President of a successor to hold
26 office for the remainder of the term of office of his predecessor and the
27 successor shall represent the same interest as that member whose exit
28 created the vacancy.

29 28. The functions of the Agency shall be to-

30 (a) enforce and administer the provisions of this Act;

1 (b) co-ordinate and enforce all other laws on Trafficking in persons
2 and related offences;

3 (c) adopt effective measures for the prevention and eradication of
4 trafficking in persons and related offences;

5 (d) establish co-ordinated preventive, regulatory and investigatory
6 machinery geared towards the eradication of trafficking in persons;

7 (e) investigate all cases of trafficking in persons including forced
8 labour, child labour, forced prostitution, exploitative labour and other forms of
9 exploitation, slavery and slavery-like activities, bonded labour, removal of
10 organs, illegal smuggling of migrants, sale and purchase of persons;

11 (f) encourage and facilitate the availability and participation of
12 persons who voluntarily, consent to assist in investigations or proceedings
13 relating to trafficking in persons and related offences;

14 (g) enhance the effectiveness of law enforcement agents and other
15 partners in the suppression of trafficking in persons;

16 (h) create public enlightenment and awareness through seminars,
17 workshops, publications, radio and television programmes and other means
18 aimed at educating the public on the dangers of trafficking in persons;

19 (i) establish and maintain communications to facilitate rapid
20 exchange of information concerning offences under this Act;

21 (j) conduct research and strengthen effective legal means of
22 international co-operation in suppressing trafficking in persons;

23 (k) implement all bilateral and multilateral treaties and conventions
24 on trafficking in persons adopted by Nigeria;

25 (l) strengthen co-operation and conduct joint operations with relevant
26 law enforcement and security agencies, international authorities and other
27 relevant partners in the eradication of trafficking in persons;

28 (m) co-ordinate, supervise and control-

29 (i) the protection, assistance and rehabilitation of trafficked persons;

30 and

1 (ii) all functions and activities relating to investigation and
2 prosecution of all offences connected with or relating to trafficking in
3 persons;

4 (n) adopt measures to identify, trace, freeze, confiscate or seize
5 proceeds, property, funds or other assets derived from trafficking in persons
6 or related offences;

7 (o) conduct research on factors responsible for internal and
8 external trafficking in persons and initiate programmes and strategies aimed
9 at the prevention and elimination of the problem;

10 (p) facilitate rapid exchange of scientific and technical information
11 concerning or relating to trafficking in persons;

12 (q) collaborate with government bodies both within and outside
13 Nigeria whose functions are similar to those of the Agency in the area of the-

14 (i) movement of proceeds or properties derived from trafficking in
15 persons and other related offences;

16 (ii) identities, location and activities of persons suspected of being
17 involved in trafficking in persons and other related offences; and

18 (iii) exchange of personnel and other experts; (r) establish and
19 maintain a system for monitoring trans-border activities relating to
20 trafficking in persons in order to identify suspicious movements and persons
21 involved;

22 (s) deal with matters connected with the extradition and
23 deportation of persons involved in trafficking in persons and other mutual
24 legal assistance between Nigeria and any other country in trafficking in
25 persons, subject to the supervision of the Attorney - General of the
26 Federation;

27 (t) initiate, develop and improve special training programmes for
28 personnel of the Agency and relevant law enforcement agents charged with
29 the responsibility of detecting offences created under this Act; and

30 (u) carry out such other activities as are necessary for the efficient

Powers of the
Agency

1 discharge of the functions conferred on it under this Act.

2 **29.** The Agency shall have the power to-

3 (a) investigate whether any person, body or entity has committed an
4 offence under this Act or the offence of trafficking under any other law;

5 (b) enter into any premises, property or conveyance without warrant
6 for the purpose of conducting searches in furtherance of its functions under this
7 Act or under any other law;

8 (c) arrest, detain and prosecute offenders under this Act or any other
9 law on trafficking in persons in Nigeria;

10 (d) trace, seize, detain or retain the custody, for the purpose of
11 investigation and prosecution, of any property which the Agency reasonably
12 believes to have been involved in or used in the commission of offences under
13 this Act or any other law;

14 (e) seal up premises upon reasonable suspicion of such premises
15 being involved with or used in connection with offences under this Act; and

16 (f) seek and receive information from any person, authority,
17 corporation or company without let or hindrance in respect of the enforcement
18 of any of the provisions of this Act.

Functions and
Powers of the
Board

19 **30.** -(1) The Board shall-

20 (a) formulate and provide general policy guidelines for the discharge
21 of the functions of the Agency;

22 (b) monitor and ensure the implementation of the policies and
23 programmes of the Agency; and

24 (c) carry out such other functions as are necessary or expedient to
25 ensure the efficient performance of the functions of the Agency under this Act.

26 (2) The Board shall have power to-

27 (a) approve rules and regulations relating to the appointment,
28 promotion and disciplinary measures for the employees of the Agency;

29 (b) fix the remuneration, allowances and benefits of the employees of
30 the Agency subject to the approval of the Salaries and Wages Commission; and

1 (c) regulate its proceedings and make standing orders with respect
2 to the holding of its meetings, notices to be given, the keeping of minutes of
3 its proceedings and such other matters as the Board may, from time to time
4 determine.

5 31. -(1) There shall be for the Agency, a Director-General who shall
6 be from the Directorate cadre in the Public Service of the Federation or its
7 equivalent in any Law Enforcement Service and shall be appointed by the
8 President on the recommendation of the Minister.

Appointment and
Tenure of the
Director-General

9 (2) The Director-General shall-

- 10 (a) be the chief executive and accounting officer of the Agency;
11 (b) be responsible for the day-to-day administration of the Agency;
12 (c) keep the books and records of the Agency; and
13 (d) be the Secretary to the Board.

14 (3) The Director - General shall hold office for a term of four years
15 in the first instance and shall be eligible for re-appointment for another term
16 of four years and no more.

17 32. -(1) The Agency may, from time to time, appoint such other
18 staff as it may deem necessary, to assist the Agency in the performance of its
19 functions under this Act.

Other Staff of
the Agency

20 (2) The staff of the Agency appointed under subsection (1) of this
21 section shall be appointed on such terms and conditions of service as the
22 Agency may determine in accordance with the approved Government
23 Policy.

24 (3) The staff of the Agency shall be public officers as defined in the
25 Constitution of the Federal Republic of Nigeria.

26 (4) The Agency may, subject to the provisions of section 30(2) of
27 this Act and the approval of other relevant Agencies, make staff regulations
28 relating generally to the conditions of service of its employees providing
29 for-

- 30 (a) the appointment, promotion and staff discipline;

1 (b) appeals by employees against disciplinary measures; and
2 (c) such other matters to ensure the efficient performance of the
3 functions of the Agency under this Act.

4 (5) Staff Regulations and Conditions of Service made under
5 subsection (4) of this section shall not have effect until it is published in the
6 Gazette and website of the Agency.

7 (6) Until the Staff Regulations and Conditions of Service under
8 subsection (4) of this section are made, any instrument relating to the
9 Conditions of Service applicable to the Civil Service of the Federation shall be
10 applicable to the Agency with such modifications as may be considered
11 necessary by the Agency from time to time.

Service in the
Agency to be
Pensionable

12 33. -(1) Service in the Agency shall be public service for the purpose
13 of the Pension Reform Act and accordingly, officers and other staff of the
14 Agency shall in respect of their service in the Agency, be entitled to such
15 pension and retirement benefits as are prescribed in the Pension Reform Act.

16 (2) Notwithstanding the provisions of subsection (1) of this section,
17 nothing in this Act shall prevent the appointment of a person to any office on
18 terms which preclude the grant of pension and retirement benefits in respect of
19 that office.

20 (3) For the purpose of the application of the provisions of the Pension
21 Reform Act, any powers exercisable by a Minister or other authority of the
22 Government of the Federation (not being the power to make regulations under
23 section 97 thereof) are hereby vested in and shall be exercisable by the Board.

Establishment
of Special
Departments

24 34. -(1) For the effective conduct of the functions of the Agency, there
25 shall be established for the Agency the following Special Departments-

- 26 (a) Investigation and Monitoring Department;
27 (b) Legal and Prosecution Department;
28 (c) Public Enlightenment Department;
29 (d) Counselling and Rehabilitation Department;
30 (e) Research and Programme Development Department;

- 1 (f) Training and Manpower Development Department; and
2 (g) such other Departments as the Agency may establish with the
3 approval of the Board from time to time.
- 4 (2) Notwithstanding the provisions of subsection (1) of this
5 section, the Agency shall have powers to-
- 6 (a) set up Units, technical committees, working groups and task
7 forces to assist the Agency in the performance of its duties and functions
8 under this Act; and
- 9 (b) make changes to its structure with the approval of the Board.
- 10 (3) There shall be appointed for each of the Special Departments a
11 principal officer who shall be known by such designation as the Agency may
12 determine.
- 13 35. (1) The Investigation and Monitoring Department shall-
- 14 (a) work in collaboration with other law enforcement and security
15 Agencies in the prevention and detection of offences under this Act;
- 16 (b) collaborate with the Nigeria Immigration Service and other
17 relevant law enforcement Agencies in monitoring the movement of persons
18 in any point of entry and exit for the purpose of detecting offences under this
19 Act;
- 20 (c) investigate, trace and identify the proceeds, assets and
21 properties of persons derived from acts which constitute an offence under
22 this Act; and
- 23 (d) effect the confiscation or forfeiture of such proceeds, assets and
24 properties in collaboration with the Legal and Prosecutions Department.
- 25 (2) The Legal and Prosecution Department shall-
- 26 (a) be responsible for the prosecution of offenders under this Act;
- 27 (b) support the Agency and other Departments with legal advice
28 and assistance whenever it is required;
- 29 (c) conduct the proceedings as may be necessary towards the
30 recovery of any asset or property confiscated, frozen or forfeited under this

Duties of the
Special
Departments

1 Act;

2 (d) deal with matters connected with extradition and mutual
3 assistance in criminal matters; and

4 (e) perform such other legal duties as the Agency may refer to it from
5 time to time.

6 (3) The Public Enlightenment Department shall be responsible for-

7 (a) carrying out information and awareness-raising campaigns,
8 seminars and workshops, radio and television programmes aimed at educating
9 the public on the dangers of trafficking in persons, especially to sectors and
10 groups that are vulnerable to trafficking in persons; in co-operation with the
11 media, non-governmental organizations, labour, market organizations,
12 migrants' organizations and other segments of civil society;

13 (b) developing educational programmes, in particular for young
14 people, to-

15 (i) address gender discrimination and to promote gender equality and
16 respect for the dignity and integrity of every human being;

17 (ii) include trafficking in persons in human rights curricula in schools
18 and universities; and

19 (iii) address the underlying causes of trafficking, such as poverty,
20 under-development, unemployment, lack of equal opportunities and
21 discrimination in all its forms, and to improve the social and economic
22 conditions of groups at risk;

23 (4) The Counselling and Rehabilitation Department shall have
24 responsibility for-

25 (i) counselling, after care rehabilitation, social re-integration and
26 education of trafficked persons;

27 (ii) the promotion of the welfare of victims of trafficking in persons;
28 and

29 (iii) supporting, advising and facilitating access to legal aid services
30 by victims.

1 (a) budgetary allocations approved by the National Assembly for the
2 purpose of the Agency;

3 (b) such monies as may from time to time be lent, deposited with or
4 granted to the Agency by the Government of the Federation, States or local
5 governments;

6 (c) grants, gifts or donations from international organizations and
7 donor agencies;

8 (d) charges, fees and other sums collected or received for services
9 rendered by the Agency; and

10 (e) all other funds which may, from time to time, accrue to the
11 Agency;

12 (3) The fund established pursuant to subsection (1) of this section
13 shall be managed in accordance with extant Financial Regulations applicable
14 in the Public Service.

Expenditures
of the Agency

15 37. The Agency may, from time to time, apply the proceeds of the
16 fund established in pursuance of subsection (1) of section 36 of this Act for the
17 following purposes-

18 (a) the cost of administration of the Agency;

19 (b) the reimbursement of members of the Board or any Committee set
20 up by the Board or the Agency for such expenses as may be authorized in
21 accordance with the rates approved by the Government of the Federation;

22 (c) the payment of salaries, fees and other remunerations or
23 allowances, payable to members of the Board, employees, experts or
24 professionals appointed by the Agency;

25 (d) the maintenance of any property acquired or vested in the Agency;
26 and

27 (e) any matter connected with all or any of the functions of the Agency
28 under this Act.

Power to borrow
and accept gifts

29 38. -(1) The Agency shall have power to borrow money from banks on
30 the recommendation of the Board and approval by the Minister of Finance.

1 (2) The Agency may accept gifts of land, money or other property
2 (whether within or outside Nigeria) provided that the terms and conditions,
3 of the gift are not contrary to the objectives and functions of the Agency
4 under this Act.

5 39. -(1) The Agency shall keep proper records and accounts, of its-

Accounts and
Audit

6 (a) receipts, payments, assets and liabilities; and

7 (b) incomes and expenditure;

8 in a form which conforms with existing laws on accounts and audit.

9 (2) The Agency shall submit the accounts annually, for auditing by
10 a qualified auditor from the list of auditors and in accordance with the
11 guidelines supplied by the Auditor-General of the Federation.

12 40. Annual Report.

Annual Report

13 The Agency shall, not later than 30th September in each year, submit to the
14 President through the Minister, a report of its activities during the immediate
15 preceding year and shall include in such report the audited accounts of the
16 Agency.

17 PART VI - JURISDICTION

18 41. -(1) The High Court shall have jurisdiction to try offences, hear
19 and determine proceedings arising under this Act whether or not the offence
20 was commenced in Nigeria and completed outside Nigeria and the-

Jurisdiction to
try offences under
this Act

21 (a) victim is a citizen or is resident in Nigeria, in transit or has a link
22 with Nigeria or is dealing with or on behalf of the Government of Nigeria;
23 and

24 (b) alleged offender is in Nigeria and not extradited to any other
25 country for prosecution.

26 (2) The High Court shall have jurisdiction to impose any penalty
27 provided for an offence under this Act or any other related law.

28 (3) Whenever any person is convicted of an offence under this Act,
29 the court in passing sentence shall in addition to any punishment which the
30 court may impose in respect of the offence, order the forfeiture to the Federal

1 Government of Nigeria; of any property, asset or fund with accrued interest,
2 article, substance, device, material or conveyance which is reasonably
3 believed to have been used in the commission of the offence or the proceed of
4 any unlawful activity under this Act and is in the possession, custody or control
5 of the convicted person.

6 (4) Notwithstanding the provisions of subsection (3) of this section,
7 the penalty imposed on a person convicted of an offence referred to in that
8 subsection may be reduced in such manner as the court deems fit where that
9 person has, before any proceeding, made possible or facilitated the
10 identification of other accused persons and their sponsors or who, after the
11 commencement of the proceedings, has made possible or facilitated the arrest
12 of such persons.

Adoption of
measures to
avoid delays

13 42. -(1) In any trial for an offence under this Act, the Court shall have
14 power, notwithstanding anything to the contrary in any other enactment, to
15 adopt all legitimate measures that it may deem necessary to avoid unnecessary
16 delays and abuse in the conduct of proceedings.

17 (2) Subject to the provisions of the Constitution of the Federal
18 Republic of Nigeria, an application for stay of proceedings in respect of any
19 criminal matter brought under this Act shall not be entertained until judgment
20 is delivered.

21 PART VII - SEARCH, ARREST AND SEIZURE

Issuance of
warrant for
investigation

22 43 -(1) An Officer of the Agency or a duly authorized law
23 enforcement officer may apply ex-parte to the court for the issuance of a
24 warrant for the purposes of conducting an investigation under this Act.

25 (2) The court may issue a warrant authorizing an officer of the Agency
26 or any law enforcement officer to-

27 (a) enter the premises or conveyance specified or described in the
28 warrant;

29 (b) search the premises or conveyance and any person found therein;

30 and

- 1 (c) seize and retain any relevant material found therein.
- 2 (3) The court shall not issue a warrant under subsection (2) of this
3 section unless the court is satisfied that-
- 4 (a) the warrant is sought to prevent the commission of an offence
5 under this Act or to prevent the interference in an investigation under this
6 Act; or for the purpose of a trafficking in persons investigation;
- 7 (b) there are reasonable grounds for believing that there is a person
8 or material on the premises or conveyance which may be relevant to the
9 investigation;
- 10 (c) the person being sought is preparing to commit an offence
11 under this Act.
- 12 44. -(1) Where in a case of verifiable urgency, or a life is threatened,
13 or to prevent the commission of an offence provided under this Act, an
14 application to the court or to a Judge in Chambers to obtain a warrant would
15 cause delay that may be prejudicial to the maintenance of public safety or
16 order, an Officer of the Agency or a law enforcement Officer may without
17 prejudice to the provisions of section 43 of this Act or any other law; with the
18 assistance of such other officers as may be necessary and while search
19 warrant is being sought for-
- 20 (a) enter and search any premises or place if he has reason to
21 suspect that, within those premises, place or conveyance-
- 22 (i) an offence under this Act is being committed or likely to be
23 committed;
- 24 (ii) there is evidence of the commission of an offence under this
25 Act; (iii) there is an urgent need to prevent the commission of an offence
26 under this Act.
- 27 (b) search any person or conveyance found on any premises or
28 place which such officer is empowered to enter and search under paragraph
29 (a) of this subsection;
- 30 (c) require information from and attendance of any person,

Investigation or
search without
Warrant

1 beneficiary or any person connected in any way in a matter under investigation;

2 (d) inspect premises, electronics, computer systems or recorded
3 information found on the premises;

4 (e) observe the carrying on of business or professional activities by
5 any person;

6 (f) stop, board and search any conveyance where the Agency or its
7 authorised officer has reasons to suspect that there is evidence of the
8 commission or likelihood of the commission of an offence under this Act;

9 (g) seize, remove and detain anything which is, or contains or appears
10 to him to be or to contain or to be likely to contain, evidence of the commission
11 of an offence under this Act;

12 (h) arrest, search and detain any person whom the officer reasonably
13 suspects of having committed or likely to commit an offence under this Act.

14 (2) Where a seizure is effected in the course of search or investigation
15 under this Act, a copy of the list of all the articles, documents and other
16 materials seized shall be made, duly endorsed and handed to the-

17 (a) person on whom the search is made; or

18 (b) owner of the premises, place or conveyance seized.

19 (3) Notwithstanding the provisions of subsection (1) of this section, a
20 woman shall only be searched by a woman.

21 (4) Nothing in this section shall be construed as derogating from the
22 lawful right of any person in defence of his person or property.

23 (5) Any officer of the Agency or a duly authorized law enforcement
24 officer who uses such force as may be reasonably necessary for any purpose in
25 accordance with this Act, shall not be liable in any criminal or civil
26 proceedings, for having, by the use of reasonable force caused injury or death
27 to any person or damage to or loss of any property.

28 45. -(1) A video recording shall be made and kept in respect of any
29 person, conveyance or property detained under any provision of this Act as
30 may be required by the Agency.

1 (2) Records in respect of any person, conveyance or property
2 detained under any provision of this Act shall be kept in the custody of the
3 Agency.

4 (3) Subject to the provisions of the Evidence Act, a video recording
5 and other forms of electronic evidence shall be admissible in evidence
6 before any court of competent jurisdiction in Nigeria for offences under this
7 Act.

8 46. Where a person volunteers to the Agency or an official of the
9 Agency any information which may be useful in the investigation or
10 prosecution of an offence under this Act, the Agency shall take all
11 reasonable measures to protect the identity of that person and the
12 information so volunteered shall be treated as confidential.

Protection of
informants and
information

13 47. -(1) The court may, on a motion by or on behalf of the Attorney
14 - General, the Agency or a law enforcement agency, protect a witness or
15 other persons in any proceeding before it.

Witness
Protection

16 (2) Where the Court is satisfied that the life of the witness or any
17 other person is in danger, the Court may on its own, take such measures as it
18 deems necessary and expedient to keep the identity and address of the
19 witness secret.

20 (3) The measures which the court may take under subsection (1) of
21 this section may include the-

22 (a) holding of the proceeding at a place to be decided by the court;

23 (b) avoidance of the mention of the real name and address of the
24 witness in its orders, judgments or records of the case, which are accessible
25 to the public; or

26 (c) issuing of a direction for ensuring that the identity and address
27 of the witness are not disclosed.

28 (3) The court may also decide, in the public interest, that all or any
29 of the proceedings pending before the court shall not be published in any
30 manner.

1 (4) The court may in the interest of public safety or order, exclude
2 from proceedings for any offence under this Act, any person other than the
3 parties and their legal representatives.

4 (5) A person who contravenes an Order or direction made under this
5 section commits an offence and shall be liable on conviction to imprisonment
6 for a term of not less than five years.

7 **PART VIII - ATTACHMENT AND FORFEITURE OF ASSETS**

8 forfeiture of
9 passport

8 **48.** The passport of any person convicted of an offence under this Act
9 shall be forfeited to the Federal Government and shall not be returned to that
10 person unless or until the President directs otherwise, after the grant of a pardon
11 on the exercise of prerogative of mercy under the Constitution of the Federal
12 Republic of Nigeria.

13 forfeiture of
14 assets after
15 conviction

13 **49. -(1)** A person convicted of an offence under this Act shall forfeit to
14 the Victims of Trafficking Trust Fund-

15 (a) all the assets and properties which is the subject of an interim
16 attachment order of the Court after an attachment by the Agency as specified in
17 section 55 of this Act;

18 (b) any assets or properties derived from any proceeds obtained,
19 directly or indirectly not already disclosed in the Assets Declaration Form
20 specified in Form 1 of the Second Schedule to this Act or not subject of an
21 interim attachment order; and

22 (c) any property or instrumentalities used in any manner to commit or
23 to facilitate the commission of such offence not already disclosed in the Assets
24 Declarations Form or not subject of an Interim attachment Order

25 (2) The Court in imposing a sentence on any person under this Act
26 shall in addition to any other sentence imposed pursuant to this Act, order that
27 the person forfeits to the Victims of Trafficking Trust Fund all properties
28 described in subsection (1) of this section.

29 (3) In this section, "proceeds" means any property derived or
30 obtained, directly or indirectly, through the commission of an offence under
this Act.

1 **50. -(1)** Where it is established that any convicted person has assets Foreign Asset:
2 or properties in a foreign country, acquired as a result of any of the offences
3 under this Act, such assets or properties subject to any treaty or arrangement
4 with such foreign country, shall be forfeited to the Victims of Trafficking
5 Trust Fund.

6 (2) The Agency shall, through the Office of the Attorney- General
7 of the Federation, ensure that the forfeited assets or properties are
8 effectively transferred and vested in the Victims of Trafficking Trust Fund.

9 **51. -(1)** Any property-

Property subje.
to forfeiture

10 (a) whether real or personal, which represents the gross receipts
11 which a person obtains directly or indirectly as a result of the violation of
12 this Act or which is traceable to such gross receipts; and

13 (b) within Nigeria which represents the proceeds of an offence
14 under the laws of a foreign country within whose jurisdiction such offence
15 or activity would be punishable by imprisonment for a term exceeding one
16 year and which would be punishable by imprisonment under this Act if such
17 act or activity had occurred within Nigeria;
18 is subject to forfeiture to the Victims of Trafficking Trust Fund.

19 (2) Without prejudice to the provisions of any other law permitting
20 the forfeiture of property, the following shall also be subject to forfeiture
21 under this Act and no proprietary right shall exist in them-

22 (a) all means of conveyance, including vehicles or vessels which
23 are used or are intended for use to transport or in any manner, facilitate
24 trafficking of any person provided that a means of conveyance-

25 (i) used by any person in the transaction of business as a common
26 carrier shall not be forfeited under this section unless it shall appear that the
27 owner or other person in charge of such means of conveyance was a
28 consenting party or privy to a violation of this Act.

29 (ii) shall not be forfeited under this section by reason of any act
30 established by the owner thereof to have been committed by any person

1 other than such owner while such means of conveyance was unlawfully in the
2 possession of a person other than the owner in violation of the criminal laws of
3 Nigeria or any part thereof; and

4 (iii) shall not be forfeited under this section to the extent of an interest
5 of an owner, by reason of any act established by that owner to have been
6 committed without the knowledge, consent or wilful connivance of that owner.

7 (b) all monies, negotiable instruments, securities or other things of
8 value furnished or intended to be furnished by any person in exchange for any
9 violation of this Act or all proceeds traceable to such an exchange, and all
10 monies, negotiable instruments and securities used or intended to be used to
11 facilitate any violation of this Act; and

12 (c) all real property, including any right, title and interest (including
13 any leasehold interest) in the whole or any piece or parcel of land and any
14 improvements or appurtenances which is used or intended to be used, in any
15 manner or part to commit or facilitate the commission of an offence under this
16 Act.

Seizure of
property

17 **52.** -(1) Seizure of any property subject to forfeiture under this Act
18 may be effected by the Agency where the-

19 (a) seizure is incidental to an arrest or search;

20 (b) property is liable to forfeiture upon process issued by the Court
21 following an application made by the Agency in accordance with the
22 prescribed rules.

23 (2) Whenever property is seized under any of the provisions of this
24 Act, the Agency may-

25 (a) place the property under seal; or

26 (b) remove the property to a place designated by the Agency.

27 (3) Property taken or detained under this section shall be deemed to be
28 in the custody of the Agency subject only to the order of the court.

Investigation of
assets and
properties of an
arrested person

29 **53.** -(1) Where a person is arrested for an offence under this Act, the
30 Agency shall immediately trace and attach all the assets and properties of the

1 person acquired as a result of the offence.

2 (2) Where an asset or property of any person arrested under this Act
3 is to be attached, the Agency shall apply to the court for an interim
4 attachment order subject to the provisions of section 55 of this Act.

5 54.-(1) Where a person is arrested for committing an offence under
6 this Act, it shall be obligatory for the person to make full disclosure of all his
7 assets and properties by completing the Declaration of Assets Form as
8 specified in Form 1 of the Second Schedule to this Act.

Disclosure of
assets and
property by an
arrested person

9 (2) The disclosures made in the Declaration of Assets Form shall be
10 investigated by the Agency.

11 (3) Any person who-

12 (a) knowingly fails to make full disclosure of his assets and
13 liabilities;

14 (b) knowingly makes a declaration that is false;

15 (c) fails, neglects or refuses to make a declaration or furnish any
16 information required, in the Declaration of Assets Form,
17 commits an offence and is liable on conviction to imprisonment for a term of
18 two years.

19 55. Where any assets or property has been seized by the Agency
20 under this Act, the Agency shall cause an application to be made to the court
21 for an interim attachment order and the court shall if satisfied that there is a
22 prima facie evidence that the property concerned is liable to forfeiture make
23 an interim attachment order.

Interim attachment
order after seizure
of property

24 56. Where an arrested person is convicted of an offence under this
25 Act, the Agency or any authorized officer shall apply to the Court for a final
26 order of forfeiture of the convicted person's assets and properties which are-

Final Order of
forfeiture

27 (i) already subject to an interim attachment order;

28 (ii) derived from any proceeds the person obtained, directly or
29 indirectly, as a result of such offence not already disclosed in the Assets
30 Declaration Form and not subject to interim order; and

1 (iii) any property or instrumentalities used in any manner to commit
2 or to facilitate the commission of such offence not already disclosed in the
3 Assets Declarations Form.

Disposal of
forfeited
property

4 57. -(1) A copy of final court order forfeiting the asset and property of
5 a person convicted under this Act shall be forwarded to the Agency.

6 (2) Upon receipt of the final court order pursuant to this section, the
7 Director - General shall take steps to dispose of the property concerned by sale
8 or otherwise and where the property is sold, the proceeds shall be paid into the
9 Victims of Trafficking Trust Fund.

10 (3) Where any part of the property included in the final court order is
11 money in a bank or any financial institution or in the possession of any person,
12 the Agency shall cause a copy of the order to be produced and served on the
13 manager or any person in control of the head office or branch of the bank
14 concerned and that manager or person shall forthwith pay over the money to the
15 Agency and the Agency shall pay the money received into the Victims of
16 Trafficking Trust Fund.

17 (4) The Minister may make rules, guidelines or regulations for assets
18 forfeiture, disposal and management pursuant to this Act.

Offences in
relation to
forfeiture orders

19 58. -(1) A person who, without due authorization by the Agency, deals
20 with, sells or otherwise disposes of any property or assets which is the subject
21 of attachment, seizure, Interim attachment order or final forfeiture order;
22 commits an offence and is liable on conviction to imprisonment for a term of
23 five years without an option of a fine.

24 (2) Any manager or person in control of the head office or branch of a
25 bank or other financial institution who fails to pay over any money to the
26 Agency upon the production of a final forfeiture order commits an offence
27 under this Act and is liable on conviction to imprisonment for a term of not less
28 than one year, without an option of a fine.

Consequence of
an acquittal in
respect of
confiscated assets
and properties

29 59. -(1) Where a person is discharged or acquitted by a Court of an
30 offence under this Act, the Court may make an order of revocation or

1 confirmation as the case may be, of an interim attachment order made
2 pursuant to this Act whichever order is considered just, appropriate or
3 reasonable within the circumstances.

4 (2) The property may be attached where a discharge is merely
5 given on technical grounds.

6 (3) Where an interim order is revoked by a Court under subsection
7 (1) of this section, all assets and properties of the person concerned shall be
8 released by the Agency.

9 60.-(1) Notwithstanding anything contained in any other
10 enactment, where any person is arrested or under investigation for an
11 offence under this Act, the Director-General may, if satisfied that the money
12 in the account of an arrested person is made through the commission of an
13 offence under this Act, apply to the High Court *ex parte* for an order
14 authorizing the Agency to issue or instruct a bank examiner or such other
15 appropriate regulatory authority to issue an order as specified in Form 2 of
16 the Second Schedule to this Act, addressed to the authority of the bank or
17 financial institution where the account is or believed to be domiciled or the
18 head office of the bank or other financial institution; to freeze the account.

Freezing order
on banks or other
financial
institutions

19 (2) The Director-General or bank examiner may by an order issued
20 under subsection (1) of this section, or by any subsequent order, direct the
21 bank or other financial institution to supply any information and produce
22 books and documents relating to the account and to stop all outward
23 payments, operations or transactions (including any bill of exchange) in
24 respect of the account of the arrested person or a person under investigation.

25 (3) The manager or any other person in control of the Bank or a
26 financial institution shall take necessary steps to comply with the
27 requirements of the order made pursuant to subsection (1) and (2) of this
28 section.

29 (4) In this section-

30 (a) "Bank" has the meaning given to it in the Banks and Other

1 Financial Institutions Act, Cap B3, Laws of the Federation of Nigeria, 2004 as
2 amended; and

3 (b) "Order" refers to any order, direction or requirement addressed to
4 the manager of a bank or any other officer of a bank which directs or purports to
5 direct the manager or such officer to stop all outward payment, operations or
6 transactions in respect of any account with that bank.

7 PART IX - TREATMENT OF TRAFFICKED PERSONS

Treatment of
trafficked
persons

8 **61.** The Agency shall ensure that-

9 (a) a trafficked person is not subjected to discriminatory treatment on
10 account of race, colour, gender, sex, age, language, religion, political or other
11 opinion, cultural beliefs or practices, national, ethnic or social origin, property,
12 birth or other status, including his status as a victim of trafficking or having
13 worked in the sex industry;

14 (b) a trafficked person has access to adequate health and other social
15 services during the period of temporary residence;

16 (c) a trafficked person has access to the embassy or consulate of the
17 country of which he is a citizen or where there is no embassy or consulate, have
18 access to the diplomatic representative of the State that takes charge of the
19 country's interest or any national to protect him;

20 (d) a trafficked person is able to return home safely, if he wishes and
21 when he is able to do so;

22 (e) a trafficked person is not denied temporary residence visas during
23 the pendency of any criminal, civil or other legal actions;

24 (f) investigation, detection, gathering and interpretation of evidence
25 are conducted in such a manner as to minimize intrusion into the personal
26 history of a trafficked person;

27 (g) the identity of a person trafficked is protected;

28 (h) the use of any person's history of being trafficked to discriminate
29 or cause harm to such person, his family or his friends in any way whatsoever,
30 particularly with regards to freedom of movement, marriage or search for

1 gainful employment is prohibited;

2 (i) it takes steps to maintain and rehabilitate facilities provided for
3 trafficked persons; and

4 (j) a trafficked person and his family are protected from
5 intimidation, threats, and reprisals from traffickers and their associates
6 including reprisals from persons in position of authority.

7 62. Where the circumstances so justify, trafficked persons shall
8 not be detained or prosecuted for offences relating to being a victim of
9 trafficking, including non-possession of valid travel stay or use of a false
10 travel or other document.

Non-detention of
prosecution of a
trafficked person
in certain
circumstances

11 63. The consent of a victim of trafficking in persons to the
12 intended prostitution, forced labour, slavery or other forms of exploitation,
13 criminalized under this Act shall not be a defence to any offence under this
14 Act where the consent is obtained by means of threat, use of force,
15 abduction, fraud, deception, abuse of power or a position of vulnerability or
16 the giving or receiving of payment or benefits or consent of a person having
17 control over the victim and other forms of coercion.

Consent of a
victim

18 64. -(1) There shall be established for the Agency Transit Shelters
19 which shall be managed and supervised as homes to cater for rescued
20 trafficked persons particularly women and children.

Establishment of
transit Shelter

21 (2) The Transit Shelters shall be run by staff of the Agency with the
22 aim of providing protection, assistance, counselling, rehabilitation and
23 training for the rescued victims to facilitate their reintegration into the
24 society.

25 65. -(1) A trafficked person, irrespective of his immigration status
26 is entitled to compensation, restitution and recovery for economic, physical
27 and psychological damages which shall be assessed and paid out of forfeited
28 assets of the convicted trafficker.

Right to
compensation
or restitution

29 (2) Where an offender is convicted of an offence under this Act, the
30 court may order the offender to pay compensation to the victim, in addition

1 to any other punishment ordered by the court.

2 (3) Notwithstanding any other provision of this Act, a trafficked
3 person has the right to institute civil action against a trafficker and any other
4 person including a public officer who may have exploited or abused his person
5 provided that the amount awarded by the criminal court shall be taken into
6 consideration in the determination of the amount of compensation to be
7 awarded in the civil suit.

Application of
certain
enactments

8 66. The President may by order published in the Gazette extend the
9 provisions of the-

10 (a) Mutual Assistance in Criminal Matters within the
11 Commonwealth (Enhancement and Enforcement) Act; and

12 (b) Transfer of Convicted Offenders (Enhancement and
13 Enforcement) Act,

14 to apply to any country outside the Commonwealth and accordingly the
15 provisions of the Acts mentioned in paragraphs (a) and (b) of this section shall
16 have effect in their application to this Act.

17 PART X - VICTIMS OF TRAFFICKING TRUST FUND

Establishment
of Victims of
Trafficking
Trust Fund

18 67. -(1) There is established for the Agency a Victims of Trafficking
19 Trust Fund (in this Act referred to as "the Trust Fund"), into which shall be
20 paid-

21 (a) any take-off grant and special intervention funds as may be
22 provided by the Federal Government;

23 (b) such moneys as may be appropriated to meet the objectives of the
24 Trust Fund by the National Assembly;

25 (c) proceeds of the sale of assets and properties derived from acts
26 which constitute an offence under this Act;

27 (d) aids, grants, gifts, bequests, endowments, donations or assistance
28 from bilateral and multi-lateral international Agencies, non-Governmental
29 organizations, other donor agencies, partners and the private sector;

30 (e) moneys derived from investments made by the Trust Fund; and

1 (f) any other moneys which may accrue to the Trust Fund from time
2 to time.

3 (2) The sources of moneys referred to in paragraph (d) of
4 subsection (1) of this section shall be acceptable to the Trust Fund by the
5 Agency except where the terms and conditions attached to the aid, grant,
6 gift, bequest, endowment, donation or assistance are inconsistent with the
7 objective of the Trust Fund or the provisions of this Act.

8 (3) The Minister shall make regulations and issue guidelines for the
9 management of the Fund established under subsection (1) of this section and
10 related matters.

11 (4) The Trust Fund shall be utilized-

12 (i) to pay compensation, restitution and damages to trafficked
13 persons whether by court orders or not;

14 (ii) to fund victim support services for trafficked persons by Non-
15 Governmental Organizations or government in countries of destination,
16 transit and origin;

17 (iii) to fund law enforcement efforts, including special units to
18 fight corruption, human rights trainings for law enforcement officials,
19 witness protection programs and specially trained anti - trafficking units to
20 work with trafficked persons; and

21 (iv) to fund trafficking prevention programs and such other
22 purposes incidental to or connected with the attainment of the objectives of
23 this Act.

24 68. -(1) There is established for the Trust Fund, a body to be known
25 as the Victims of Trafficking Trust Fund Board (in this Act referred to as 'the
26 Trust Fund Board') which shall, subject to the provisions of this Act
27 administer and have general control over the management of the Trust Fund.

28 (2) The membership of the Trust Fund Board shall consist of-

29 (a) the Attorney-General of the Federation who shall be the
30 Chairman;

Establishment of
the Victims of
Trafficking Trust
Fund Board

- 1 (b) Director-General of the Agency;
- 2 (c) Chairman of the Governing Board of the Agency;
- 3 (d) a representative each of the following Federal Ministries and
- 4 Agencies-
- 5 (i) Federal Ministry of Justice;
- 6 (ii) Federal Ministry of Women Affairs;
- 7 (iii) National Directorate of Employment; and
- 8 (iv) Federal Ministry of Finance.
- 9 (e) a representative of Non-Governmental Organizations whose
- 10 focus is on the eradication of trafficking in persons and other related matters;
- 11 (f) Director, in charge of Legal and Prosecution Department of the
- 12 Agency, and
- 13 (g) Director in charge of Counselling and Rehabilitation Department
- 14 of the Agency as Secretary.
- 15 (3) The Trust Fund Board shall be responsible for-
- 16 (a) receiving all monies, aids, grants, gifts, bequests, endowments,
- 17 donations or assistance accruing to the fund;
- 18 (b) determining victims of trafficking in persons entitled to benefit
- 19 from the trust fund;
- 20 (c) disbursing monies from the fund to such victims of trafficking on
- 21 criteria approved by the Governing Board of the Agency;
- 22 (d) requesting for and collecting outstanding claims in favour of
- 23 deceased victims of human trafficking from relevant authorities within and
- 24 outside Nigeria; and
- 25 (e) investing monies accruing to the Trust Fund in viable ventures
- 26 without prejudice to the provisions of paragraphs (a) to (d) of this subsection.
- 27 (4) Subject to the provisions of subsection (5) of this section, a
- 28 member of the Board, other than an ex officio, shall hold office for a term of
- 29 three years in the first instance and may be eligible for reappointment for
- 30 another term of three years and no more.

1 (5) A member of the Trust Fund Board shall cease to hold office if

2 he-

3 (a) resigns his appointment by a notice in writing;

4 (b) becomes of unsound mind;

5 (c) becomes bankrupt or makes compromise with his creditors;

6 (d) is convicted of a felony or any offence involving dishonesty;

7 (e) is guilty of misconduct in relation to his duties.

8 (6) The Trust Fund Board-

9 (a) shall meet at least twice in a year and on such other occasions as
10 it may consider necessary;

11 (b) may make rules and standing orders to regulate its proceedings
12 or those of its committee;

13 (c) may co-opt any person to assist it in carrying out its assignments
14 under this Act, provided that a co-opted member shall not have the
15 right to vote at Board meetings; and

16 (e) may appoint one or more committees to carry out its functions
17 on its behalf

18 PART XI - MUTUAL LEGAL ASSISTANCE, EXCHANGE OF
19 INFORMATION AND EXTRADITION

20 69. -(1) A foreign State may make a request to the Minister for
21 assistance in the investigation and prosecution of offences under this Act.

Requests from
Foreign States

22 (2) A copy of such request shall be furnished to the Agency.

23 (3) Where a foreign State makes a request for assistance in the
24 investigation or prosecution of an offence relating to trafficking in persons ,
25 or extradition where there is mutual legal assistance treaty in force, the
26 Minister may after due consideration-

27 (a) execute the request; or

28 (b) inform the requesting State of any reason for-

29 (i) not executing the request; or

30 (ii) delaying the execution of the request.

1 (4) Where the Minister decides to execute a request for assistance
2 under subsection (1) of this section, he may apply to the court for-

3 (a) an Order for the Agency to-

4 (i) enter and search specified premises or conveyance;

5 (ii) search any specified person; or

6 (iii) remove any relevant document or material;

7 (b) a seizure order;

8 (c) a property tracing order;

9 (d) an interception of communication order; or

10 (e) an order for freezing or forfeiture of property or funds in such
11 manner as may be prescribed by the Court or Judge in Chambers

12 (5) The court or Judge in Chambers, in making an Order under
13 subsection (4) of this section, may impose such conditions as to payment of
14 debts, sale, compensation of victims, transfer or disposal of any property as the
15 court deems fit.

16 (6) Where a prima facie case is established on the basis of the request
17 from a foreign state, the Attorney-General shall file a request for an order of
18 forfeiture of all funds or properties used, being used or intended to be used for
19 the commission of an offence under this Act the Court shall grant or reject the
20 application for an order of forfeiture after hearing from all parties, including a
21 bona fide third party.

Request to a
Foreign State

22 70. -(1) The Minister may, on the recommendation of the Agency
23 make a request to any foreign State-

24 (a) for evidence or information relevant to an offence under this Act;

25 (b) for the restraint and forfeiture of any fund or property located in
26 that foreign State and which is liable to be forfeited for being a fund, property or
27 other assets belonging to, in possession or under the control of a person
28 suspected to have committed an offence or convicted of an offence that is used,
29 being used or intended to be used for the commission of a terrorist act.

30 (2) The Minister may, in respect of any proceedings for an offence

1 under this Act, apply to the court or to a Judge in Chambers for an Order
2 directed to any person resident in a foreign State to-

3 (a) deliver himself or any document or material in his possession or
4 under his control to the jurisdiction of the court;

5 (b) subject to the approval of the foreign State, deliver himself to
6 the jurisdiction of the court of the foreign State for the purpose of giving
7 evidence in relation to those proceedings.

8 71. -(1) The evidence taken pursuant to section 69 of this Act, in
9 any proceedings in a court of a foreign State may, if it is authenticated, be
10 admissible in any proceedings to which such evidence relates; provided that
11 the circumstances and method of collecting the evidence is normally
12 acceptable to Nigeria.

Evidence
Pursuant to a
Request

13 (2) For the purpose of subsection (1) of this section, a document is
14 authenticated if it is-

15 (a) signed or certified by a Judge or Magistrate of the foreign State;

16 (b) authenticated by the oath or affirmation of a witness, or

17 (c) sealed with an official or public seal-

18 (i) of a Ministry or Department of the Government of the foreign
19 State;

20 (ii) in the case of a territory, protectorate or colony, of the person
21 administering the Government of the foreign territory, protectorate or
22 colony or a department of that territory, protectorate or colony.

23 72. -(1) A request under this part of this Act shall be in writing,
24 dated and signed by or on behalf of the person making the request.

Form of Requests

25 (2) A request may be transmitted by facsimile or by any other
26 electronic device or means.

27 (3) A request shall-

28 (a) confirm either that an investigation or prosecution is being
29 conducted in respect of a suspected offence of terrorism or an act related to
30 terrorism or that a person has been convicted of an offence of terrorism or act

1 related to terrorism;

2 (b) state the grounds on which any person is being investigated or
3 prosecuted for an offence related to terrorism or details of the conviction of the
4 person;

5 (c) give sufficient particulars of the identity of the person;

6 (d) give sufficient particulars to identify any financial institution or
7 designated non-financial institution or other persons believed to have
8 information, documents or materials which may be of assistance to the
9 investigation or prosecution;

10 (e) specify the manner in which and to whom any information,
11 document or material obtained pursuant to the request is to be produced;

12 (f) specify the information, document or material to be obtained from
13 a financial Institution or designated non - financial institution or any person
14 which may assist the investigation or prosecution;

15 (g) state whether-

16 (i) a freezing or forfeiture Order is required, or

17 (ii) the property may be made the subject of such an Order; and

18 (h) contain such other information as may assist in the execution of
19 the request.

20 (4) A request shall not be invalidated for the purposes of this Act or
21 any legal proceedings by failure to comply with the provisions of subsection
22 (3) of this section where the Minister is satisfied that there is sufficient
23 compliance to enable him execute the request.

24 (5) The Minister charged with responsibility for finance shall on the
25 advice of the Attorney General where he or she considers it appropriate, either
26 because an international arrangement so requires or permits or it is in the public
27 interest, may, after deducting the cost incurred for actions taken in Nigeria,
28 order that any part of any property forfeited under this Act or the value thereof,
29 be returned or remitted to the requesting State.

30 (6) Where the whole or any part of the forfeited property, or the value

1 and shall notify the requesting Authority of the reasons for doing so, unless the
2 specification of those reasons would in itself be, in the opinion of the Agency,
3 prejudicial to the national security of Nigeria.

4 PART XII - MISCELLANEOUS

Power of the
Minister to give
directives of
general character
to the Agency

5 75. -(1) The Minister may from time to time, give general policy
6 guidelines to the Agency.

7 (2) Notwithstanding the provisions of subsection (1) of this section,
8 the Minister may give to the Agency directives of a general or specific nature
9 relating generally to a particular matter or case, as the case may be.

10 (3) The Agency shall comply with any policy guidelines or any
11 directive given to it by the Minister pursuant to subsection (1) or (2) of this
12 section.

Power to make
regulation

13 76. -(1) The Minister may make rules or regulations with respect to
14 the exercise of any of the duties, functions or powers of the Agency under this
15 Act.

16 (2) The contravention of any regulation issued pursuant to any of the
17 provisions of this Act shall constitute an offence and shall be punishable as
18 prescribed in the particular regulation.

19 (3) The Agency may with the approval of the Minister make
20 regulations as it deems necessary or expedient for giving full effect to the
21 provisions of this Act.

Legal Proceedings

22 77. -(1) No civil action shall be commenced against the Agency or its
23 authorised officers before the expiration of a period of 30 days after written
24 notice of intention to commence the suit shall have been served on the Agency
25 by the intending plaintiff or his agent, and the notice shall clearly and explicitly
26 state the-

27 (a) cause of action;

28 (b) particulars of the claim;

29 (c) name and place of abode of the intending plaintiff, and

30 (d) relief sought.

1 (2) The notice referred to in subsection (1) of this section and any
2 summons, or other documents required or authorized to be served on the
3 Agency under this Act or any other enactment or law, may be served by-

4 (a) delivering it to the Agency; or

5 (b) sending it by registered mail to the postal address of the Agency.

6 78. In any action or suit against the Agency, no execution shall be
7 levied or attachment process issued against the Agency unless not less than
8 three months' notice of the intention to execute or attach has been given to
9 the Agency.

Restriction on
execution against
property of the
Agency

10 79. A member of the Board, Director-General, officer or employee
11 of the Agency shall be indemnified out of the assets of the Agency against
12 any proceedings brought against him in his capacity as a member of the
13 Board, Director-General, officer or employee of the Agency where the act
14 complained of is not ultra vires his powers.

Indemnity of
officers of the
Agency

15 80. -(1) The Trafficking in Persons (Prohibition) Law Enforcement
16 and Administration Act, 2003 as amended is hereby repealed.

Repeal and
Savings provision

17 (2) Without prejudice to section 6 of the Interpretation Act, the
18 repeal of the Act specified in subsection (1) of this section, shall not affect
19 anything done under or pursuant to the Act.

20 (3) Every regulation, order, requirement, certificate, notice,
21 direction, decision, authorization, consent, application, request or thing
22 made, issued, given or done under the repealed Act shall, if in force at the
23 commencement of this Act, continue to be in force and have effect as if
24 made, issued, given or done under the corresponding provisions of this Act.

25 (4) All assets, funds, resources and other movable and immovable
26 property which, immediately before the commencement of this Act, vested
27 in the former Agency shall by virtue of this Act and without further
28 assurance be vested in the Agency established under section 25 of this Act.

29 (5) Every reference to the former Agency, Board, Minister,
30 Executive Secretary, Board Chairman or any person under their control or a

1 document issued in the name of the former Agency, Board, Minister, Executive
2 Secretary, Chairman of the former Board or employee of the former Agency
3 shall be read, unless the context otherwise requires, as a reference to the
4 Agency, Minister, Board, Director- General, Chairman, or an employee of the
5 Agency established under this Act, as the case may be.

Transitional
Provisions

6 81. -(1) Subject to the provisions of this Act, the Executive Secretary
7 of the Agency established under the repealed Act is deemed to have been
8 transferred to the Agency established under this Act under the same conditions
9 as Director- General.

10 (2) Any person who immediately before the commencement of this
11 Act was a staff of the Agency established under the repealed Act shall continue
12 in office and be deemed to have been appointed under this Act for purposes of
13 Pension.

14 (3) Properties held immediately before the commencement date of
15 this Act on behalf of the National Agency for the Prohibition of Traffic in
16 Persons by any person shall, by virtue of this Act, be vested in the Agency
17 established under this Act.

18 (4) The Agency established in section 25 of this Act shall be subject to
19 all the obligations and liabilities to which the former National Agency for the
20 Prohibition of Traffic in Persons was subject immediately before the
21 commencement of this Act and all other persons shall have the same rights,
22 powers and remedies against the Agency established by this Act as they had
23 against the Agency immediately before the commencement of this Act.

24 (5) Any proceeding or cause of action pending or existing
25 immediately before the commencement of this Act by or against the Agency
26 established under the repealed Act in respect of any right, interest, obligation or
27 liability of the Agency may be continued or commenced, as the case may be,
28 and any determination of a court of law, tribunal or other Commission or
29 person may be enforced by or against the Agency established by this Act to the
30 same extent that such proceeding, cause of action or determination might have

1 been continued, commenced or enforced by or against the Agency as if this
2 Act had not been made.

3 (6) As from the commencement of this Act, any disciplinary
4 proceeding pending or existing against any employee of the Agency shall be
5 continued and completed by the Agency established under this Act.

6 82. In this Act-

Interpretation

7 "Agency" means the National Agency for the Prohibition of Trafficking in
8 Persons established under section 25 of this Act;

9 "Assets" means items of ownership convertible into cash; total resources of
10 person or business, as cash, notes and accounts receivable, securities,
11 inventories, goodwill, fixtures, machineries or real estate.

12 "Attachment" includes forfeiture or the permanent deprivation of property
13 by order of a court;

14 "Brothel" includes any enclosure, house, premises, hotels, restaurants,
15 drinking place, vessels, stationary or moving receptacle where a person
16 offers the body commonly for acts of lewdness and sexual gratification.

17 "Child" means a person under the age of eighteen years;

18 "Commercial carriers" means any person or any public, private or other
19 entity engaged in transporting persons, goods or mails for remuneration,
20 hire or any other benefit;

21 "Director - General" means the Director - General and Chief Executive
22 Officer of the Agency.

23 "Export" with its grammatical variations and cognate expressions means to
24 take or cause to be taken out of Nigeria.

25 "Exploitation" shall include, at a minimum, the exploitation of the
26 prostitution of others or other forms of sexual exploitation, deprivation of
27 the offspring of any person, forced labour or services, slavery or practices
28 similar to slavery, servitude or the removal of organs;

29 "Exploitative labour" include the use of a child's labour for the monetary,
30 commercial or economic interest of the recruiter and the receiver.

1 "Financial or other material benefit" includes any type of financial or non-
2 financial inducement, payment, bribe, reward, advantage or service (including
3 sexual or other services).

4 "Freezing" means temporarily prohibiting the transfer, conversion, disposal or
5 movement of money or assets or temporarily assuming custody or control of
6 money or assets;

7 "Force" or "coercion" includes obtaining or maintaining through act of threat
8 the labour, service, or other activities of a person by physical, legal,
9 psychological or mental coercion, or abuse of authority;

10 "grievous harm" means any harm which amounts to a maim or dangerous harm
11 or which seriously or permanently injures health, or which is likely so to injure
12 health, or which extends to permanent disfigurement or to any permanent or
13 serious injury to any external or internal organ, member or sense.

14 "High Court" means Federal High Court, the High Court of a State or the High
15 Court of the Federal Capital Territory.

16 "Import" with its grammatical variation and cognate expressions means to
17 bring or cause to be brought into Nigeria.

18 "Minister" means the Attorney - General of the Federation and Minister of
19 Justice.

20 "Person" means a natural person and a legal entity.

21 "President" means the President and Commander in-Chief of the Armed Forces
22 of the Federal Republic of Nigeria.

23 "Seduce" means to persuade somebody to do what they would not usually
24 agree to do such as sexual intercourse;

25 "Sexual exploitation" means the participation by a person in prostitution,
26 sexual servitude, or the production of pornographic materials as a result of
27 being subjected to a threat, coercion, abduction, force, abuse of authority, debt
28 bondage or fraud.

29 "Slave" means a person who is held in bondage whose life; liberty, freedom and
30 property are under absolute control of someone;

1 "Smuggling of Persons" means arranging or assisting a person's illegal entry
2 into any country of which the person is not a citizen or permanent resident,
3 including Nigeria, either knowing or being reckless as to the fact that the
4 person's entry is illegal, in order to obtain a financial or other material
5 benefit.

6 "Smuggled person" means any person who is an object of an act of people
7 smuggling;

8 "Trafficking or Traffic in Persons" shall mean the recruitment,
9 transportation, transfer, harbouring or receipt of persons by means of threat
10 or use of force or other forms of coercion, abduction, fraud, deception, the
11 abuse of power of a position of vulnerability or the giving or receiving of
12 payments or benefits to achieve the consent of a person having control over
13 another person or debt bondage for the purpose of placing or holding the
14 person whether for or not in involuntary servitude (domestic, sexual or
15 reproductive) in forced or bonded labour, or in slavery-like conditions, the
16 removal of organs or generally for exploitative purposes;

17 "Trafficked person" means a victim of trafficking in persons;

18 "Trafficker" includes a person or an entity that commits or is in the process
19 of committing, aids, abets, facilitates or acquiesces to an act of trafficking in
20 persons.

21 "Transit Shelters" means shelter established by the Agency for the purpose
22 of receiving, caring for, rehabilitating and re-integrating into society,
23 victims of trafficking.

24 "Trust Fund" means the Victims Trust Fund established under section 68 of
25 this Act;

26 "Trust Fund Board" means the Victims of Trafficking Trust Fund Board
27 established under section 69 of this Act;

28 "Victim" means a victim of trafficking in person.

29 **83.** This Act may be cited as Trafficking in Persons (Prohibition), Short title
30 Enforcement and Administration Act, 2013.

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FIRST SCHEDULE

[Section 26 (4)]

SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD

Proceedings of the Board

1. Subject to this Act and section 27 of the Interpretation Act, the Board shall have power to regulate its proceedings and may make standing orders with respect to the holding of its meetings, and those of its committees, notices to be given, the keeping of minutes of its proceedings, the custody and production for inspection of such minutes and such other matters as the Board may, from time to time determine.

2. There shall be at least three ordinary meetings of the Board in every calendar year and subject thereto, the Board shall meet whenever it is convened by the Chairman, and if the Chairman is requested to do so by notice given to him by not less than four other members, he shall convene a meeting of the Board to be held within 30 days from the date on which the notice was given.

3. Every meeting of the Board shall be presided over by the Chairman and if the Chairman is unable to attend a particular meeting, the members present at the meeting shall elect one of them to preside at the meeting.

4. A quorum at a meeting of the Board shall be one-third.

5. The Board shall meet for the conduct of its business at such places and on such days as the Chairman may appoint.

6. A question put before the Board at a meeting shall be decided by consensus and where this is not possible, by a majority of the votes of the members present and voting.

7. The Chairman shall, in the case of an equality of votes, have a casting vote in addition to his deliberative vote.

8. Where the Board seeks the advice of any person on a particular matter, the Board may invite that person to attend for such period as it deems fit, but a person who is invited by virtue of this paragraph shall not be entitled to vote at any meeting of the Board and shall not count towards the quorum.

Committees

1
2 9. The Board may appoint one or more committees to carry out on
3 behalf of the Board such of its functions as the Board may determine and
4 report on any matter with which the Board is concerned.

5 10. A committee appointed under paragraph 9 of this Schedule
6 shall be presided over by a member of the Board and shall consist of such
7 number of persons (not necessarily all members of the Board) as, may be
8 determined by the Board, and a person other than a member of the Board
9 shall hold office on the committee in accordance with the, terms of his
10 appointment.

11 11. A decision of a committee of the Board shall be of no effect
12 until it is confirmed by the Board.

Miscellaneous

13
14 12. The fixing of the seal of the Agency shall be authenticated by
15 the signature of the Chairman and the Secretary to the Board.

16 13. A contract or an instrument which, if made or executed by any
17 person not being a body corporate, would not be required to be under seal,
18 may be made or executed on behalf of the Agency by the Director-General or
19 by any person generally or specifically authorized to act for that purpose by
20 the Board.

21 14. A document purporting to be a contract, an instrument or other
22 document signed or sealed on behalf of the Agency shall be received in
23 evidence and, unless the contrary is proved, be presumed without further
24 proof, to have been properly signed or sealed.

25 15. The validity of any proceeding of the Board or its committees
26 shall not be affected by-

- 27 (a) any vacancy in the membership of the Board or its committees;
28 (b) reason that a person not entitled to do so took part in the
29 proceedings; or
30 (c) any defect in the appointment of a member.

Surname		Other Name	Date Of Birth	If Dead, State The Date Of Death	Place Of Birth	Nationality	State Of Origin	Local Government	Occupation	Present Address	Home Address
(a) Now	(b) At birth if different					(a) Now (b) At birth					
1. Declarant											
2. Spouse If married, state date and place											
3. Father											
4. Mother											
5. Brothers ()											
()											
()											
6. Sisters ()											
()											
()											
7. Children ()											
()											
()											
8. Dependent, Relative, Uncle, Aunt, Nephew, etc.											
9. Associate											
10. Allens:											
(a) State		Allen Registration		Name in Full		Address		Occupation		Nationality	
(b) If		Naturalized Certificate No.									
		Primary school									
		Post Primary school									
		Or Secondary									
		University, Etc									
		Qualification awarded									
11. School attended with dates											

- 1 **12. Amount held in own account** NK
- 2 (i) Cash in hand
- 3 (ii) Cash at bank (Bank to be named)
- 4 (iii) Outside Nigeria (Countries/Bank to be named).....
- 5 **13. Amount held on behalf of or as trustee for any person other than**
- 6 **your wife/husband-**
- 7 (i) Cash in hand
- 8 (ii) Cash at bank (Bank to be named)
- 9 (iii) Outside Nigeria (Countries/Bank to be named).....
- 10 **14. Loans or advances made**
- 11 **15. Loans or advances received**.....
- 12 **16. Amount held on behalf of or as trustee of wife/husband-**
- 13 (i) Cash in hand
- 14 (ii) Cash at bank (Bank to be named)
- 15 (iii) Outside Nigeria (Countries/Bank to be named).....
- 16 **17. Wife's/husband's/children's account held (beneficial or**
- 17 **otherwise)-**
- 18 (i) Cash in hand
- 19 (ii) Cash at bank (Bank to be named)
- 20 (iii) Outside Nigeria (Countries/Bank to be named).....
- 21 **18. Government securities, including premium bonds and other**
- 22 **interests held in companies firms or partnerships (giving names of companies**
- 23 **firm and partnerships)-**
- 24 (a) by you (here state the bonds, etc);
- 25 (b) by Wife (wives)/husband* (here state the bonds, etc)
- 26 (c) by children (here state the bonds, etc)
- 27 **19. Property in Nigeria in which you are interested in, giving date**
- 28 **when acquired-**
- 29 (i) Land;
- 30 (ii) Buildings;

- 1 (iii) Other property, (if any).
- 2 20. Membership, ownership, directorship, shareholding, or
3 other related interest in-
- 4 (i) A company incorporated in Nigeria;
5 (ii) A company incorporated outside Nigeria;
6 (iii) A partnership or sole proprietorship.
- 7 21. Property outside Nigeria in which you are interested in,
8 giving date when acquired-
- 9 (i) Land;
10 (ii) Buildings;
11 (iii) Other property, (if any)
- 12 22. Property outside Nigeria in which any wife/husband* is
13 interested in, giving date when acquired-
- 14 (i) Land;
15 (ii) Buildings;
16 (iii) Other property, (if any).
- 17 23. Property outside Nigeria in which any wife/husband* is
18 interested in, giving date when acquired-
- 19 (i) Land;
20 (ii) Buildings;
21 (iii) Other property, (if any).
- 22 24. Property in Nigeria in which any child of yours is
23 interested in, giving date when acquired-
- 24 (i) Land;
25 (ii) Buildings;
26 (iii) Other property, (if any).
- 27 25. Property outside Nigeria in which any child of yours is
28 interested in, giving date when acquired-
- 29 (i) Land;
30 (ii) Buildings;

- 1 (iii) Other property, (if any).
- 2 26. Names of other dependant relatives.
- 3 27. Estate in which you are interested as trustee or beneficially
- 4 interested (Name of deceased or trustee).
- 5 28. Property held by any person on your behalf- (in or outside
- 6 Nigeria)-
- 7 (i) Cash in hand;
- 8 (ii) Cash at bank (Bank to be named);
- 9 (iii) Land;
- 10 (iv) Buildings;
- 11 (v) Other properties.
- 12 If outside Nigeria, insert name of countries and banks.
- 13
- 14 Signature of Accused Person
- 15
- 16 Signature and Address of Witness
- 17 **FORM B**
- 18 **FREEZING ORDER**
- 19 **[Section 61(1)]**
- 20 **(This form may be amended according to circumstances)**
- 21 **To the Manager.....**
- 22 **(Here insert name and branch of bank)**
- 23 **Under the authority conferred on me by section Act, you are hereby Ordered-**
- 24 **(a) to supply the following information relating to the under**
- 25 **mentioned accounts, that is to say.....(Here set out the**
- 26 **information required in respect of named accounts);**
- 27 **(b) to produce the books and documents relating to the under**
- 28 **mentioned accounts, that is to say.....(Here set out the**
- 29 **books and documents to be produced in respect of named accounts)**
- 30 **(c) to stop all outward payments, operations or transactions**

1 (including bills of exchange) as far as possible in the ordinary course of
 2 banking in respect of the following accounts:
 3(Here indicate the
 4 2. This order shall remain in force until revoked
 5 DATED at this day of 20.....
 6
 7 Director-General

EXPLANATORY MEMORANDUM

*(This Memorandum does not form part of the above Bill but is
 Intended to explain its purport).*

This Bill seeks to repeal the Trafficking in Persons (Prohibition) Law
 Enforcement and Administration Act, 2003 (as amended) and to enact the
 Trafficking in Persons (Prohibition), Enforcement and Administration Act;
 to provide for a more comprehensive legal and institutional measures for the
 eradication of trafficking and smuggling of persons.