"Human Trafficking"

"President of the Republic"

"Minister"

"Department"

"Committee" means the "National Committee for Combating Human Trafficking" established under the provisions of section 4 of this Act.

In this Act, unless the context otherwise requires, -

Interpretation

Date of Signature

This Act may be cited as the "Combating of Human Trafficking Act, 2014."

Title and Commencement

Preliminary Provisions

Chapter 1

Following Act -

The Combating of Human Trafficking Act, 2014. 05 Nov, 2014
Functions and Powers

The Committee shall have the following functions and powers:

1. The Committee shall be the highest authority for enforcing the provisions of this Act.

2. The Committee shall have the power to:
   (a) Receive reports and information on human trafficking from any source.
   (b) Call for investigations and audit reports.
   (c) Recommend measures to prevent human trafficking.
   (d) Direct and coordinate the enforcement of related laws.
   (e) Advise on the drafting of laws and regulations.
   (f) Conduct public awareness campaigns.
   (g) Receive and investigate complaints of human trafficking.
   (h) Provide assistance to victims of human trafficking.

3. The Committee shall:
   (a) Enforce the provisions of this Act.
   (b) Issue guidelines and regulations.
   (c) Make recommendations to the government.
   (d) Conduct monitoring and evaluation of enforcement actions.
   (e) Coordinate with international organizations.

4. The Committee shall be subject to supervision of the Prime Minister.

5. The members of the Committee shall be responsible for enforcing the laws of Nigeria and shall have the duty to report any violation of human rights.

6. The Committee shall:
   (a) Receive reports and information on human trafficking from any source.
   (b) Call for investigations and audit reports.
   (c) Recommend measures to prevent human trafficking.
   (d) Direct and coordinate the enforcement of related laws.
   (e) Advise on the drafting of laws and regulations.
   (f) Conduct public awareness campaigns.
   (g) Receive and investigate complaints of human trafficking.
   (h) Provide assistance to victims of human trafficking.

7. The Committee shall:
   (a) Enforce the provisions of this Act.
   (b) Issue guidelines and regulations.
   (c) Make recommendations to the government.
   (d) Conduct monitoring and evaluation of enforcement actions.
   (e) Coordinate with international organizations.

8. The Committee shall be subject to supervision of the Prime Minister.
physical, psychological and social recuperation of victims,
oversee their harboring in the places designated for this
purpose and make the necessary arrangements for their
protection;
(j) participate with other stakeholders in the State in international
and regional conferences and forums concerned with
trafficking in persons, and reflect the State’s orientation and
policies towards such issues;
(k) assume any other functions it deems necessary for combating
human trafficking.

Meetings and decisions
of the Committee

6. (1) The Committee shall convene once every three months,
upon call of its Chairperson, and it may hold an emergent
meeting upon an invitation of the Chairperson, or by request
of one-third the members thereof.
(2) The meeting of the Committee shall be valid by
attendance of more than half the members thereof.
(3) The Committee shall adopt its decisions by the majority
of votes of the present members thereof, at a valid meeting,
and in case of equality of votes, the Chairperson shall have a
casting vote.
(4) The Chairperson of the Committee may invite any person,
from those possessed of expertise and competence, to attend
any of the meetings of the Committee, to seek the opinion
thereof on matters presented before the Committee, without
having the right to vote.

Chapter III
Offences and Penalties

The Offence of Human Trafficking

7. (1) There shall be deemed to have committed the offence of
in human trafficking, whoever kidnaps, transfers, abducts,
transports, harbors, receives, detains or equips a natural
person, with intent to exploit or use the same in unlawful
business, or any acts, as may by nature degrade his dignity,
or achieve unlawful aims in consideration of any of the
following:-
(a) material return, or promise therewith;
(b) moral gain, or promise therewith;
(c) granting any type of advantages.
(2) The acts mentioned in sub-section (1), shall be deemed
human trafficking, where they have been accomplished by
the use of force, or threat of use of force, or by any of the
forms of coercion, abduction, fraud, deception, or abuse of
power and influence, or exploitation of a state of weakness or
need, or by granting payments or advantages, or promise therewith, in order to obtain the consent of a person to traffic
in another person upon whom he has control.

Trans-national offence
of Traffic in Human Beings

8. The offence of human trafficking shall be deemed trans-
national where it is committed in:-
(a) more than one State;
(b) one State and the arrangement, perpetration, planning, supervision, or financing the same has been
done in or by another State;
(c) any State, through an organized criminal group,
practicing criminal activities in more than one State;
(d) one State, and the effects thereof have extended to
another State.

Penalties

9. (1) Whoever commits the offence of human trafficking shall
be punished, with imprisonment, for a term, which is not less
than three years, and not exceeding ten years.
(2) Whoever commits the offence of human trafficking shall be punished, with imprisonment, for a term which is not less than five years, and not exceeding twenty years, or with death, where:

(a) he has established, founded, organized or managed an organized criminal group, assumed leadership thereof, or called for joining the same;
(b) the victim is female or a child who has not attained eighteen years of age, or is disabled;
(c) the offence has been committed through cheating, use of force or threat of causing death or bodily or psychological torture;
(d) the act has been done by two or more persons, or by a person carrying a weapon;
(e) the offender is the victim’s spouse or one of his ascendants, descendants, guardian or having control over him;
(f) the offence is of trans-national character;
(g) any one of the victims has been subjected to sexual abuse, removal of organs, or used in prostitution, or any act, as may by its nature degrades human dignity;
(h) the person, who has committed the offence of human trafficking is a public servant, or assigned with performing a public service, and the offence has been committed by abuse of the office or position thereof;
(i) the offence has resulted in the death of the victim, or his sustaining a permanent disability or an incurable disease.

Witness or victim disclosed

11. There shall be deemed to have committed an offence, whoever reveals or discloses the identity of the victim, or witness, place of his presence, or any information thereabout, in such a way as may expose him to danger or cause him injury, or facilitates the offender’s communication therewith, or supplies him with false information with intent to cause injury thereto, or prejudice the physical, psychological or mental safety thereof, and shall be punished with imprisonment, for a term, not exceeding five years, or with fine, or with both.

Person induced to commit perjury

12. There shall be deemed to have committed an offence, whoever induces a person to commit perjury by use of:

(a) force, threat, or intimidation, offering a present or favour of any type or promising a thing of the same, to induce another person to commit perjury, keep secret, or conceal information, or deliver false statements, or information before any judicial, or administrative body, in proceedings relating to the commission of any of the offences, provided for in this Act; and shall be punished, with imprisonment, for a term, not exceeding five years.
(b) physical force, threat, or intimidation in order to interfere into the work of any administrative or judicial official, or law enforcement agent in respect of any of the offences, provided for in this Act, and shall be punished, with imprisonment, for a term, not exceeding seven years.

**Place established with intent**
**to commit an offence**

13. There shall be deemed to have committed an offence, whoever establishes, prepares, provides or manages a place wherein any of the offences provided for in this Act, or such acts, as may be relating thereto, and shall be punished with the following:-
(a) imprisonment, for a term, not exceeding five years, or with fine, or with both;
(b) confiscation of the place, where it is owned by the perpetrator of the offence, or used for commission of the offence, with knowledge of the owner thereof.

**Offence through use of the internet**

14. There shall be deemed to have committed an offence, whoever uses the internet, or establishes a website, with intent to commit any of the offences, provided for in this Act, and shall be punished, with imprisonment, for a term, not exceeding five years or with fine, or with both.

**disposal of Property obtained**
**from the offence**

15. There shall be deemed to have committed an offence, whoever knowingly possesses, conceals, or disposes of any property, equipment, machinery, or materials, obtained from offence of human trafficking, and shall be punished, with imprisonment for a term not exceeding three years, or with fine or with both, together with restitution of the property disposed of.

**Confiscation of Property obtained from offence of Human Trafficking**

16. Without prejudice to the rights of bona fide third parties, the court shall, upon conviction, under any of the provisions of this Act, adjudge confiscation in favour of the Sudan Government, the property, luggage, tools, and means of conveyance, which have been used in the commission of any of the offences, provided for in this Act, or obtained therefrom.

**Remission or commutation of penalty**

17. (1) Penalties prescribed for the offences provided for in this Act, shall be remitted in favour of any offender who, at his own initiative, inform the competent authorities of whatever he knows about the offence, before commencement of execution thereof, in such a manner as the offence could be detected before taking place.
(2) The court may commute the original penalty, where the information takes place after the authorities having knowledge of the offence, and the same leads to identification and arrest of the rest of offenders, and seizure of the property obtained therefrom.
(3) Sub-section (2) shall not apply, where the offence entails death of the victim, or his sustaining an incurable disease or permanent disability.

**Responsibility of the carrier**

18. (1) The land, sea and air transportation companies shall be bound to verify that the passengers are holding valid documents for entering the State.
(2) The carrier shall be punished with fine, where it transpires that one of the offences of human trafficking has taken place as a result of his non-abidance by laws and regulations made in this respect.

Chapter IV
Financial Provisions

Financial Resources of the Committee
19. The Committee shall have the following financial resources:
   (a) such financial appropriations, as may be allocated thereto by the State;
   (b) any other financial resources, as the Minister of Finance and National Economy may approve.

Use of Financial Resources of the Committee
20. The resources of the Committee shall be used in carrying out its business and implementing its functions and powers, in accordance with the provisions of this Act.

Accounts, books and records kept and funds deposited
21. (1) The Committee shall keep accurate and comprehensive accounts of its business, in accordance with sound accountancy bases; and keep the books and records relating thereto.
(2) The Committee shall deposit its funds with the Central Bank in current accounts; and withdrawal therefrom shall be made in accordance with the financial law and regulations.

Audit
22. The accounts of the Committee shall be audited, after the end of every financial year, by the National Audit Chambers, or any other certified auditor, as the Auditor-General may approve, and under supervision thereof.

Statement of final account and the National Audit Chambers’ report
23. The Committee, within three months, of the end of the fiscal year, shall submit to the Minister the following statements and reports:-
   (a) statement of final account;
   (b) the National Audit Chambers’ report;
   (c) a report showing the progress of business of the Committee.

Chapter V
General Provisions

Consent
24. Consent of the victim to the offences of human trafficking shall have no effect.

Victim and witnesses protected
25. The Committee, the Public Prosecution and the competent court shall take such measures, as may secure provision of protection for the victims and witnesses, and prevent influence thereon; together with preserving the right to defense and requirements of the doctrine of confrontation of the parties.

Secrecy of information
26. All the bodies having connection with application of the provisions of this Act, shall preserve secrecy of the information they obtain in implementation of the provisions thereof; and shall not disclose secrecy thereof, save as to such extent, as may be essential and necessary, together with
preserving the cogency and requirements of the doctrine of confrontation of the parties.

Alien Victims

27. The competent authorities in the State, in co-ordination with the authorities concerned in other States, shall strive to facilitate repatriation of alien victims to their homelands; together with taking such measures, as may be necessary for their safety.

Judicial Fees

28. The victims shall be exempted from judicial fees pertaining to action for compensation for such injury, as may be sustained, as a result of their being subjected to any of the offences, provided for in this Act.

Power to make regulations, orders and rules

29. The Minister, upon recommendation of the Committee may, make such regulations, orders and rules, as may be necessary for implementation of the provisions of this Act.